

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 4, 2015

MEMBERS PRESENT: John Brewer, Karen Bulman, Galen Hoogestraat, Linda Marchand, John Pinkard, Dennis Popp, Kay Rippentrop and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Steve Rolinger, Andrew Scull

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Ted Johnson, Carla Cushman and Andrea Wolff.

Marchand called the meeting to order at 7:00 a.m.

Marchand reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Brewer requested that Item 4 be removed from the Consent Agenda for separate consideration.

Motion by Popp seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations with the exception of Items 4. (8 to 0 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Kay Rippentrop and Swank voting yes and none voting no)

Consent Calendar

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar by any Planning Commissioner, staff member, or audience member, for separate consideration:

---CONSENT CALENDAR---

1. Approval of the May 21, 2015 Planning Commission Meeting Minutes.
2. No. 15RZ012 - Denmans Addition
A request by FMG, Inc for South Dakota School of Mines and Technology Foundation to consider an application for a **Rezoning from General Commercial District to High Density Residential District** for the W1/2 of Lot 6 and all of Lots 7 thru 11 of Block 4 of Denmans Subdivision, located in the NE1/4 of Section 1, T1N, R7E and the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 271 and 211 East St. Joseph Street.

Staff recommends that the Rezoning from General Commercial District to High Density Residential District be continued to the June 25, 2015 Planning Commission meeting.

3. No. 15RZ013 - Denmans Addition

A request by FMG, Inc for South Dakota School of Mines and Technology Foundation to consider an application for a **Rezoning from General Commercial District to High Density Residential District** for Lots 14 thru 16 of Block 4 of Denmans Addition, located in the NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of St. Joseph Street east of Maple Avenue.

Staff recommends that the Rezoning from General Commercial District to High Density Residential District be continued to the June 25, 2015 Planning Commission meeting.

---END OF CONSENT CALENDAR---

4. 15TP016 – Resolution #2015-058 to remove Urban Systems Projects from the 2015-2018 Statewide Transportation Improvement Program

Horton presented the resolution noting that staff is requesting to remove four federally funded urban systems projects from the Statewide Transportation Improvement Program in order to participate in the State's Exchange Program to swap federal funds for state. Horton stated that there are benefits to choosing this option by not having to follow federal procedures associated with using federal funds. Horton noted that there will be additional items to complete the funding exchange.

In response to a question from Bulman regarding the use of federal or state funds, Horton clarified that there are cost savings for using state funds rather than federal.

Popp expressed his concerns regarding leaving federal funds on the table when funds are as limited as they are so limited. Cushman added that additional procedures are required when purchasing right-of-way utilizing federal funds, generally adding costs and time to projects.

Horton stated that funds would continue to be drawn from state rather than federal if the change is approved; but that the City could revert back to the existing process. In response to a request from Popp, Horton stated that the Planning Commission will receive updates.

Discussion followed.

In response to a question from Brewer, Horton confirmed that in order to receive allocations for the 2015 funds, the resolution needs to be approved by July 1, 2015. Brewer stated he would prefer to continue the item until they had additional information.

Brewer moved to continue the item to June 25, 2015 Planning Commission. There was no second.

Fisher clarified that by continuing the item the deadline to receive funds would be missed.

Bulman moved, Brewer seconded and unanimously carried that the Resolution #2015-058 to remove Urban Systems Projects from the 2015-2018 Statewide Transportation Improvement Program be forwarded to City Council without recommendation and that additional information be provided. (8 to 0 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*5. No. 15PD001 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Chad Zandstra Construction, LLC to consider an application for a **Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure** for Lot 5 of Block 13 of Elks Country Estates, located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3744 Padre Drive.

Fisher stated that this item had not meet publication requirements due to an error by the Rapid City Journal and that staff requests that it be continued to the June 25, 2015 Planning Commission to allow publication requirements to be met.

Bulman moved, Swank seconded and unanimously carried that the Major Amendment to the Planned Development to reduce the minimum required side yard setback be to continue to the June 25, 2015 Planning Commission meeting. (8 to 0 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop and Swank voting yes and none voting no)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

6. No. 15RZ010 - Potts Subdivision

A request by Sharon Rose and Calvin L. Havorka to consider an application for a **Rezoning from Park Forest District to Low Density Residential District I** for Lot 1 of Potts Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6105 Covenant Drive.

Laroco reviewed the applicant noting that the applicants have requested that the application be continued to the June 25, 2015 Planning Commission to allow for the possible revision of the Rapid City Municipal Code to allow a Bed and

Breakfast as a conditional use in the Park Forest District.

Brewer moved, Hoogestraat seconded and unanimously carried that the Rezoning from Rezoning from Park Forest District to Low Density Residential District be continued to the June 25, 2015 Planning Commission meeting. (8 to 0 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop and Swank voting yes and none voting no)

7. No. 15RZ011 - Robbinsdale #7

A request by M. G. Oil Company, Troy Erickson, President to consider an application for a **Rezoning from Neighborhood Commercial District to General Commercial District** for Lot 1 and 2 of Tract A; the balance of Tract A and Tract B of Robbinsdale # 7, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 310 Fairmont Boulevard.

Laroco presented the application and reviewed the associated slides. Laroco noted that staff has done a thorough review of the rezone request noting that a previous rezoning request made in 2003 had been denied due to the concerns that the increase in use could have an adverse effect on the area, staff also found that the change to the Ordinance could have a major impact on the street plan and was not consistent with goals and objectives of the Comprehensive Plan. Laroco also noted that there are no changed or changing conditions in the area which necessitate the rezone and as such staff recommends that the application for a **Rezoning from Neighborhood Commercial District to General Commercial District** be denied.

In response to a question from Brewer, Johnson confirmed that a portion of this property is identified by FEMA as being located in the 100 Year Designated Flood Plain, but that it is not in the Floodway and therefore is not required to be zoned as Flood Hazard District. In regards to the moratorium of building in the Floodway, Fisher stated that this request does not include additional construction, but the use of the current building. Brewer noted that he supports the staff's recommendation pointing out the upcoming FEMA review and update.

Cheryl Erdman, 2923 Elm Avenue, spoke to her concerns regarding the rezone stating that she feels that the rezoning would adversely affect the lifestyle of the neighborhood and hopes that the Planning Commission would deny this request.

Bulman stated that she agrees that this is one of the few Neighborhood Commercial areas which actually serve the neighborhood which it is located and believes it should not be rezoned.

Marchand stated that she supports the denial of the request.

Bulman moved, Popp seconded and unanimously carried that upon review of the criteria set for a rezoning application it is the finding of the Planning Commission that the request does not meet the criteria and as such a

recommends that the request be denied. (8 to 0 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop and Swank voting yes and none voting no)

*8. No. 15PD015 - Original Town of Rapid City

A request by Robert Kruse to consider an application for a **Major Amendment to a Planned Development to allow for sorority housing** for the E1/2 of Lot 27, and all of Lot 28 and 29 of Block 116 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 404 Columbus Street.

Laroco presented the application noting that this item did not meet publication requirements due to an error by the Rapid City Journal and that staff requests that it be continued to the June 25, 2015 Planning Commission to allow publication requirements to be met.

Bulman moved, Popp seconded and unanimously carried that the requested Major Amendment to the Planned Development be continued to the June 25, 2015 Planning Commission meeting. (8 to 0 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop and Swank voting yes and none voting no)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

9. Discussion Items

- A. Direction on Amending Park Forest District Zoning to allow a Bed and Breakfast as a Conditional Use.

Laroco stated that it has come staff's attention that permitting a Bed and Breakfast as a conditional use in the Park Forest District may be appropriate in some instances and that staff is requesting direction from Planning Commission to bring forward an ordinance amendment to allow a bed and breakfast as a conditional use within the Park Forest District.

Jan moved, Bulman seconded to direct staff to proceed with the ordinance amendment. (8 to 0 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop and Swank voting yes and none voting no)

Bulman stated that she feel that making this a Conditional Use would allow the individual review of requests and feels that it makes sense to allow the use.

Brewer noted the soil expansion issues that are associated with the Ordinance 6050, currently before City Council and asked Carla for

updated. Cushman reviewed the ordinance stating that it is currently continued to the July 1, 2015 Legal Finance Committee to allow further input and review. Cushman confirmed that cost is one of the major concerns in regard to this requirement.

In response to question from Brewer regarding the drainage design for development of plats, Fisher confirmed that this continues to be discussed. Discussion followed.

Scott reviewed City Council's understanding and review of the ordinance addressing the expansion soil associated with building permits.

10. Staff Items
11. Planning Commission Items
12. Committee Reports
 - A. City Council Report (May 18, 2015)
The City Council concurred with the recommendations of the Planning Commission.
 - B. Building Board of Appeals
 - C. Capital Improvements Subcommittee
 - D. Tax Increment Financing Committee

There being no further business, Popp moved, Swank seconded and unanimously carried to adjourn the meeting at 7:46 a.m. (8 to 0 with Brewer, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop and Swank voting yes and none voting no)