

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 8, 2015

MEMBERS PRESENT: Erik Braun, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand, Kay Rippentrop, Steve Rolinger and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: John Brewer and Andrew Scull

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Marchand called the meeting to order at 7:57 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.

Motion by Rolinger seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 24, 2015 Planning Commission Meeting Minutes.
- *2. No. 15PD027 - Feigel's Addition
A request by Novation Group Consulting for SBA Communications and Verizon Wireless to consider an application for a **Major Amendment to a Planned Development Overlay to allow a cellular communication tower** for Lots 1 thru 28 and the adjacent vacated alley of Block 14 of Feigel's Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 350 N. Lacrosse Street.

Planning Commission approved the Major Amendment to a Planned Development to allow a cellular communication tower with the following stipulations:

1. **Upon submittal of a Building Permit, the barbed wire shall removed from the fence plans. The proposed fence shall be constructed of simulated wood boards, or a chain link fence provided that additional evergreen plantings be provided on the south and east sides of the fence as a buffer;**
2. **Upon submittal of a Building Permit, the parking plan shall be revised to include three handicap accessible parking spaces with one being "van accessible"; and,**
3. **The Major Amendment to a Planned Development shall allow a 100 foot high monopole cellular communication tower with an additional**

10 foot lightning rod and an associated equipment shed. The tower shall be designed for co-location and a Building Permit shall be required for the construction of the second equipment shelter. Changes to the proposed tower or equipment shelter(s) that do not meet the criteria of Chapter 17.50.050(G) of the Rapid City Municipal Code shall require a Major Amendment. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit.

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.

*3. No. 15PD036 - Overlook South Condominiums

A request by Olsen Development Co., Inc for All Creatures Veterinary Hospital, Dean Falcon to consider an application for a **Major Amendment to the Planned Development Overlay to allow a Veterinary Clinic** for Unit 101 and 28.69 percent of Common Interest, Unit 102 and 21.31 percent of Common Interest, Unit 201 and 28.69 percent of Common Interest and Unit 202 and 21.31 percent of Common Interest of Overlook South Condominiums, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1825 Clearview Lane.

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.

Planning Commission approved the requested Major Amendment to the Planned Development with the following stipulations:

1. The previously approved Final Planned Development (File #01PD051) and all previous stipulations of approval are hereby acknowledged;
2. This Major Amendment to the Planned Development shall allow for a veterinary clinic to be located on the property. The veterinary clinic shall operate in compliance with the submitted operations plan and all requirements of the Rapid City Municipal Code. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Planned Development.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

4. No. 15CA002 - Comprehensive Plan Amendment to the Major Street Plan to realign a Principal Arterial Street

A request by Sperlich Consulting for Freeland Meadows, LLC to consider an application for a **Comprehensive Plan Amendment to the Major Street Plan to realign a Principal Arterial Street**.

Harrington presented the application noting that this is the future extension of North LaCrosse Street. Harrington noted that due to changes in the development plans for the area, the owner wishes to modify the proposed extension of North LaCrosse Street. Harrington noted that after meeting with the applicant, staff and property owners, a compromise was reached and a revised alignment proposed. Harrington reviewed the proposed alignments.

Tony Crawford, PO Box 3298, complimented both the applicant and staff on their efforts to work with him and his concerns stating that he no longer has an objection to the request.

Rolinger moved, Jobman seconded and unanimously carried to recommend that the requested amendment the Major Street Plan to realign a Principal Arterial Street be approved. (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)

5. No. 15PL064 - Prairie Meadows Subdivision

A request by Sperlich Consulting, Inc., for Freeland Meadows, Inc., to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 20 thru 33 of Block 1, Lots 3 thru 23 of Block 3 and Lots 14 thru 26 of Block 4 of Prairie Meadows Subdivision, legally described as a portion of Government Lot 4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Country Road and West Nike Road.

Fisher presented the application and reviewed the associated slides. Fisher presented staff's recommendation that the **Preliminary Subdivision Plan** be approved with stipulations.

Swank moved, Braun seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:

1. **Prior to submittal of a Development Engineering Plan application, a Comprehensive Plan Amendment to the Major Street Plan relocating North LaCrosse Street shall be obtained or the plat document shall be revised to show North LaCrosse Street along the eastern portion of the property as per the Major Street Plan. In addition, construction plans showing the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved**

- surface, curb, gutter, sidewalk, street light conduit, sewer and a dual water main shall be submitted or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, construction plans for Giants Drive, Eli Drive and Marino Drive shall be submitted for review and approval showing the street(s) located within a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or Exception(s) shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
 3. Upon submittal of a Development Engineering Plan application, construction plans for Country Road shall be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and a dual water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 4. Upon submittal of a Development Engineering Plan application, construction plans for West Nike Road shall be submitted for review and approval showing the street located within a minimum 68 foot wide right-of-way and constructed with a minimum pavement width of 24 feet, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering application;
 5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, easements shall be provided as needed;
 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity for this phase of the development and for future development up stream. In addition, easements shall be provided as needed;
 7. Upon submittal of a Development Engineering Plan application, a drainage plan report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in

conformance with the Infrastructure Design Criteria Manual. In addition, easements shall be provided as needed;

8. Prior to submittal of the Development Engineering Plan application, redlined comments shall be addressed. Upon submittal of the Development Engineering Plan application, the redlined comments and the revised drawings and plat per the redline comments shall be submitted for review and approval or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment shall be obtained. If an Exception is obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
9. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Registered Professional Engineer;
10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
12. Prior to submittal of a Final Plat application, the plat document shall be revised to show Country Road as East Country Road;
13. Upon submittal of a Final Plat application, an agreement securing maintenance and ownership of the proposed detention pond and the proposed rear yard drainage channel shall be submitted for recording;
14. Upon submittal of a Final Plat application, a covenant agreement, homeowners agreement or some other agreement securing perpetual ownership and maintenance of the drainage lots/areas and the drainage improvements shall be submitted for recording;
15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)

*6. No. 15PD032 - Tuscany Square Subdivision

A request by Stephanie Digler for Yanga Allison to consider an application for a **Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a salon** for Tract 1 (also in Section

1, T1N, R7E) of Tuscan Square Subdivision, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 325 Omaha Street, Suite No. 3.

Lacock presented the application and reviewed the associated slides stating that the applicant is requesting to offer wine or beer to customers receiving services at the salon. Lacock stated that staff recommends that the **Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a salon** be approved with stipulations.

Rolinger moved, Bulman seconded and unanimously carried to approve the Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a salon with the following stipulations:

1. **Acknowledge the previously granted Exception to reduce the parking requirement from 246 parking spaces to 174 parking spaces. In addition, a minimum of 58 off-site parking spaces shall be continually provided for the cosmetology, esthetics and massage therapy school and salon. A Major Amendment to the Planned Development shall be required at any time should a complaint be received regarding shortage of parking; and,**
2. **The Major Amendment to a Planned Development shall allow an on-sale liquor establishment in conjunction with a salon for the property. Any change in use that does not increase the minimum parking requirement shall be reviewed as a Minimal Amendment. Any change in use that increases the minimum parking requirement or is a Conditional Use shall require a Major Amendment. (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)**

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*7. No. 15PD033 - Moon Ridge Subdivision

A request by Renner and Associates, LLC to consider an application for a **Final Planned Development Overlay to allow a mini storage in the General Commercial District** for Lot 4 of Moon Ridge Subdivision, located in Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2251 Moon Meadows Drive.

Laroco presented the application noting that following a meeting between staff and the applicant, the applicant has requested to continue the application to the October 22, 2015 Planning Commission meeting.

Scott left the dais at this time.

Bulman moved, Braun seconded and unanimously carried to continue the Final Planned Development Overlay to allow ministorage units to the October 22, 2015 Planning Commission meeting. (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)

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*8. No. 15PD035 - Cleary Subdivision

A request by Cleary Building Corp, Patrick Anderson for Tom and Carol Cleary to consider an application for a **Major Amendment to a Planned Unit Development to allow professional offices** for Lot A, Less Lot H1 of Cleary Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1555 Catron Boulevard.

Lacock stated that due to an error in the mailings notification requirement was not meet and this item must be continued to the October 22, 2015 Planning Commission meeting.

Swank moved, Rolinger seconded and unanimously carried to continue the Major Amendment to a Planned Unit Development to allow professional offices to the October 22, 2015 Planning Commission meeting. (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)

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*9. No. 15UR022 - Providence Addition

A request by CCKT, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino** for Lots 19 thru 22 and all of the vacated alley between Lots 9 thru 12 and Lots 19 and 22 of Block 19 of Providence Addition, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2820 W. Main Street.

Laroco presented the application and reviewed the associated slides. Laroco stated that the applicant is requesting to move the existing King of Hearts Casino from a location two blocks west to this location and, as such, the request does not result in an increase in the saturation of on-sale liquor establishments in the

neighborhood. Laroco noted that they are requesting an access easement through the property to the west and will be required to obtain an Access Easement Agreement prior to the issuance of a building permit. Laroco stated that staff recommends that the **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino** application be approved with stipulations.

In response to a question from Bulman about the Conditional Use Permit on the existing location of the King of Hearts casino, Fisher stated that the approved Conditional Use Permit will remain on the location.

Rolinger moved, Hoogestraat seconded and unanimously carried to approve the requested Conditional Use Permit with the following stipulations:

- 1. Prior to issuance of a building permit, revised plans shall be submitted showing that the proposed dumpster enclosure is being relocated outside of the existing sanitary sewer easement, or the existing sanitary sewer easement shall be vacated.**
- 2. Prior to issuance of a building permit, the proposed shared access and circulation easement shall be recorded with the Register of Deeds. A copy of the recorded easement shall be submitted to Community Planning and Development Services.**
- 3. This Conditional Use Permit shall allow for an on-sale liquor establishment to be operated in conjunction with a casino on the property. The on-sale liquor establishment shall operate in compliance with the submitted operations plan and all requirements of the General Commercial District. Changes in the operation of the casino will require a Major Amendment to the Conditional Use Permit. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Conditional Use Permit. (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)**

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- *10. No. 15PD038 - Tower Ridge 2 and Aladdin Heights Subdivision
A request by Dana Foreman, KLJ for Mike Kuntz, ICON Holdings to consider an application for a **Final Planned Development Overlay to allow an assisted living facility** for Lots 1 and 2 of Block 1, Lot 1 of Block 2, Lots 2 and 3 of Block 2 Less Tower Ridge No. 2; Lots 1, 2 and 3 of Block 3 all in Aladdin Heights Subdivision; Lots 1 and 2 of Block 1 of Tower Ridge 2 and the vacated Silver Nugget Drive and Northview Drive right of way, all located in Section 23, T1N,

R7E, BHM, Rapid City, Pennington County, South Dakota,, more generally described as being located at the Intersection of Highway 16 and Tablerock Road.

Lacock presented the application and reviewed the associated slides. Lacock noted that this reuse of the property should provide a positive use in the entry corridor. Lacock stated that the single Exception requested with this application is to allow that landscaping be allowed in lieu of a screening fence along the southeast side of the property. Lacock stated that staff supports the Exception request with the stipulation that the landscaped buffer be comprised of evergreen plantings to retain the division through all seasons. Lacock stated that staff recommends that the **Final Planned Development Overlay to allow an assisted living facility** application be approved with stipulations.

Rolinger moved, Swank seconded and unanimously carried to approve the Final Planned Development Overlay to allow an assisted living facility with the following stipulations:

- 1. An Exception is hereby granted to waive the screening fence requirement on the southeast side and to allow an evergreen landscape buffer in lieu of the fence;**
- 2. Upon submittal of a Building Permit, a revised landscape plan shall be submitted for review and approval that shows that 50% of the landscaping is visible from the residential district to the south including more trees along Tablerock Road;**
- 3. Upon submittal of a Building Permit, the plans shall be revised to address redlined comments from the Public Works Department regarding sewer and water services;**
- 4. Prior to issuance of a Building Permit, the site plan shall be revised to show sidewalk along U.S. Highway 16 or a variance shall be obtained; and,**
- 5. The Final Planned Development Overlay shall allow an assisted living facility with a total of 61 assisted living and memory care units and 60 transitional independent living units. Any expansion of the use in compliance with the parking regulations shall require a Minimal Amendment to the Planned Development. Any change in use that is a conditional use shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)**

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- *11. No. 15PD039 - Rushmore Mall
A request by Dakota's Best Wine and Gift to consider an application for a **Major**

Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a specialty store for Tract A and B of Lot 2 (also in Section 30, T2N, R8E) of Rushmore Mall, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North Maple, Suite 0242A.

Lacock presented the application and reviewed the associated slides. Lacock said that state law limits the number of samples that an off-sale liquor license holder can offer. The applicant has requested a Conditional Use Permit to allow on-sale liquor to allow larger samples and more than 3 samples per person for wine tastings. Lacock noted that although there are a number of on-sale liquor establishments in the area, they are in association with restaurants and that the use for the applicant is for wine sampling. Lacock stated that staff recommends that the **Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a specialty store** application be approved with stipulations.

Bulman moved, Rolinger seconded and unanimously carried to approve the Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a specialty store with the following stipulations(s):

- 1. Approval of the Major Amendment to the Planned Development hereby acknowledges the stipulations of the previously approved Planned Development and Major Amendments to the Planned Development on the property;**
- 2. Any changes to the approved sign package for the Rushmore Mall, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development. The addition of any electronic signage will require a Major Amendment to the Planned Development. In addition, the Community Planning and Development Services Director may approve temporary signs in accordance with the Sign Code. A sign permit shall be obtained for any new signage; and,**
- 3. The Major Amendment to a Planned Development shall allow an on-sale liquor establishment in conjunction with a specialty store for the applicant. Any change in use that does not increase the minimum parking requirement shall be reviewed as a Minimal Amendment. Any change in use that increases the minimum parking requirement or is a Conditional Use shall require a Major Amendment. (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)**

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12. Discussion Items

13. Staff Items

Rolinger requested staff to look into a fine system for encroachments into setbacks and/or right-of-way.

Cushman suggested that she review this issue and return that information to Planning Commission/Zoning Board of Adjustment for review prior to forwarding any action to City Council.

Marchand thanked the attorney's office for all their assistance.

Fisher reminded the Planning Commission that the election of officers will be on the agenda for the October 22, 2015 Planning Commission.

14. Planning Commission Items

15. Committee Reports

- A. City Council Report (September 21, 2015)
The City Council concurred with the recommendations of the Planning Commission.
- B. Capital Improvements Subcommittee
- C. Tax Increment Financing Committee

There being no further business, Swank moved, Braun seconded and unanimously carried to adjourn the meeting at 8:30 a.m. (8 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no)