

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 8, 2011

MEMBERS PRESENT: Erik Braun, John Brewer, Patrick Fink, Linda Marchand, Dennis Popp, Kay Rippentrop, Jan Swank and Len Weimer.

MEMBERS ABSENT: Dennis Landguth, Andrew Scull, Josh Snyder and Steve Rolinger

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Ted Johnson, Joel Landeen and Risë Ficken.

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

Brewer 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.

Swank requested that Item 5 be removed from the Consent Agenda for separate consideration.

Motion by Braun, seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 12 in accordance with the staff recommendations with the exception of Item 5. (8 to 0 with Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Swank and Weimer voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the August 25, 2011 Planning Commission Meeting Minutes.

2. No. 10OA015 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code.**

Planning Commission continued the Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code to the November 10, 2011 Planning Commission meeting.

3. No. 10OA016 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to revise the requirements of sidewalk construction within 2 years of the final plat approval by amending Section 16.16.090 of the Rapid City Municipal Code.**

Planning Commission tabled the Ordinance Amendment to revise the requirements of sidewalk construction within 2 years of the Final Plat approval, to include requiring a sidewalk connecting the corner ramps and

all sidewalks with the City's Extraterritorial jurisdiction, by amending Section 16.16.090 of the Rapid City Municipal Code.

4. No. 10VR007 - Scott's Addition

A request by Fisk Land Surveying & Consulting Engineers for Marilou Yarber to consider an application for a **Vacation of Right-of-Way** for a portion of the Van Buren Street Right-of-way lying adjacent to the S1/2 of Lot 8 and the S1/2 S1/2 of Lots 9-11 of Block 20, Scott's Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 902 Silver Street.

Planning Commission recommended approval of the Vacation of Right-of-Way.

6. No. 11VR003 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of N. Cherry Street right-of-way lying adjacent to Lot 1 of Block 16, a portion of Pine Street right-of-way lying adjacent to Lot 3 of Block 16, a portion of E. New York Street right-of-way and a portion of E. Chicago Street right-of-way lying adjacent to Lots 1-3 of Block 16 of Feigels Addition located in the SW1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Vacation of Right-of-Way to the September 22, 2011 Planning Commission meeting.

*7. No. 11PD030 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for an **Initial Residential Development Plan** for Lots 1 through 3 of Block 16 of Feigels Addition located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Initial Residential Development Plan to the September 22, 2011 Planning Commission meeting.

8. No. 11PL045 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 11 through 20 of Block 22 of Big Sky Subdivision, legally described as Tract J of Big Sky Subdivision located in the SE1/4 of the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the east side of Degeest Drive between Homestead Street and Berniece Street.

Planning Commission recommended approval of the Preliminary Plat with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, verification shall be submitted identifying that Rapid Valley Sanitary District has adequate reserve capacity in the receiving system to handle additional**

- sanitary sewer flows from the proposed development of the property;
2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along the east lot line of proposed Lot 11 and the north lot line of proposed Lot 20 in compliance with the Street Design Criteria Manual or Exceptions shall be obtained;
 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 4. 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;
 5. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,
 6. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

*9. No. 11PD033 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** for proposed Lots 11 through 20 of Block 22 of Big Sky Subdivision, legally described as Tract J of Big Sky Subdivision located in the SE1/4 of the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west side of Degeest Drive between Homestead Street and Berniece Street.

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

1. An Exception is hereby granted reducing the front yard setback(s) for the proposed structures to be a minimum of 15 feet for the residence and a minimum of 25 feet for the garages. All other setbacks shall comply with the Medium Density Residential District;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. All applicable provisions of the currently adopted International Fire Code shall be continually met;
4. All provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment;
5. The maximum lot coverage per single family residential lot shall not exceed 30% as per Rapid City Municipal Code Chapter 17.12.050(G);
6. Upon submittal of a building permit, a drainage routing plan and drainage information, a grading plan, wastewater flow information and an Erosion and Sediment Control Plan shall be submitted for review and approval;
7. Prior to issuance of a building permit, a Preliminary Plat shall be

approved and prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;

8. The proposed connection to the existing six inch water service shall be in accordance with City water service connection requirements;
9. The Major Amendment to the Planned Residential Development shall allow a single family residence to be constructed on each lot; and,
10. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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 Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

10. No. 11PL035 - Signal Heights Subdivision

A request by Renner & Associates, LLC for Bob Akers to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Tract 5 Revised of Signal Heights Subdivision, legally described as Tract 5 Revised of Signal Heights Subdivision and a portion of vacated South Street located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of East Boulevard and Kellogg Place.

Planning Commission continued the Preliminary Plat to the October 6, 2011 Planning Commission meeting.

*11. No. 11UR025 - Section 23, T1N, R7E

A request by Loren Miles and Chris Long for Advanced Prosthetics to consider an application for a **Conditional Use Permit to allow an establishment for the production and repair of prosthetic appliances** for Lot E located in the SW1/4 SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5955 S. Highway 16, Suite C.

Planning Commission approved the Conditional Use Permit to allow an establishment for the production and repair of prosthetic appliances with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. All applicable provisions of the International Fire Code shall be continually maintained;
3. A minimum of 49,622 landscape points shall be provided. In addition, a minimum of one planter island shall be provided within the parking lot. The planter island shall contain a minimum of one hundred square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. The landscaping shall be planted in compliance with the approved landscaping plan and shall comply with

all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. Changes to the landscaping plan that continue to comply with the landscaping regulations shall be allowed as a minimal amendment. Any change in the approved landscape plan that does not comply with the landscaping requirements shall require a Major Amendment to the Planned Commercial Development;

4. A minimum of 49 parking spaces shall be provided. A minimum of four provided spaces shall be ADA accessible. Additionally, a minimum of two spaces shall be “van accessible”;
5. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall be obtained for each individual sign;
6. This Conditional Use Permit shall allow the use of a prosthetics repair and production facility in a General Commercial District. Any other uses permitted in a General Commercial District shall be allowed. Conditional uses of a General Commercial District shall require review and approval as a Major Amendment to the Conditional Use Permit.
7. This Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by City Council or if the use as approved has ceased for a period of two years.

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 Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

12. No. 11VR005 - Original Townsite of Rapid City

A request by Gene Fennell for Pennington County to consider an application for a **Vacation of Right-of-Way** for the alley right-of-way adjacent to Lots 13-16 and Lots 17-20 of Block 99 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as alley right-of-way lying east of 2nd Street between Kansas City Street and Saint Joseph Street.

Planning Commission recommended approval of the Vacation of Right-of-Way with the following stipulation:

1. Prior to City Council approval, a temporary utility easement and/or agreement, as determined by the City Attorney's Office, shall be secured to allow the existing private and public utilities to remain in the right-of-way until such time as the utilities are relocated and accepted by the City and/or private utility companies and to insure that no construction within the right-of-way occurs until the utilities are relocated and accepted. In addition, a copy of the recorded document

shall be submitted to the Growth Management Department for review and approval.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

5. No. 11OA011 - Ordinance Amendment

A request by Bob Fuchs for Firehouse Brewing Co. to consider an application for an **Ordinance to allow a Winery as a Conditional Use in the Central Business District by amending Section 17.16.030 of the Rapid City Municipal Code.**

Swank stated that he would abstain from voting on this item due to a conflict of interest.

Weimer moved, Braun seconded and unanimously carried to recommend approval of the Ordinance to allow a Winery as a Conditional Use in the Central Business District by amending Section 17.16.030 of the Rapid City Municipal Code. (7 to 0 to 1 with Braun, Brewer, Fink, Marchand, Popp, Rippentrop and Weimer voting yes, none voting no and with Swank abstaining)

13. No. 11PL044 - Teton Heights Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** for proposed Lots 1-133 of Teton Heights Subdivision, legally described as the NE1/4 NW1/4 of Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Country Road between West Nike Road and 143rd Avenue.

Fisher advised that the applicant has requested that the Layout Plat be continued to the next Planning Commission meeting to allow time to address issues with staff related to the water system design. Discussion followed.

Marchand moved, Swank seconded and unanimously carried to continue the Layout Plat to the September 22, 2011 Planning Commission meeting.

14. Discussion Items

Fisher stated that a Planning Commission training session would be scheduled in the near future for the benefit of the newly appointed Planning Commission and City Council members. Discussion followed.

Brewer welcomed newly appointed Planning Commission member Patrick Fink.

Brewer encouraged all Planning Commission members to attend the upcoming training session.

There being no further business, Braun moved, Swank seconded and unanimously carried to adjourn the meeting at 7:08 a.m.