

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 26, 2012

MEMBERS PRESENT: Sandra Beshara, Erik Braun, John Brewer, Linda Marchand, Dennis Popp, Kay Rippentrop, Andrew Scull, Josh Snyder and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Patrick Fink, Steve Rolinger and Len Weimer.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Karen Bulman, Dale Tech, Tim Behlings 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.

Motion by Marchand, seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations. (9 to 0 with Beshara, Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the April 5, 2012 Planning Commission Meeting Minutes.

2. No. 12AN001 - Section 20, T2N, R8E

A request by City of Rapid City to consider an application for a **Petition for Annexation** for the west 33 feet of Section Line Right-of-way within the S1/2 NE1/4 and SE1/4 less Lots A, B, C, and D in the S1/2 SE1/4 and less dedicated right-of-way, all located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being the Dyess Avenue right-of-way located north of Seger Drive and south of Country Road.

Planning Commission recommended approval of the Petition for Annexation.

3. No. 12CA002 - Section 27, T2N, R7E

Summary of Adoption Action on a request by Franklin O. Simpson to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Residential** for a parcel of land located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: starting at a point that bears 19.32 feet S41°00'00"W from the northeast corner of previously vacated Tract C Revised of the S.G. Interstate Plaza located in the S1/2 NE1/4 and the N1/2 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and being the point of beginning. Thence first course: S41°00'00"W a distance of 600.00 feet, Thence second course: N61°00'00"W a distance of 254.90 feet,

Thence third course: N35°00'00"E a distance of 493.10 feet, Thence fourth course: S77°23'18"E a distance of 342.00 feet to the point of beginning, more generally described as being located on the south side of North Plaza Drive approximately 450 feet east of the intersection of Fountain Plaza Drive and North Plaza Drive.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

*4. No. 12PD013 - Section 22, T1N, R7E

A request by Willadsen Lund Engineering for Samuelson Development, LLC to consider an application for an **Initial and Final Planned Unit Development** for a parcel of land known as that part of the south 495' of NE1/4SE1/4, less Lot 1 of Bendert Subdivision and the unplatted portion of SE1/4SE1/4, all located in the SE1/4SE1/4 and NE1/4SE1/4 of Section 22, T.1N, R.7E, B.H.M., Rapid City, Pennington County, South Dakota and being more particularly described as follows: Commencing at the southeast corner of said Section 22, from which bears a found pin and cap stamped "RLS 5085" N01°56'49"E a distance of 33.00', thence N40°25'57"W a distance of 44.51' to the true point of beginning of the herein described parcel; Thence N88°15'46"W a distance of 213.93'; Thence with a non-tangent curve turning to the right with an arc length of 440.24', with a radius of 370.00', with a chord bearing of N47°43'20"W, with a chord length of 414.73'; Thence N13°38'06"W a distance of 509.17'; Thence with a curve turning to the left with an arc length of 63.82', with a radius of 230.00', with a chord bearing of N21°34'10"W, with a chord length of 63.62'; Thence N01°58'11"E a distance of 275.25' to a found pin and cap stamped "RLS 1019", said pin and cap being the southwest corner of aforesaid Lot 1 of Bendert Subdivision; Thence following the southerly line of said lot 1 S88°18'29"E a distance of 189.97' to a found pin and cap stamped "RLS 1019", said pin and cap being the southeast corner of said lot 1 of Bendert Subdivision; Thence following the easterly line of said Lot 1 N01°42'02"E a distance of 199.51' to a point from which a found pin and cap stamped "RLS 1019" bears N01°42'02"E a distance of 29.87'; Thence departing said easterly line of Lot 1 of Bendert Subdivision thence S88°05'53"E a distance of 533.01' to a point in the easterly line of aforesaid Section 22 and from which bears a found pin and cap stamped "RLS 1019" N01°56'47"E a distance of 190.17'; Thence following said easterly line S01°56'47"W a distance of 614.13' to a point being in the northwesterly right-of-way line of promise road; Thence with a non-tangent curve turning to the left with an arc length of 79.66', with a radius of 195.73', with a chord bearing of S24°11'22"W, with a chord length of 79.11'; Thence S01°57'08"W a distance of 29.21'; Thence S01°57'08"W a distance of 575.87' to the point of beginning, more generally described as being located at the current terminus of Promise Road.

Planning Commission continued the Initial and Final Planned Unit Development to the May 10, 2012 Planning Commission meeting.

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.

*5. No. 12PD015 - Founders Park North Subdivision

A request by Centerline for Flump & Lump, LLC to consider an application for an **Initial and Final Residential Development Plan** for Lot 1 of Founders Park North Subdivision located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Founders Park Drive and Philadelphia Street.

Planning Commission approved the Initial and Final Residential Development Plan 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. **Prior to issuance of a building permit, the applicant shall submit complete construction plans for review and approval;**
3. **Prior to issuance of a building permit, the applicant shall submit a phased erosion and sediment control plan for review and approval;**
4. **Prior to issuance of a building permit, the applicant shall submit a phasing plan for the development;**
5. **Prior to issuance of a building permit, the applicant shall submit revised plans showing the retaining wall located out of the Philadelphia Street right-of-way;**
6. **Prior to issuance of a Certificate of Occupancy, the applicant shall coordinate with the Rapid City Fire Department to locate directional signage and shall submit revised plans showing the location of those signs. All applicable provisions of the adopted International Fire Code shall continually be met;**
7. **Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
8. **Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
9. **An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
10. **The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development. Changes to the proposed elevations, design plans and color palette which the Community Planning and Development Services Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Planned Residential Development;**
11. **A minimum of 189 parking spaces shall be provided. In addition, six of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;**
12. **A minimum of 390,565 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced**

- as necessary;
13. Prior to issuance of a sign permit, a revised sign package shall be submitted in compliance with the sign code. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Residential Development. Changes to the proposed sign package, 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 Residential Development. 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 Planned Residential Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 14. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 15. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment; and,
 16. The Initial and Final Residential Development Plan shall allow the property to be used for multi-family apartment buildings. Any change in use that is a permitted use in the Medium Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Commercial Development.

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. 12PD016 - Rushmore Crossing Subdivision
A request by Fisk Land Surveying & Consulting Engineers for Culver's to consider an application for an **Initial and Final Commercial Development Plan** for Lot 4A of Block 2 of Rushmore Crossing Subdivision located in Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1015 Eglin Street.

Planning Commission approved the Initial and Final Commercial Development Plan 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. Prior to issuance of a building permit, the applicant shall coordinate with the Rapid City Fire Department to confirm the locations of fire hydrants and submit revised plans for review and approval. All applicable provisions of the adopted International Fire Code shall continually be met;
3. Prior to issuance of a building permit, the applicant shall submit revised plans showing the internal sidewalk in accordance with the Master Plan;
4. Prior to issuance of a building permit, the applicant shall address redline comments and return the plans to the Community Planning and Development Services Department;
6. Prior to issuance of a building permit, the applicant shall submit sample elevations and details of the proposed refuse enclosure for review and approval;
7. Prior to submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
8. Prior to issuance of a Certificate of Occupancy, the non-standard service line easement and related documents shall be executed and recorded. Copies of the recorded easement and agreements shall be submitted to the Public Works Department;
9. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
10. The proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Commercial Development. Changes to the proposed elevations, design plans and color palette which the Community Planning and Development Services Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Planned Commercial Development;
11. A minimum of 44 parking spaces and seven drive-thru stacking spaces shall be provided. In addition, two of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
12. A minimum of 50,857 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
13. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment;
14. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
15. Prior to issuance of a sign permit, a revised sign package and site plan shall be submitted removing the proposed monument sign or the applicant shall revise the boundary of the Rushmore Crossing

Development Complex Designation for joint identification signs removing the above legally described property. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Commercial Development. Changes to the proposed sign package, 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 Commercial Development. 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 Planned Commercial Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;

16. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,
17. The Initial and Final Planned Commercial Development shall allow the property to be used for a fast food restaurant. Any change in use that is a permitted use in the General Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Commercial Development.

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.

*7. No. 12UR011 - Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for a **Conditional Use Permit to allow Structures in the Flood Hazard District** for Tract 24, Tract 25 less Lots H1 and H2, Tract 26 less Lot H1, and the west 533 feet of Tract 27 all located in the Rapid City Greenway Tracts, Section 36, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the bike path from Fifth Street to Roosevelt Park (Maple Avenue).

Planning Commission approved the Conditional Use Permit to allow Structures in the Flood Hazard District with the following stipulations:

1. A Building Permit shall be obtained prior to any construction;
2. The proposed lighting shall be constructed as shown in the approved plans. Any changes to the design of the lighting which the Director of Community Planning and Development Services determines are consistent with the original approved designs may be approved as a Minimal Amendment to the Conditional Use Permit. All lighting shall be directed to reflect away from all residential districts, and to preclude

- shining on other properties and/ or streets;
3. This Conditional Use Permit shall allow for the construction of light poles on the bike/pedestrian trail located between Fifth Street and Roosevelt Park in the Rapid City Greenway Tract. Any additional conditional uses proposed within the Flood Hazard District shall require a Major Amendment to the Conditional Use Permit;
 4. All provisions of the Flood Hazard District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment.

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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *8. No. 12PD010 - Section 5, T1N, R8E
A request by Nathan Herbst to consider an application for an **Initial and Final Commercial Development Plan** for Lot 3 less the south 30 feet located in the NW1/4 SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1316 Cambell Street.

Lacock displayed the slides and advised that revised stipulations of approval were distributed on the dais. Lacock advised that staff recommends approval of the application with the revised stipulations as distributed.

Braun moved, Snyder seconded and unanimously carried to approve the Initial and Final Commercial Development Plan with the following stipulations:

1. Prior to Planning Commission approval, a hydraulic analysis confirming that the demolition of the existing structure and excavation of the stormwater facility within the floodway will not adversely affect the base flood elevation shall be submitted for review and approval;
2. Prior to Planning Commission approval, a Floodplain Development Permit shall be obtained;
3. Prior to Planning Commission approval, a stormwater report signed and stamped by a professional engineer which illustrates how the requirements for quality and quantity control of stormwater will be achieved shall be submitted for review and approval;
4. Prior to Planning Commission approval, a grading plan which reflects the stormwater facility grading and details shall be submitted for review and approval;
5. Prior to Planning Commission approval, a revised site plan addressing redline comments shall be submitted for review and

- approval;
6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 7. Prior to issuance of a building permit, plans shall be submitted showing sanitary sewer and water connections;
 8. Prior to issuance of a building permit, an erosion and sediment control plan and notes shall be submitted for review and approval;
 9. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 10. All plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
 11. A minimum of 160 parking spaces shall be provided. In addition, six of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
 12. A minimum of 153,727 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 13. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Commercial Development. 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 Planned Commercial Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 14. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 15. All applicable provisions of the adopted International Fire Code shall continually be met;
 16. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment;
 17. The Initial and Final Planned Commercial Development shall allow for car sales. Any change in use that is a permitted use in the General Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Commercial Development; and,
 18. Prior to issuance of a building permit, a drainage easement shall be recorded at the Register of Deeds office and a copy shall be submitted to Community Planning and Development Services. (9 to 0 with Beshara, Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder 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. No. 12UR005 - Marshall Heights Tract

A request by China Wok to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** for Lot B of Lot 6 of Lot K-3 of Marshall Heights Tract located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1575 North LaCrosse Street, Suite B.

Lacock advised that the applicant is currently evaluating the cost of various sprinkler systems and recommended that the application be continued to the May 10, 2012 Planning Commission meeting.

Marchand moved, Swank seconded and unanimously carried to continue the Conditional Use Permit to allow an On-Sale Liquor Establishment to the May 10, 2012 Planning Commission meeting. (9 to 0 with Beshara, Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder and Swank voting yes and none voting no)

*10. No. 12UR007 - HillsvieW Subdivision

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow an Off-Premise Sign** for Lot 17 of HillsvieW Subdivision located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of East Highway 44 and Rockhill Road.

Laroco reviewed the slides, presented the request and advised that the applicant was granted a variance to the sign spacing requirements from the Sign Code Board of Appeals on April 13, 2012. Laroco stated that staff recommends approval of the application with the stipulations outlined in the staff report.

Terry Olson, Lamar Advertising, explained that a large wooden off-premise sign will be removed from the J&D Precast property noting that the proposed off-premise sign is a significantly smaller steel mono-pole structure. Olson requested that the Planning Commission approve the application.

In response to a question from Snyder, Olson stated that the new sign will be a static sign.

Braun moved, Scull seconded and unanimously carried to approve the Conditional Use Permit to allow an Off-Premise Sign with the following stipulations:

- 1. Prior to construction of the sign, an off-premise sign permit shall be obtained, and;**
- 2. The off-premise sign shall be constructed and located as per the**

approved Variance from the Sign Code Board of Appeals and the approved sign package. (9 to 0 with Beshara, Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder 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.

11. Discussion Items

Limbaugh advised that the Planning Commission annual report will be returned for approval at the next meeting.

Brewer requested that staff include information identifying the contributions in growth and revenue that result from projects that are funded through the use of Tax Increment Districts. Brewer noted that in addition to funding public improvements and encouraging development, additional sales tax and property tax revenues are realized.

Limbaugh stated that staff is working to obtain the Tax Increment District information and suggested that it may need to be provided separately from the annual report.

In response to a question from Popp, Limbaugh indicated that the annual report will be available at the next meeting.

12. Staff Items

None.

13. Planning Commission Items

None.

14. Committee Reports

None.

There being no further business, Snyder moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:18 a.m. (9 to 0 with Beshara, Braun, Brewer, Marchand, Popp, Rippentrop, Scull, Snyder and Swank voting yes and none voting no)