

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
October 25, 2012

MEMBERS PRESENT: Carlos Beatty Jr., John Brewer, Linda Marchand, Dennis Popp, Tim R. Rose, Andrew Scull, Josh Snyder and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Sandra Beshara, Kay Rippentrop and Steve Rolinger.

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

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.**

**Staff requested that Items 9 be removed from the Consent Agenda for separate consideration.**

**Motion by Rose seconded by Scull and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 11 in accordance with the staff recommendations with the exception of Item 9. (8 to 0 with Beatty, Brewer, Marchand, Popp, Rose, Scull, Snyder and Swank voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the October 4, 2012 Planning Commission Meeting Minutes.
2. No. 12CA007 - West Boulevard Addition  
A request by James and Kelly Commet to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Residential** for Lots 4 and 5 of Block 22 of West Boulevard Addition located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 809 Saint Andrew Street.  
  
**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Commercial to Residential be approved.**
3. No. 12RZ018 - West Boulevard Addition  
A request by James and Kelly Commet to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** for Lots 4 and 5 of Block 22 of West Boulevard Addition located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 809 Saint Andrew Street.

**Planning Commission recommended that the Rezoning request from General**

**Commercial District to Medium Density Residential District be approved.**

4. No. 12PL062 - U Lazy Two Ranch Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for U Lazy Two LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 2A and 2B of U Lazy Two Ranch Estates Subdivision, legally described as Lot 2 of U Lazy Two Ranch Estates Subdivision located in the NE1/4 of the NW1/4 and the N1/2 of the NE1/4 of Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8970 Nemo Road.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. **Upon submittal of a Development Engineering Plan, additional information to support the installation of on-site drainfields and water well(s) shall be submitted for review and approval. The on-site soils analysis shall include soil profiles and depth to bedrock at a minimum and conducted in the proximity of potential building site(s);**
2. **Prior to submittal of a Final Plat application, proposed Lot 2A shall be rezoned to allow a 10.29 acre lot or a lot size Variance shall be obtained from Pennington County; and,**
3. **Prior to submittal of a Final Plat application, the applicant shall coordinate a review of the property with the Rapid City Fire Department to determine if a Wildland Fuels Mitigation Plan is needed. If it is determined that a Wildland Fuels Mitigation Plan is needed, then upon submittal of a Final Plat application, documentation shall be submitted demonstrating that the plan has been reviewed and approved by the Rapid City Fire Department.**

5. No. 12PL063 - North 80 Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc. for Ferdinand Dirt, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A, B, C and D of Lot 5 of North 80 Subdivision, legally described as a portion of Lot 5 of North 80 Subdivision located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast corner of the intersection of East Stumer Road and 5th Street.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. **Prior to submittal of the Development Engineering Plan application, the redlined comments for the Master Plan layout and plat document shall be addressed. In particular, the drawings shall be revised pursuant to the redline comments or Exception(s) to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. The redlined comments shall be returned to the Engineering Services Division of the Public Works Department;**
2. **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 Professional Engineer and contain a Certification Statement of Conformance with City Standards in compliance with the Infrastructure Design Criteria Manual;
3. Prior to submittal of a Development Engineering Plan application, justification for needing three access approaches each to proposed Lot A and Lot B shall be submitted for review and approval pursuant to Section 2.16.5.2 of the Infrastructure Design Criteria Manual. In addition, the plat document shall be revised if and as needed;
  4. Upon submittal of a Development Engineering Plan application, construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a 12 inch water main in conformance with the City's Utility System Master Plan, sewer, curb, gutter, sidewalk and street light conduit 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;
  5. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of four additional feet of right-of-way along East Stumer Road as it abuts the property 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;
  6. Upon submittal of a Development Engineering Plan application, construction plans for Shelby Avenue shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 70 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 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;
  7. Upon submittal of a Development Engineering Plan application, construction plans for Bentley Lane shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 70 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 an Exception shall be obtained. In addition, the construction plans shall show the permanent turnaround at the end of Bentley Lane with a minimum 118 foot diameter right-of-way and a minimum 96 foot diameter paved surface 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;

8. Upon submittal of a Development Engineering Plan application, a design report demonstrating that water service is adequate to meet required domestic and fire flow as per Chapter 3 of the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, the proposed water main pipe size shall be identified. The applicant shall also confirm the need for the proposed utility easement on proposed Lot D at the terminus of Bentley Lane or the plat document shall be revised to remove the easement;
9. Upon submittal of a Development Engineering Plan application, a design report demonstrating that the sanitary sewer capacity is adequate to handle additional estimated sanitary sewer flows and provide sufficient system capacity for the proposed development, as per Chapter 3 of the Infrastructure Design Criteria Manual, shall be submitted for review and approval. In addition, the proposed sanitary sewer pipe size shall be identified;
10. Upon submittal of a Development Engineering Plan application, a drainage report in compliance with Chapter 4 of the Infrastructure Design Criteria Manual shall be submitted for review and approval. The drainage report shall include an analysis of proposed storm water discharge into the existing open channel along Catron Boulevard to confirm that the channel can accommodate additional flows;
11. Upon submittal of a Development Engineering Plan application, a geotechnical report, including pavement design, for the proposed public improvements and soil corrosion potential shall be submitted for review and approval. In addition, all subdivision improvements shall be constructed per the geotechnical recommendation;
12. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
13. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
14. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements if applicable;
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.

\*6. No. 12PD034 - Gateway Business Park Subdivision  
A request by Banner Associates, Inc. for Hagg Development, Inc. to consider an application for a **Final Planned Development Overlay to Construct a Hotel** for

Lot 2 of Block 1 of Gateway Business Park Subdivision, located in the W1/2 of the SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Mall Drive and west of Outfitter Road.

**Planning Commission approved the Final Planned Development Overlay to construct a hotel with the following stipulations:**

- 1. An Exception to allow a building height of 52 feet, 8 ¾ inches in lieu of the maximum allowable 45 feet is hereby approved;**
- 2. A building permit shall be obtained prior to construction. A certificate of occupancy shall be obtained prior to occupancy of the site. An air quality construction permit shall be obtained prior to disturbance of earth greater than one acre on the property;**
- 3. The hotel shall be constructed as shown on the approved plans. Changes to the design of the hotel which the Director of Community Planning and Development Services determines are consistent with the original approved plans shall be permitted as Minimal Amendment to the Planned Development;**
- 4. The landscaping shall be kept in a live vegetative state and replaced to comply with the approved landscaping plans and the Rapid City Municipal Code. Changes to the landscaping plan which the Director of Community Planning and Development Services determines are consistent with the original approved landscaping plan shall be permitted with a Minimal Amendment to the Planned Development;**
- 5. Upon submittal of a sign permit, the applicant shall demonstrate that all signage complies with Section 15.28 of the Rapid City Municipal Code. All signage not in compliance with Section 15.28 of the Rapid City Municipal Code requiring review by the Sign Code Board of Appeals shall require a Major Amendment to the Planned Development. Changes to the sign package which the Director of Community Planning and Development Services determines are consistent with the original approved sign package shall be permitted as a Minimal Amendment to the Planned Development. A sign permit shall be required for the proposed sign(s);**
- 6. All lighting shall be designed to preclude shining onto neighboring properties and rights-of-ways so as to mitigate any adverse impacts on adjacent property, passing pedestrians and traffic;**
- 7. A minimum of 129 parking spaces shall be provided for the site. Five of the spaces shall be handicap accessible with one of the handicap accessible spaces designated as “van accessible”. All off-street parking shall comply with the Rapid City Parking Ordinance. Changes to the proposed parking that the Director of Community Planning and Development Services determines are consistent with the original approved parking plan shall be permitted as a Minimal Amendment to the Planned Development;**
- 8. This Planned Development Overlay shall allow for the construction of a hotel with parking and landscaping. Other uses permitted within the General Commercial District shall be permitted as a Minimal**

**Amendment to the Planned Development. Conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development, and;**

- 9. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Planned Development 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.***

\*7. No. 12PD033 - Red Rock Meadows Subdivision

A request by Renner and Associates, LLC for DKEA, LLC to consider an application for a **Final Planned Development Overlay to Construct Single Family Residences** for a portion of the NW1/4 of the NW1/4 of Section 28 and a portion of the NE1/4 of the NE1/4, of Section 29, T1N, R7E, BHM. Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot H2 of the NE1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, common to the section corner common to Sections 20, 21, 28, & 29, all in T1N, R7E, BHM, and the point of beginning; Thence, first course: S89°54'08"E, along the section line common to Sections 21 and 28, a distance of 308.04 feet; Thence, second course: S00°05'52"W, a distance of 38.00 feet; Thence, third course: S44°53'01"W, a distance of 14.09 feet; Thence, fourth course: S00°19'45"E, a distance of 85.21 feet, to the northwesterly corner of Lot 21 of Block 8 of Red Rock Meadows Subdivision, common to the northeasterly corner of Seminole Lane Right-of-Way; Thence, fifth course: N89°55'41"W, along the northerly edge of said Seminole Lane Right-of-Way, a distance of 52.00 feet, to the northwesterly corner of said Seminole Lane Right-of-Way; Thence, sixth course: S00°19'45"E, along the westerly edge of said Seminole Lane Right-of-Way, a distance of 5.00 feet, to the northeasterly corner of Lot 22 of Block 7 of Red Rock Meadows Subdivision; Thence, seventh course: N89°55'41"W, along the northerly boundary of said Lot 22, a distance of 110.00 feet, to the northwesterly corner of said Lot 22; Thence, eighth course: S00°19'45"E, along the westerly edge of Lots 22 through Lots 16 of Block 7 of Red Rock Meadows Subdivision, a distance of 602.18 feet, to the northwesterly corner of Lot 15 of Block 7 of Red Rock Meadows Subdivision, common to the southwesterly corner of said Lot 16 and the northeasterly corner of Lot 26 of Block 7 of Red Rock Meadows Subdivision; Thence, ninth course: S89°41'32"W, along the northerly edge of said Lot 26, a distance of 110.02 feet, to the northwesterly corner of said Lot 26, common to the northeasterly corner of Dunsmore Road Right-of-Way; Thence, tenth course: S89°41'32"W, along the northerly edge of Dunsmore Road Right-of-Way, a distance of 52.00 feet, to the northwesterly corner of said Dunsmore Road Right-of-Way; Thence, eleventh course: N00°18'28"W, a distance of 576.40 feet, to a point on the southerly boundary of Lot H2 of the NE1/4 of the NE1/4 of Section 29, T1N, R7E, BHM; Thence, twelfth course: S89°59'27"E, along the southerly boundary of said Lot H2, a distance of 26.00 feet, to the southeasterly corner of said Lot H2, common to a point on the section line



common to Sections 28 and 29; Thence, thirteenth course: N00°18'28"W, along the easterly boundary of said Lot H2, a distance of 165.00, to the northeasterly corner of said Lot H2, common to the said section corner common to Sections 20, 21, 28, and 29, to the said point of beginning, more generally described as being located at the current northern terminus of Dunsmore Road.

**Planning Commission approved the Final Planned Development Overlay to construct single family residences with the following stipulations:**

1. **An Exception is hereby approved to reduce the section line setback on the west side of Lots 27-34 from 58 feet to 51 feet;**
2. **An Exception is hereby approved to reduce the front yard setback on the north side of Lots 34 and 35 from 25 feet to 21 feet contingent upon dedication of a non-access easement on the northern property line of both Lots;**
3. **An Exception is hereby approved to reduce the front yard setback on Lot 35 from 20 feet to 15 feet along Seminole Lane for the residence contingent upon a 20 foot setback being provided in front of the garage;**
4. **Prior to issuance of a building permit, Development Engineering Plans shall be approved for the property;**
5. **Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for each lot;**
6. **A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
7. **All requirements of the Low Density Residential District shall be continually met unless specifically stipulated as a part of this Planned Development Overlay or a subsequent Major Amendment;**
9. **This Planned Development Overlay shall allow for the construction of single family residences. Other uses permitted in the Low Density Residential District shall be allowed in this Planned Development. All conditional uses in the Low Density Residential District shall require a Major Amendment to the Planned 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.***

8. No. 12VR007 - Section 29, T2N, R8E  
A request by Ferber Engineering Company, Inc. for FMLC, Inc. to consider an application for a **Vacation of Right-of-Way** for a portion of Lot H2 and Lot H4 to be vacated in the NW1/4, a portion of Lot H3 to be vacated in Lot C of SE1/4NW1/4, a portion of Lot H5 to be vacated in the SE1/4, a portion of Lot H7 to be vacated in Lot 1 of the NE1/4SW1/4 and a portion of lot H8 to be vacated in the SW1/4, all located in Section 29, T2N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located east of the intersection of East North Street and East Mall Drive.

**Planning Commission recommended that the Vacation of Right-of-Way be approved.**

**METROPOLITAN PLANNING ORGANIZATION ITEMS:**

10. No. 12TP019 – 2013 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization – Final

**Planning Commission recommended approval of the Rapid City Area Metropolitan Planning Organization 2013 Unified Planning Work Program.**

11. No. 12TP020 – 2013 Transportation Planning Process Agreement between the City of Rapid City and the South Dakota Department of Transportation in the amount of \$611,363.

**Planning Commission recommended approval of the 2013 Transportation Planning Process Agreement between the City of Rapid City and the South Dakota Department of Transportation in the amount of \$611,363, implementing the 2013 Unified Planning Work Program, with minor language changes by legal counsel as necessary.**

**---END OF CONSENT CALENDAR---**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

9. No. 12PL071 - Elks Crossing Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 16 through 19 of Block 5 and Lots 23 through 34 of Block 4, Fieldstone Drive right-of-way and Saint Bury Court right-of-way of Elks Crossing Subdivision, legally described as a portion of the SE1/4 of the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Fieldstone Drive.

Fisher presented the application and reviewed the slides. Fisher directed Planning Commissioner's attention to the handout showing the revised stipulation, "Prior to submittal of a Final Plat application, the water main improvements along Marlin Drive and E. Minnesota Street through the Fieldstone Drive intersection shall be completed and accepted by the City to provide adequate fire flow to the proposed development or surety be posted to ensure that the water main is completed by March 1, 2013 as proposed by the applicant." This stipulation is driven by the continued growth and development in the area that may cause a tax on the current water system in the area. Fisher noted that the applicant plans to submit a Major Amendment to the Planned Development to revise a previously approved stipulation to defer the requirement to complete the water connection prior to the issuance of certificate of occupancy. Staff recommends approval of the Preliminary Subdivision Plan with stipulations as revised.



In response to a question from Brewer, Fisher confirmed that the stipulations of the Planned Development as approved will remain in effect until such time as the proposed major amendment is received and addressed.

**Rose moved, Scull seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:**

- 1. Prior to submittal of a Final Plat application, the water main improvements along Marlin Drive and E. Minnesota Street through the Fieldstone Drive intersection shall be completed and accepted by the City to provide adequate fire flow to the proposed development or surety be posted to ensure that the water main is completed by March 1, 2013 as proposed by the applicant;**
- 2. Upon submittal of a Final Plat application, E. Minnesota Street shall be constructed and accepted through the Fieldstone Drive intersection to allow two points of access to the proposed development or surety shall be posted for the improvement or an Exception shall be obtained;**
- 3. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements as applicable;**
- 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; and,**
- 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (8 to 0 with Beatty, Brewer, Marchand, Popp, Rose, Scull, Snyder and Swank voting yes and none voting no)**

\*12. No. 12UR019 - Section 33, T2N, R8E

A request by Andrew Scull for Panco LLC to consider an application for a **Conditional Use Permit to Allow Temporary Quarry and Mining of Construction Aggregate and Rock to be Processed and Used in Construction as a Conditional Use within the General Agriculture District** for the SE1/4SE1/4 less Lot H1, less Lot H2 and less Right-of-Way, the N1/2SE1/4 less Lot H1, less Lot H2 and Less Right-of-Way and the SW1/4SE1/4 all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East Anamosa Street and Elk Vale Road.

Commissioner Scull left the dais at this time.

Laroco presented the application noting that this application was continued from the October 4, 2012 Planning Commission meeting to allow staff to complete required notification. Laroco stated that notice has been completed and that stipulations 1, 2 and 3 have been met. Laroco reviewed the application and the slides and stated that staff recommends that the application for a Conditional Use Permit to allow temporary quarry and mining of construction aggregate and rock to be processed and used in construction as a conditional use within the general

agriculture district be approved with stipulations.

In response to question from Beatty, Laroco confirmed the application is for a period of three years and any extension beyond that would require a major amendment. Fisher also noted that this application is solely for the applicant and any other owner or operator would have to obtain their own Conditional Use Permit.

**Swank moved, Marchand seconded and unanimously carried to approve the Conditional Use Permit to Allow Temporary Quarry and Mining of Construction Aggregate and Rock to be Processed and Used in Construction as a Conditional Use within the General Agriculture District with the following stipulations:**

- 1. This Conditional Use Permit is hereby issued to J. Scull Construction Company. Any change in ownership of the property or operation of the company shall require a Major Amendment to the Conditional Use Permit;**
- 2. Prior to issuance of a grading permit, surety shall be posted for the reclamation of the site. A copy of the approved surety shall be submitted to the Department of Community Planning and Development Services;**
- 3. Prior to issuance of a grading permit, a geotechnical report shall be submitted for review and approval;**
- 4. Prior to issuance of an erosion and sediment control permit, the erosion and sediment control plan shall be revised to provide vehicle tracking control at the property entrance. A copy of the revised erosion and sediment control plan signed by the property owner and engineer shall be submitted for review and approval;**
- 5. The air quality permit issued for operations on the site shall be renewed annually;**
- 6. A building permit shall be obtained prior to any construction;**
- 7. The quarrying use on the property shall operate in compliance with the approved operational plan and the requirements of the Rapid City Municipal Code;**
- 8. The Conditional Use Permit shall be valid for a period of 36 months. Quarrying or mining operations continuing on the property for more than 36 months shall require a Major Amendment to the Conditional Use Permit. In no event shall operation of the quarry continue at the site for a period greater than 60 months, and;**
- 9. This Conditional Use Permit shall allow for a temporary quarry and mining of construction aggregate and rock on property zoned General Agriculture District. All uses permitted in the General Agriculture District shall be permitted as a Minimal Amendment to the Conditional Use Permit. All conditional uses in the General Agriculture District shall require a Major Amendment to the Conditional Use Permit. (7 to 0 with Beatty, Brewer, Marchand, Popp, Rose, Snyder and Swank voting yes and none voting no and Scull abstaining)**

***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.***

\*13. No. 12PD032 - Denman's Addition and Park Addition

A request by Dream Design International, Inc. for Technology Housing, LLC to consider an application for a **Major Amendment to a Planned Development to Construct Additional Apartments with Additional Parking** for Lots 1 through 16 and the North ½ of the Vacated Alley Adjacent to Lots 1 through 16 of Block 3, Lots 4, 5 and the East ½ of Lot 6 of Block 4 of Denman's Addition, and Lots 30 through 32 of Block 2 of Park Addition, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along East Saint Joseph Street between Maple Avenue and Birch Avenue.

Lacock presented the application reviewing the slides and the Exception requests. Lacock stated that the proposed development design and standards meet the requirements of the ordinance and, as such, staff recommends approval of the Major Amendment to a planned development to construct additional apartments with additional parking.

In response to a question from Beatty regarding pedestrian crossing issues, Hani Shafai of Dream Design International, Inc. stated that they are working with city staff and School of Mines and Technology on the possibility of creating nodes on the west side to improve the pedestrian crossing.

Commissioner Scull returned to the dais following the vote.

**Marchand moved, Beatty seconded and unanimously carried to approve the Major Amendment to a Planned Development to construct additional apartments with additional parking with the following stipulations:**

- 1. An Exception is hereby granted to reduce the required front yard setback from 35 feet to 10 feet along East Saint Joseph Street;**
- 2. An Exception is hereby granted to reduce the required side yard setback that abuts a public right-of-way from 35 feet to 10 feet along Elm Avenue;**
- 3. An Exception is hereby granted to reduce the required rear yard setback from 30 feet to 19.48 feet;**
- 4. An Exception is hereby granted to decrease the minimum required open space of 300 square feet per apartment to 30 square feet per apartment;**
- 5. An Exception is hereby granted to reduce the required side yard setback for a parking lot that abuts a residential lot from 12 feet to one foot;**
- 6. An Exception is hereby granted to waive the screening requirement for a commercial district that is adjacent to a residential district;**

7. **An Exception is hereby granted to reduce the minimum parking aisle width from 26 feet to 24 feet;**
8. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
9. **Prior to issuance of a building permit, the site plan shall be revised to include curbs or curb stops on the east side of the north parking lot;**
10. **Prior to issuance of a building permit, signed and sealed design calculations shall be submitted by a professional engineer for the existing retaining wall adjacent to the west parking lot;**
11. **Prior to issuance of a building permit, the applicant shall record an access easement to allow the City access to a water service valve on private property;**
12. **Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
13. **Prior to issuance of a certificate of occupancy, the alley approaches from Elm Avenue and Birch Avenue shall be closed and curb and gutter installed;**
14. **Fugitive erosion and air quality prevention measures shall be in place at all times during construction;**
15. **Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
16. **The approved air quality permit shall be renewed as needed;**
17. **A minimum of 128 parking spaces shall be provided on all three sites for the proposed apartment complex. In addition, five 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;**
18. **A minimum of 52,299 landscaping points shall be provided for the apartment building site. A minimum of 10,956 landscaping points shall be provided for the north parking lot. A minimum of 9,029 landscaping points shall be provided for the west parking lot. 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;**
19. **Prior to issuance of a sign permit, a revised sign package shall be submitted showing that the Phase I ground sign is in compliance with the Sign Code or the applicant shall obtain a Variance from Chapter 15.29.020 of the Rapid City Municipal Code to reduce the minimum 10 foot setback requirement. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this major Amendment to a Planned 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 Major Amendment to a Planned Development. All**

- signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned 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 the proposed signs;
20. 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;
  21. All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment;
  22. All applicable provisions of the adopted International Fire Code shall continually be met; and,
  23. The Major Amendment to a Planned Development shall allow for a six story apartment building with additional parking. Any change in use that is a permitted use in the High Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 with Beatty, Brewer, Marchand, Popp, Rose, Snyder and Swank voting yes and none voting no and Scull abstaining)

*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.*

\*14. No. 12UR020 - Riverside Addition

A request by Kennedy Design Group Inc for Powder Horn, LLC to consider an application for a **Conditional Use Permit to allow the expansion of an On-Sale Liquor Establishment** for Lots 23 through 29 of Block 3 of Riverside Addition, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 355 11th Street.

Lacock presented the application and reviewed the slides. Lacock noted that a Variance was previously granted to allow 24 parking spaces for any use in lieu of the required 96 parking spaces; however, the applicant indicates that they have verbal parking agreements with adjoining property. Lacock stated that a non-conforming roof sign had recently been removed. Lacock stated that staff recommends approval of the Conditional use Permit to allow the expansion of an on-sale liquor establishment with the stipulations as noted in the staff report.

In response to a question from Popp regarding parking, Lacock clarified that with the existing Variance, the property is in compliance with the parking regulation.

Lacock also noted that there is additional parking on the east of property. Further discussion followed.

In response to a question from Brewer, Jerry Dale, owner, confirmed that customers do utilize the parking to the east of the property and that the plaza located to the west of the property and the bank located to the east have no problem with the use of their parking lots.

**Scull moved, Rose seconded and unanimously carried to approve the Conditional Use Permit to allow the expansion of an On-Sale Liquor Establishment with the following stipulations:**

- 1. A building permit shall be obtained prior to any construction;**
- 2. Prior to project completion and final approval of the building permit, the roof sign shall be removed;**
- 3. A minimum of 14,794 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;**
- 4. A minimum of 24 parking spaces shall be provided. In addition, one of the parking spaces shall be handicap "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 5. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 6. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;**
- 7. 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;**
- 8. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. 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 Conditional Use Permit. All signage not in conformance with the Sign 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 also be obtained for the proposed signs; and,**
- 9. The Conditional Use Permit shall allow the expansion of an on-sale liquor establishment. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. 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 Conditional Use Permit. (8 to 0 with Beatty, Brewer, Marchand, Popp, Rose, 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.***

15. Discussion Items
16. Staff Items
17. Planning Commission Items
18. Committee Reports

**There being no further business, Scull moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:46 a.m. (8 to 0 with Beatty, Brewer, Marchand, Popp, Rose, Scull, Snyder and Swank voting yes and none voting no)**