

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 7, 2015

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

MEMBERS ABSENT: None

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Marchand called the meeting to order at 7:15 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.

Staff requested that Items 2 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Pinkard and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations with the exception of Item 2. (9 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the April 23, 2015 Planning Commission Meeting Minutes.
3. Acknowledge Proposed amendment to the Planning Commission By-Laws

Planning Commission acknowledged the proposed amendments to the Planning Commission Bylaws.

4. Approve CIP 5 Year Plan

Planning Commission recommended that the CIP 5 Year Plan be approved

---END OF CONSENT CALENDAR---

Brewer requested a discussion on the 2015-2020 CIP 5 Year Plan and asked if the opportunity for further input on the CIP 5 Year Plan was available. Scott stated that as this item moves forward through the process, input can be taken and revisions can be made. Scott advised Brewer to contact the attorney's office or speak to the CIP Committee Ordinance Amendment item at the Legal and Finance Committee at which time the item could be held in committee or move to

Council for discussion. Brewer clarified that he believes that a member of the Planning Commission should be included in the body of the CIP Committee whether they be a voting member or not.

In response to question from Rolinger as to how the Planning Commission seat was removed from the CIP Committee, Scott explained some of the changes that affected how make-up of the CIP Committee were decided.

Discussion followed.

Brewer reviewed why he feels that a member of the Planning Commission should be included in the CIP Committee and requested that the Planning Commission forward a recommendation to Legal and Finance Committee.

Brewer moved to recommend that a member of the Planning Commission be appointed to the CIP Committee whether as a voting member or a nonvoting member. Bulman seconded and unanimously carried. (9 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)

Rolinger also stated that he feels based on the actions and decisions made by the members of the Planning Commission and Zoning Board of Adjustment, this is an important committee for Planning Commission and Zoning Board of Adjustment to be involved.

*2. No. 15PL033 - Elks Crossing

A request by Dream Design International Inc to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 25 of Block 1, Lots 1 thru 12 of Block 2, Lots 1 thru 6 of Block 3 of Elk Crossing, legally described as a portion of the SW1/4 of the SW1/4, less Elks Crossing, Less Lot H3, Less right-of-way, located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Marlin Drive and Minnesota Street.

Fisher reviewed the application noting that after discussion with the applicant, staff revised the stipulations. Fisher reviewed the revised stipulations and presented staff's recommendation that the **Preliminary Subdivision Plan** be approved with the revised stipulations.

Braun stated that he would be abstaining from this item due to a conflict of interest.

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

- 1. Upon submittal of a Development Engineering Plan application, construction plans for Street A and Street B 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;
2. Upon submittal of a Development Engineering Plan application, construction plans for Street C shall be submitted for review and approval showing the street 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. In addition, the cul-de-sac bulb shall be located within a minimum 104 diameter right-of-way and constructed with a minimum 84 foot diameter paved surface 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 Street D shall be submitted for review and approval showing the street located within a minimum 50 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located within a minimum 104 diameter right-of-way and constructed with a minimum 84 foot diameter paved surface 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;
 4. Prior to approval of a Development Engineering Plan application, the section line highway located along the south lot line shall be vacated or construction plans shall be submitted with the Development Engineering Plan application showing the section line highway 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;
 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. The water main located in Street A shall be upsized from an 8 inch to a 12 inch main pursuant to the Utility System Master Plan with the City paying the oversize costs. Proposed fire hydrants shall be located within the street right-of-way or utility easements shall be secured as needed;
 6. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review

and approval. The sanitary sewer flows shall be diverted north to Fieldstone Drive since the East Minnesota Street main is not complete and dead ends west of Vinecliff Drive. A design for an interim diversion shall be provided if one does not exist. Utility easements shall be secured as needed;

7. Prior to submittal of a Final Plat application, the plat document shall be revised to include the existing stormwater facility located east of the proposed plat as a platted lot or a Miscellaneous Easement shall be secured creating a Major Drainage Easement outside of the boundaries of the plat. A copy of the recorded Miscellaneous Easement shall be submitted with the Final Plat application. In addition, ownership and maintenance of the Major Drainage Easement shall be secured and a copy of the document submitted with the Final Plat application for recording. Ownership and maintenance of the rear yard drainage located between Street A and Street B shall also be secured and a copy of the document submitted with the Final Plat application for recording;
8. Prior to submittal of a Development Engineering Plan application, the plans shall be revised to show the proposed storm sewer pipe located between Lots 4 and 5 of Block 3 on one lot and not centered on the common lot line as per Section 3.5.2(5)(c) of the Infrastructure Design Criteria Manual
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. Prior to submittal of a Final Plat application, proposed street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
12. Prior to submittal of a Final Plat application, the property shall be rezoned from General Commercial District to Low Density Residential II District to allow the proposed residential development;
13. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;
14. 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,
15. 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). (9 to 0 with Braun,

Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

5. No. 14PD033 - Fox Run Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc., for Dr. Jim Castleberry, Cornerstone Rescue Mission to consider an application for a **Review of a Major Amendment to a Planned Development to allow a group home for transitional housing** for Lot 1 of Block 1 of Fox Run Subdivision, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 Fox Run Drive.

Lacock reviewed the application noting that the group home was approved by City Council in December with a stipulation that it be reviewed in six months. At this time the group home has not taken occupancy of the property and in order to review the impact the group home has on the area, staff recommends that the **Review of a Major Amendment to a Planned Development to allow a group home for transitional housing** be approved with the stipulations that the application be reviewed six months after occupancy of the building.

Swank moved, Scull seconded the motion to approve with stipulations.

Kurt Korkow, 365 Texas Street, spoke to his support to the Planning Commission action to review the at the six month period following the actual occupancy of the property by the group home.

Brewer stated that he would be abstaining from this item due to a conflict of interest.

Swank moved, Scull seconded and unanimously carried to recommend that the Major Amendment to a Planned Development to allow a group home for transitional housing be approved with the following stipulations:

1. **This Major Amendment to a Planned Development shall be reviewed by the Planning Commission six months after the group home has taken occupancy of the structure;**
2. **The previously granted Exception to reduce the minimum required side yard setback from the south property line from 25 feet to 20 feet 8 inches is hereby acknowledged;**
3. **The previously granted Exception to allow a maximum lot coverage of 31.6% in lieu of 30% is hereby acknowledged;**
4. **A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
5. **Prior to issuance of a Certificate of Occupancy, a six foot high opaque screening fence shall be installed around the parking lot and dumpster location;**
6. **A minimum of 12 parking spaces shall be provided. One of the parking spaces shall be handicap "van accessible". All provisions of**

- the Off-Street Parking Ordinance shall be continually met;
7. A minimum of 34,512 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;
 8. Any proposed signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the 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. 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 all signs;
 9. 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;
 10. All applicable provisions of the adopted International Fire Code shall continually be met;
 11. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment; and,
 12. The Final Planned Development shall allow for a group home for transitional housing to be operated in compliance with the applicant's operational plan. A maximum of eight women with children, a female veteran, and four staff members shall use the facility. A maximum of 36 residents and 4 employees shall be allowed. Any expansion to the use of the structure or the number of residents shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use or is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development. A mission, detoxification center, or detention center shall not be allowed. (9 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)

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

6. Discussion Items

A. Due Process and Ex Parte Communications

Cushman reviewed Due Process and Ex Parte Communications for the Planning Commission and Zoning Board of Adjustment noting that these items are reviewed on a regular basis, generally annually. Cushman noted

that with new members now is a good time to review them.

In response to a question from Popp regarding electronic communications received by individual Planning Commissioners, Cushman advised that these communications should be forwarded to staff and that back and forth communications should be avoided.

In response to question from Bulman regarding recusing themselves from an item and speaking as an interested party, Cushman noted that the minutes would reflect action of recusal and stepping down from the dais and that the member would not be included in the vote.

Scull left the meeting at this time.

7. Staff Items
8. Planning Commission Items
9. Committee Reports
 - A. City Council Report (April 20, 2015)
The City Council concurred with the recommendations of the Planning Commission
 - B. Building Board of Appeals
 - C. Capital Improvements Subcommittee
 - D. Tax Increment Financing Committee

There being no further business, Popp moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:03 a.m. (9 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Scull, and Swank voting yes and none voting no)