

DRAFT

MINUTES OF THE
RAPID CITY CONTINUED PLANNING COMMISSION
October 12, 2006

MEMBERS PRESENT: John Brewer, Gary Brown, Julie Gregg, Thomas Hennies, Mike LeMay and Karen Waltman. Deb Hadcock, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Travis Tegethoff, Emily Fisher, Mary Bosworth, Todd Peckosh, Tim Behlings, Kevin Lewis and Jenni Dragoo.

Brown called the meeting to order at 7:05 a.m.

Fisher requested that items 49 and 50 be taken concurrently.

49. No. 06PL148 - Wright Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Tract A, Wright Subdivision, located in the N1/2 SW1/4, SE1/4 NE1/4 SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 SW1/4, SE1/4 NE1/4 SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and west of Skyline Ranch Road.

50. No. 06SV057 - Wright Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit; to reduce pavement width from 22 feet to 12 feet; and the right-of-way width from 47 feet to 12 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A, Wright Subdivision, located in the N1/2 SW1/4, SE1/4 NE1/4 SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 SW1/4, SE1/4 NE1/4 SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and west of Skyline Ranch Road.

Fisher presented the Layout Plat and the Variance to the Subdivision Regulations requests recommending that the Layout Plat and the Variance to the Subdivision Regulation requests be approved in part and denied in part.

Hani Shafi, applicant, expressed his opposition to the recommended stipulations of approval #4 and #8 of the terms of approval. He requested approval of a 12 foot wide pavement width.

In response to Shafi's question, Elkins stated that the minimum 20 foot wide pavement width is the minimum width required by the Fire Code.

LeMay moved and Hennies seconded to recommend that the Layout Plat and the Variance to the Subdivision Regulation be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the plan and profile for all water lines and the locations of hydrants and appurtenances shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided during peak day use conditions. The plat document shall also be revised to provide utility easements as needed;
3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval.
4. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the access road located in a 52 foot wide right-of-way. In addition, road construction plans shall be submitted showing the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or the street shall be located in a minimum 47 foot wide right-of-way and constructed with a minimum 22 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained;
5. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity tests for review and approval. If results of the soils resistivity test indicate severe potential towards corrosion of buried metal products, then information shall be provided demonstrating that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protection as needed for buried water system metal fixtures shall be provided;
6. Prior to submittal of a Preliminary Plat application, the plat document shall show the street located in right-of-way in lieu of an access easement or an Exception shall be obtained to allow an easement to serve 12 lots in lieu of four lots as per the Street Design Criteria Manual;
7. Prior to submittal of a Preliminary Plat application, an Exception to the Street Design Criteria Manual to allow a 3,550 foot long cul-de-sac in

lieu of a maximum 500 foot long cul-de-sac with no intermediate turnarounds shall be obtained or the plat document shall be revised accordingly;

8. Prior to Preliminary Plat approval by the City Council, the portion of Skyline Ranch Road currently located outside of right-of-way and/or easement(s) shall be secured in dedicated right-of-way or topographic information shall be submitted for review and approval identifying that the existing street is located in either the existing platted right-of-way or the 30 foot wide centerline right-of-way or construction plans shall be submitted showing the street constructed in the existing right-of-way. In particular, the street shall be constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
9. Upon submittal of a Preliminary Plat application, recorded documentation shall be submitted for review and approval demonstrating that the existing access street extending north from Skyline Ranch Road to the subject property is located in easements and/or rights-of-way. In addition, additional easements and/or right-of-way shall be obtained if and as needed to insure legal access to the subject property;
10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
11. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; and,
12. 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,

To acknowledge the applicant's request to withdraw the Variance to the Subdivision Regulations to reduce the right-of-way width from 47 feet to 12 feet; and,

To recommend approval of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer; and,

To recommend denial of the Variance to the Subdivision Regulations to reduce the pavement width from 22 feet to 12 feet along the access street carried unanimously. (6 to 0 with Brewer, Brown, Gregg, Hennies, Waltman and LeMay voting yes and none voting no)

Rod Schlanger, attorney for the Wrights, stated no opposition to the requirement to increase the pavement width and to address the Skyline Ranch Road location issue addressed in stipulation #8. Schlanger requested that stipulation #8 be removed prior to approval of the Layout Plat.

Discussion followed.

In response to Brewer's question, Schlanger stated that the issue of the access

being located outside of the easement will be a problem for future property owners.

Discussion followed.

In response to Brewer's questions about current easements, Elkins stated that the road is not located where the filed documents state it should be. Fisher stated that the road is not in any easements or right-of-ways that are existing to date.

Discussion followed.

LeMay expressed his opinion that the pavement and easement issues need to be addressed today.

Kevin Lewis, Assistant City Attorney, entered the meeting at this time.

Shafi again requested that stipulation #8 be removed from the terms of approval of the Layout Plat.

Hennies called the question.

The motion to recommend that the Layout Plat be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the plan and profile for all water lines and the locations of hydrants and appurtenances shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided during peak day use conditions. The plat document shall also be revised to provide utility easements as needed;**
- 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval.**
- 4. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the access road located in a 52 foot wide right-of-way. In addition, road construction plans shall be submitted showing the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer**

- or the street shall be located in a minimum 47 foot wide right-of-way and constructed with a minimum 22 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained;
5. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity tests for review and approval. If results of the soils resistivity test indicate severe potential towards corrosion of buried metal products, then information shall be provided demonstrating that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protection as needed for buried water system metal fixtures shall be provided;
 6. Prior to submittal of a Preliminary Plat application, the plat document shall show the street located in right-of-way in lieu of an access easement or an Exception shall be obtained to allow an easement to serve 12 lots in lieu of four lots as per the Street Design Criteria Manual;
 7. Prior to submittal of a Preliminary Plat application, an Exception to the Street Design Criteria Manual to allow a 3,550 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac with no intermediate turnarounds shall be obtained or the plat document shall be revised accordingly;
 8. Prior to Preliminary Plat approval by the City Council, the portion of Skyline Ranch Road currently located outside of right-of-way and/or easement(s) shall be secured in dedicated right-of-way or topographic information shall be submitted for review and approval identifying that the existing street is located in either the existing platted right-of-way or the 30 foot wide centerline right-of-way or construction plans shall be submitted showing the street constructed in the existing right-of-way. In particular, the street shall be constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 9. Upon submittal of a Preliminary Plat application, recorded documentation shall be submitted for review and approval demonstrating that the existing access street extending north from Skyline Ranch Road to the subject property is located in easements and/or rights-of-way. In addition, additional easements and/or right-of-way shall be obtained if and as needed to insure legal access to the subject property;
 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. Prior to submittal of a Final Plat application, a Wild Fire Mitigation

Plan shall be submitted for review and approval and the plan shall be implemented; and,

- 12. 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,**

To acknowledge the applicant's request to withdraw the Variance to the Subdivision Regulations to reduce the right-of-way width from 47 feet to 12 feet; and,

To recommend approval of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer; and,

To recommend denial of the Variance to the Subdivision Regulations to reduce the pavement width from 22 feet to 12 feet along the access street carried unanimously. (6 to 0 with Brewer, Brown, Gregg, Hennies, Waltman and LeMay voting yes and none voting no)

Tegethoff requested that items 51 and 52 be taken concurrently.

51. No. 06PL150 - Section 17, T1N, R7E

A request by D. C. Scott Surveyors, Inc. for Gary Rossow to consider an application for a **Preliminary Plat** on Lot GR and Lot HR2, formerly Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west side of Red Rock Canyon Road and .09 miles from Chapel Lane Way.

52. No. 06SV059 - Section 17, T1N, R7E

A request by D. C. Scott Surveyors, Inc. for Gary Rossow to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional public right-of-way, and to waive the requirement to install curb gutter, sidewalk, street light conduit, sewer, water, additional pavement and to waive the requirement to dedicate planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot GR and Lot HR2, formerly Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west side of Red Rock Canyon Road and .09 miles from Chapel Lane Way.

Tegethoff presented the staff recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to the October 26, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

Hennies moved, LeMay seconded and unanimously carried to continue the

Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to dedicate additional public right-of-way, and to waive the requirement to install curb gutter, sidewalk, street light conduit, sewer, water, additional pavement and to waive the requirement to dedicate planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code to the October 26, 2006 Planning Commission meeting to allow the applicant time to submit the required information. (6 to 0 with Brewer, Brown, Gregg, Hennies, Waltman and LeMay voting yes and none voting no)

53. No. 06SV060 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way width along Cobalt Drive from 68 feet to 60 feet and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 16 thru 23, Block 1; Lots 1 thru 5, Block 3; Lots 1 thru 10, Block 4; Lots 1 thru 16, Block 5; Lots 1 thru 6, Block 6; and drainage Lot 1, Brookfield Subdivision, formerly a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Country Road and West Nike Road.

Fisher presented the staff recommendation to continue the Variance to the Subdivision Regulations to the October 26, 2006 Planning Commission meeting at the applicant's request.

Waltman moved, Hennies seconded and unanimously carried to continue the Variance to the Subdivision Regulations to the October 26, 2006 Planning Commission meeting at the applicant's request. (6 to 0 with Brewer, Brown, Gregg, Hennies, Waltman and LeMay voting yes and none voting no)

54. No. 06SR064 - Section 19, T1N, R8E

A request by Centerline for Lazy P-6 Land Co, Inc. to consider an application for an **SDCL 11-6-19 Review to construct a portion of Stumer Road and Shelby Avenue** on the unplatted portion of SW1/4 NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandra Lane and north of Stumer Road.

Fisher stated that the applicant had satisfied the stipulations needed for Planning Commission approval and requested that the SDCL 11-6-19 Review be approved with stipulations.

Hennies moved, Gregg seconded and unanimously carried to recommend that the SDCL 11-6-19 Review to construct a portion of Stumer Road and Shelby Avenue be approved with the following stipulations:

1. **Prior to Planning Commission approval, all necessary changes shall**

be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;

2. Prior to Planning Commission approval, the construction plans shall be revised to show Shelby Avenue constructed with a minimum 27 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained to reduce the pavement width to 24 feet or an Exception to waive visitor parking shall be obtained or visitor parking shall be provided at a ratio of one visitor parking space per dwelling unit located within 300 feet of the residence;
 3. Prior to Planning Commission approval, the construction plans for Shelby Avenue shall be revised to show standard curb and gutter in lieu of roll over curb and gutter or an Exception to the Street Design Criteria Manual shall be obtained;
 4. Prior to Planning Commission approval, additional drainage information shall be submitted for review and approval. In particular, inlets shall be provided at the intersection(s) as per the Drainage Criteria Manual or drainage information justifying the proposed design shall be submitted for review and approval. In addition, a drainage map of the area with drainage areas demonstrated for each inlet, along with gutter spread calculations for the ten year storm, shall be provided as per the Drainage Criteria Manual. Drainage information showing the conveyance of storm run-off across the lots along Stumer Road and Shelby Avenue to the drainage swale and drainage easement at station 6+40 (Shelby Avenue) without a storm sewer in place to tie into shall also be submitted for review and approval;
 5. Prior to Planning Commission approval, a revised geotechnical report supporting the proposed pavement design shall be submitted for review and approval or the pavement design shall be revised as per the previously submitted geotechnical report; and,
 6. Prior to the City sewer and water system becoming operational, Shelby Avenue and Stumer Road right-of-way shall be dedicated. (6 to 0 with Brewer, Brown, Gregg, Hennies, Waltman and LeMay voting yes and none voting no)
56. No. 06VR008 - PLM Subdivision Phase 2B
A request by Centerline, Inc. for PLM Development, LLC to consider an application for a **Vacation of Section Line Highway** on Section Line Right-of-way lying adjacent to the NE1/4 NE1/4, Section 23 and the NW1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Minnesota Street and west of Fifth Street.

Fisher stated that the applicant had satisfied the stipulations needed for Planning Commission approval and requested that the Vacation of the Section Line Highway be approved with stipulations.

LeMay moved, Gregg seconded and unanimously carried to recommend

that the Vacation of Section Line Highway be approved with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall submit recorded documentation identifying legal access to the S1/2NE1/4NE1/4NE1/4 and the N1/2NE1/4NE1/4NE1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota;**
- 2. Prior to City Council approval, a 12 foot wide utility easement along the east side of the section line highway shall be recorded at the Register of Deed's Office as requested by Qwest Communications; and,**
- 3. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation request. (6 to 0 with Brewer, Brown, Gregg, Hennies, Waltman and LeMay voting yes and none voting no)**

57. Discussion Items

- A. Crime Statistics on 12th and Saint Joseph Street.

LeMay stated that this discussion was no longer necessary due to actions taken at the Planning Commission meeting on October 5th.

58. Staff Items

59. Planning Commission Items

- A. Planning Commission appointments to Subcommittees.

Elkins requested volunteers for appointment by the Mayor to the following committees: .16 Committee, Tax Increment Financing Review Committee and the Zoning Board of Adjustment.

Tom Hennies volunteered to be appointed to the .16 Committee. Mike LeMay volunteered to be appointed to the Tax Increment Financing Review Committee. John Brewer volunteered to be appointed to the Zoning Board of Adjustment.

Brewer requested that the staff consider posting the Land Use plans at the Planning Commission meetings to further educate the public about that process.

There being no further business, LeMay moved, Hennies seconded and unanimously carried to adjourn the meeting at 7:56 a.m. (6 to 0 with Brewer, Brown, Gregg, Hennies, Waltman and LeMay voting yes and none voting no)