

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 25, 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.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Sarah Hanzel, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Marchand called the meeting to order at 7:00 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.

Motion by Rolinger seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations. (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 June 4, 2015 Planning Commission Meeting Minutes.

*2. No. 15PD001 - Elks Country Estates
A request by Sperlich Consulting, Inc. for Chad Zandstra Construction, LLC to consider an application for a **Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure** for Lot 5 of Block 13 of Elks Country Estates, located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3744 Padre Drive.

Planning Commission continued the Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure to the July 9, 2015 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.

3. No. 15PL032 - Copper Ridge Subdivision
A request by Willadesen Lund Engineering, Eric Willadsen for John Samuelson to consider an application for a **Preliminary Subdivision Plan** for proposed Tract A of Copper Ridge Subdivision, legally described as the south 495 feet of

the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4 (Except Lot 1 of Bendert Subdivision), located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current western terminus of Promise Road.

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

- 1. Upon submittal of a Development Engineering Plan application, construction plans for Golden Eagle Drive shall be submitted for review and approval. The construction plans shall show the street located within a minimum 68 foot wide right-of-way and constructed with a minimum 34 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. The construction plans shall also demonstrate that the street alignment meets collector street standards with a maximum 10% grade and that the road construction can be achieved without the construction of retaining walls;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Promise Road shall be submitted for review and approval showing an additional 10 feet of pavement width or “no-parking” signs shall be posted on both sides of the street. In addition, the plat document shall show the dedication of 34 feet of right-of-way width on the west side of the section line highway for Promise Road 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;**
- 3. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the vacation of the existing 40 foot wide access and utility easement as it extends through Tract 1. In addition, letters from all of the affected utility companies indicating concurrence with the vacation of easement shall be submitted. Prior to submittal of a Final Plat application, the proposed blanket ingress/egress easement shall be recorded and a copy of the recorded document submitted with the Final Plat application;**
- 4. Prior to approval of the Development Engineering Plan application, 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 as required by the Infrastructure Design Criteria Manual;**
- 5. Upon submittal of a Development Engineering Plan application, a drainage plan prepared by a Registered Professional Engineer as per**

the Infrastructure Design Criteria Manual and in compliance with the City's Drainage Basin Plan shall be submitted for review and approval for subdivision improvements or an Exception shall be obtained. The drainage plan shall address storm water quantity control and storm water quality treatment. drainage easements shall also be provided as necessary;

6. Upon submittal of a Development Engineering Plan application, a grading plan and an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval for subdivision improvements;
7. Upon submittal of a Development Engineering Plan application, a structural survey shall be submitted for review and approval to ensure that the existing development located on the proposed lot meets all setback and design requirements;
8. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show a minimum 8 foot wide minor drainage and utility easement along the interior lot line of the proposed lot. In addition, all existing easement(s) shall be shown on the plat document;
9. 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;
10. Upon submittal of a Final Plat application, the plat document shall show proposed Tract A as Lot 1:
11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
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,
13. 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).

*4. No. 15UR010 - Marshal Heights Tract

A request by Novation Group Consulting, Alex Novak for SBA Communications and Verizon Wireless to consider an application for a **Conditional Use Permit to allow a communications tower in the General Commercial District** for Lot 2 of Lot K2-C of Marshall Heights Tract, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Knowlwood Drive approximately 300 feet east of North Maple.

Planning Commission approved the application for a Conditional Use Permit to allow a communications tower in the General Commercial District with the following stipulations:

1. **Prior to issuance of a building permit revised plans signed and sealed by a registered professional pursuant to SDCL 36-18A shall be submitted. Plans shall verify the size and dimension of all proposed development, including the dimensions for the proposed antenna arrays, the proposed setbacks, and the proposed dimensions of the parking area.**
2. **This Conditional Use Permit shall allow for a communications tower to be located on property zoned General Commercial District. All the requirements of the General Commercial District shall be continually maintained. Changes to the area utilized as a part of the communications tower which comply with the requirements of the Rapid City Municipal Code shall be permitted. Conditional uses shall require a Major Amendment to the Conditional Use Permit.**

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. 15RZ010 - Potts Subdivision

A request by Sharon Rose and Calvin L. Havorka to consider an application for a **Rezoning from Park Forest District to Low Density Residential District I** for Lot 1 of Potts Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6105 Covenant Drive

Planning Commission continued the Rezoning from Park Forest District to Low Density Residential District I to the July 9, 2015 Planning Commission meeting.

6. 15TP018 – Approve the 2016-2019 Transportation Improvement Program - Draft

Planning Commission recommended approval of the 2016-2019 Rapid City Area Transportation Improvement Program – Draft Report.

7. 15TP021 – Acknowledge the Walk Audit Report

Planning Commission recommended acknowledging the Walk Audit report.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

8. No. 15OA001 - Ordinance to promote Historic Preservation by Repealing Chapter 2.68 of the Rapid City Municipal Code and Adopting Provision in Chapters 17.04 and 17.54 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for an **Ordinance to promote Historic Preservation by Repealing Chapter 2.68 of the Rapid City Municipal Code and Adopting Provision in Chapters 17.04 and 17.54 of the Rapid City Municipal Code.**

Cushman reviewed the ordinance stating that the purpose of the ordinance is to place the Historic Preservation in Chapter 17 of the Rapid City Municipal Zoning Code thus codify the Historic Preservation. Cushman stated that this is phase one of a two phase process, this part being the adoption of the ordinance before the Planning Commission with the second phase creating an Overlay Zoning District. Cushman clarified that this ordinance does not change the boundaries of the Historic Districts. Cushman reviewed changes that had been made to the ordinance including the changes to the makeup of the Historic Preservation Commission from nine members to six members.

Hanzel reviewed the existing review process noting that in reviewing this process through the Lehe Study it was found that the process was cumbersome and difficult. The new procedures streamline the review process allowing staff to do an initial review and to approve those applications found not to have adverse effects on the Historic District with those projects that are identified to pose a possible adverse effect to the Historic District going before the Historic Preservation Committee for review and approval or denial. Hanzel stated that although State Historic Preservation Office may be involved with the review the decision is always made at the local level. Hanzel also stated that following discussion with the Historic Preservation Committee the proposed resolution is being amended before it is presented for approval.

Shawn Krull, Chair of the Historic Preservation Committee, stated that although he is in strong agreement with an ordinance tying the Historic Preservation review to the Code, he feels that the current ordinance completely circumvents the concept of the design review and design board process and he believes that the resolution needs to be further reviewed. Krull said that he feels that the cumbersome and difficult reference is more of an arbitrary statement and stated that the Historic Preservation Committee had reviewed the ordinance and associated resolution and has submitted an alternate ordinance that addresses its concerns. Krull stated that the educational aspect of the Historic Preservation Committee is very time consuming and noted that the recent reduction of members of the Historic Preservation Committee will make this part of the Historic Preservation Committee actions more difficult.

In response to questions from Brewer on various sections of the ordinance regarding the mention of the boundaries of the District and the codification, Cushman clarified that no boundaries are being increased with this ordinance and that any reference to boundaries or expansion is in explanation of how the existing districts were created. Cushman stated that the overlay zone is a future zoning classification of the Historic Preservation District for both the Downtown Historic District and West Boulevard Historic District, but is not a part of this ordinance.

Cushman clarified that the Zoning Board of Adjustments and Planning Commission will not be involved in the review of Historic Preservation Committee applications, but that any item that references or in effect changes Chapter 16 or 17 of the Rapid City Municipal Code as this ordinance does must come before the Planning Commission.

Brewer stated that he does not support this application and requests that it be continued to allow further review and changes.

Bulman stated that she agrees that the codification of the review process is important but that there needs to be further review of the ordinance and associated resolution. Bulman reviewed her many concerns.

Braun said he also has concerns regarding the overlay zoning district and suggested that it be addressed separately.

Rolinger said that there is confusion regarding language and that further review is needed.

Popp agreed that the ordinance needs to be revised to be more specific.

Limbaugh offered to meet with the Planning Commission to review the ordinance and to address the noted concerns.

Brewer moved to continue to the second meeting in July, Rolinger seconded.

In response to question from Scott, Hanzel stated that no application will be held up while this is being reviewed. Hanzel stated that since the agreement with the state expired at the end of 2014, applications submitted for Historic Preservation review are be addressed by the proposed process until such time as the ordinance is finalized.

Discussion followed.

Brewer moved, Rolinger seconded and unanimously carried to recommend that the Ordinance to promote Historic Preservation by Repealing Chapter 2.68 of the Rapid City Municipal Code and Adopting Provision in Chapters 17.04 and 17.54 of the Rapid City Municipal Code be continued to the July 23, 2015 Planning Commission meeting. (9 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)

*9. No. 15PD015 - Original Town of Rapid City

A request by Robert Kruse to consider an application for a **Major Amendment to a Planned Development to allow for sorority housing** for the E1/2 of Lot 27, and all of Lot 28 and 29 of Block 116 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 404 Columbus Street.

Laroco presented the application and reviewed the associated slides. Laroco noted that this is the former location of the Rescue Mission for Women and Children which has recently moved to a new location. Laroco reviewed the parking for the property noting that there is ample on-street parking, but zoning code requires that a specific number of on-site parking spaces be provided creating the need for the Exception request to reduce parking. Laroco noted that the operation plan provided by the applicant indicates that this is an appropriate use for the property and staff recommends that the application for a **Major Amendment to a Planned Development to allow for sorority housing** be approved with stipulations noting that the approval is to the operator and any change in ownership or operator would require a Major Amendment to the Planned Development.

Susan Campo, 414 Columbus Street, spoke to her concern with parking for the property and hopes that the residents will use the parking wisely and believes that they will be good neighbors if they do so.

Brewer moved, Bulman seconded and unanimously carried to approve the requested Major Amendment to the Planned Development with the following stipulations:

1. **The requested Exception to reduce the required amount of off-street parking spaces on the property from 13 spaces to 0 spaces is hereby granted, and;**
2. **The sorority house shall operate in compliance with the applicant's submitted operations plan. Changes to the operation and/or operator of the proposed sorority house shall require a Major Amendment to the Planned Development. (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.

Lacock requested that Items 10 and 11 be heard concurrently.

10. No. 15VR003 - C2B Addition
A request by Ferber Engineering Company for Black Hills Corporation to consider an application for a **Vacation of Right-of-Way** for that portion of Catron Boulevard right-of-way adjacent to Lot 1 of C2B Addition, located in Sections 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast quadrant of the intersection of Catron Boulevard and Les Hollers Way.
- *11. No. 15PD017 - C2B Addition
A request by Ferber Engineering Company for Black Hills Corporation to

consider an application for a **Final Planned Development Overlay to construct an office complex** for Lot 1 of C2B Addition less Les Hollers Way right-of-way, located in Sections 26 and 27, T1N R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southwest quadrant of the intersection of Catron Boulevard and Les Hollers Way.

Scull stated that he would be recusing himself from items 10 thru 14 and stepped down from the dais at this time.

Lacock presented the applications and reviewed the associated slides. Lacock reviewed the site plan for the area to be vacated noting that the drainage channel will be incorporated into the drainage feature on the site and the inlet will be constructed in the remaining right-of-way. Lacock stated that the remaining right-of-way will be 150 feet and the required minimal width for Catron Boulevard is 100 feet.

Lacock stated that last year the Planning Commission had approved the vacation of the Highway 16 Service Road in the northwest corner of the property noting that the road is still in use and reviewed the applicant's plan to develop the area. Lacock noted that the facility will be built in two phases with the initial building to be built now and a second structure to be added at a later date. Lacock reviewed the building design of the proposed four story building which includes open office spaces, a fitness center, a child care center and a cafeteria for the employees of the headquarters. Lacock said that an Exception to the height limit from 45 feet to 75 feet, an Exception to reduce parking from 1,593 parking spaces to 1,030 parking and an Exception to waive the screening fence on a portion of the south lot line have been requested. Lacock reviewed the applicant's proposal to construct Less Holler's Way and to extend a new street called Energy Parkway across the property. The applicant is aware that the second phase will require a Major Amendment to the Planned Development and that the parking and screening Exceptions will be reviewed at that time. Lacock stated that staff supports the Exceptions and as such recommends that the **Vacation of Right-of-Way** be approved and that the **Final Planned Development Overlay to construct an office complex** be approved with stipulations.

Dan Godfrey, 7601 S. Highway 16, asked about the vacation of the Service Road and asked if an overpass will be constructed for the South Highway 16 and Catron Boulevard intersection. Fisher stated that although the South Dakota Department of Transportation continues to review the possibility for an urban interchange for this intersection and have worked to ensure the required right-of-ways have been retained, no plans are actively being pursued. Fisher also clarified that the vacation of the right-of-way was processed in 2013. Godfrey stated that as a resident of the area he does use the service road and wanted to ensure that the loss of the road was being addressed.

**Rolinger moved, Braun seconded and unanimously carried to recommend that the Vacation of Right-of-Way be approved, and;
To approve the Final Planned Development Overlay to construct an office**

complex with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required parking from 1,593 parking spaces to 1,030 parking spaces;
2. An Exception is hereby granted to allow a maximum building height of 75 feet for the centrally located fourth floor of the proposed structure in lieu of the maximum allowed height of 45 feet;
3. An Exception is hereby granted to waive the screening requirement for the Phase I parking lot development on the south side of the property. A review of the screening fence requirement will be reviewed upon submittal of a Major Amendment application for Phase II of the development;
4. Prior to starting construction of subdivision improvements, development engineering plans shall be submitted for review and approval;
5. Prior to approval of development engineering plans, all redlined comments to the Traffic Impact Study shall be addressed; and,
6. The Final Planned Development Overlay shall allow for Phase I of the Black Hills Corporation headquarters including a Child Care Center for 50 children. Any expansion of the Child Care Center will require a Major Amendment to the Planned Development. Phase II shall require a Major Amendment to the Planned Development. Any permitted use in the General Commercial District in compliance with the parking regulations shall require a building permit. 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 Final Planned Development Overlay. (9 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger 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.

Lacock requested that items 12, 13, and 14 be hear concurrently

12. No. 15RZ012 - Denmans Addition
A request by FMG, Inc for South Dakota School of Mines and Technology Foundation to consider an application for a **Rezoning from General Commercial District to High Density Residential District** for the W1/2 of Lot 6 and all of Lots 7 thru 11 of Block 4 of Denmans Subdivision, located in the NE1/4 of Section 1, T1N, R7E and the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 217 and 211 East St. Joseph Street.
13. No. 15RZ013 - Denmans Addition
A request by FMG, Inc for South Dakota School of Mines and Technology

Foundation to consider an application for a **Rezoning from General Commercial District to High Density Residential District** for Lots 14 thru 16 of Block 4 of Denmans Addition, located in the NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of St. Joseph Street east of Maple Avenue.

*14. No. 15PD016 - Denmans Addition

A request by FMG, Inc for School of Mines and Technology Foundation to consider an application for a **Initial Planned Development to allow for a student residence building** for the W1/2 of Lot 6 and all of Lots 7 thru 30 of Block 4 of Denmans Addition, located in the NE1/2 of Section 1 of T1N, R7E and the NW1/4 of Section 4 of T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Saint Joseph Street, east of Maple Avenue, north of Kansas City Street.

Braun stated that he should be abstaining from items 12, 13 and 14 due to a conflict of interest.

Lacock reviewed the Rezoning applications noting that they are in character with the surrounding area. Lacock stated that the rezoning applications are being requested to facilitate the redevelopment of the area for the Initial Planned Development for a student residence for the South Dakota School of Mines and Technology. Lacock referenced the previous redevelopment in this area that created student housing in recent years and indicated that an application for a Vacation of Right-of-Way is anticipated to be heard in the near future for a portion of the alleyway adjacent to the property to allow the extension of the pedestrian and bike pathway that currently exists to the east. Lacock said that a six-story, 125 room dormitory is proposed in this phase of development, but that there are plans for a future phase. The future phase will be reviewed as Major Amendments to the Planned Development. Lacock reviewed the requested Exceptions stating that staff supports the Exceptions and as such staff recommends that the **Rezoning from General Commercial District to High Density Residential District** be approved, the **Rezoning from General Commercial District to High Density Residential District** be approved and the **Initial Planned Development to allow for a student residence building** be approved with stipulations.

Popp moved to approve with stipulations, Rolinger seconded.

In response to a question from Bulman, regarding the ten foot setback, Lacock stated that the Comprehensive Plan shows this area as a Revitalization Corridor and that the design of the proposed complex is consistent with the Core Values per the Comprehensive Plan.

**Popp moved, Rolinger seconded and unanimously carried to recommend that the Rezoning from General Commercial District to High Density Residential District be approved, and;
To recommend that the Rezoning from General Commercial District to High Density Residential District be approved, and;**

To approve the Initial Planned Development Overlay to allow a student residence building with the following stipulations:

1. If the Planning Commission should determine that the reduction in parking is appropriate, staff recommend that the Exception to reduce the minimum required parking from 164 parking spaces to 155 parking spaces be granted;
2. An Exception is hereby granted to reduce the minimum required front yard setback along Saint Joseph Street from 35 feet to 10 feet;
3. An Exception is hereby granted to reduce the minimum required side yard setback that abuts Maple Avenue from 35 feet to 18 feet;
4. An Exception is hereby granted to reduce the minimum required parking aisle width from 26 feet to 24 feet;
5. An Exception is hereby granted to allow the proposed landscaped boulevards in lieu of the minimum required four landscaped parking islands;
7. Prior to submittal of a Final Planned Development, the Vacation of Right-of-Way for the alley shall be approved or the design of the complex must be changed accordingly; and,
8. The Initial Planned Development Overlay shall allow a student residence building. Any change in use that is a permitted use in the underlying zoning districts and in compliance with the parking and development standards of the Zoning Ordinance shall require a building permit. Any change in use that is a Conditional Use in the underlying zoning districts shall require the review and approval of a Final Planned Development Overlay. (8 to 0 to 1 with Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no and Braun 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.

15. Discussion Items
None

16. Staff Items
None

17. Planning Commission Items
Marchand stated that John Pinkard has submitted his resignation and thanked him for his service and wished him well in his future endeavors.

Bulman requested a review of the Historic Preservation Committee Ordinance and Resolution. Limbaugh invited those Planning Commission members who wish to review the Ordinance to participate in an informal

meeting and said that Hanzel will send out an invitation with further information and meeting time.

18. Committee Reports

There being no further business, Bulman moved, Braun seconded and unanimously carried to adjourn the meeting at 8:36 a.m. (9 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)