

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 9, 2015

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

MEMBERS ABSENT: Galen Hoogestraat and Andrew Scull

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Sarah Hanzel, Tim Behlings, Ted Johnson, Carla Cushman, Laura Scott and Andrea Wolff.

Marchand called the meeting to order at 7:12 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 3, 4, 12 and 14 be removed from the Consent Agenda for separate consideration.

Planning Commission requested that Items 2, 11, 13 and 16 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger, seconded by Brewer and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 16 in accordance with the staff recommendations with the exception of Items 2, 3, 4, 11, 12, 13, 14 and 16. (8 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the June 25, 2015 Planning Commission Meeting Minutes.

5. No. 15VR004 - Blakes Addition

A request by KLJ for City of Rapid City to consider an application for a **Vacation of Right-of-Way** for that portion of the easterly 37 feet of East Boulevard North right-of-way adjacent to Lots 10 through 19 of Block 7, of Blakes Addition, located in the SE1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East New York Street and East Philadelphia Street.

Planning Commission approved the Vacation of Right-of-Way.

6. No. 15VR005 - Blakes Addition No. 2

A request by KLJ for City of Rapid City to consider an application for a **Vacation of Right-of-Way** for that portion of the easterly 37 feet of East Boulevard North

right-of-way adjacent to Lots 13 through 17 of Block 17, of Blakes Addition No. 2, located in the SE1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East Chicago Street and East New York Street.

Planning Commission approved the Vacation of Right-of-Way.

7. No. 15VR006 - Blakes Addition No.2
A request by KLJ for City of Rapid City to consider an application for a **Vacation of Right-of-Way** for that portion of the easterly 33 feet of East Boulevard North right-of-way abutting Track A of Lot 17, of Blakes Addition No. 2, located in 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East Chicago Street and East New York Street.

Planning Commission approved the Vacation of Right-of-Way.

8. No. 15VR007 - Blakes Addition No.2
A request by KLJ for City of Rapid City to consider an application for a **Vacation of Right-of-Way** for that portion of the easterly 55 feet of East Boulevard North right-of-way abutting Lots 16 thru 18 of Block 18, of Blakes Addition No. 2, located in 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East St. Louis Street and East Chicago Street.

Planning Commission approved the Vacation of Right-of-Way.

9. No. 15VR008 - Blakes Addition No.2
A request by KLJ for City of Rapid City to consider an application for a **Vacation of Right-of-Way** for that portion of the easterly 55 feet of East Boulevard North right-of-way abutting 19 thru 20 of Block 18, of Blakes Addition No. 2, located in 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East Chicago Street and East New York Street.

Planning Commission approved the Vacation of Right-of-Way.

10. No. 15VR009 - Blakes Addition No.2
A request by KLJ for City of Rapid City to consider an application for a **Vacation of Right-of-Way** for that portion of the easterly 55 feet of East Boulevard North right-of-way abutting Lots 21 thru 25 of Block 18, of Blakes Addition No. 2, located in 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East St. Louis Street and East Chicago Street.

Planning Commission approved the Vacation of Right-of-Way.

15. No. 15OA005 - Ordinance to add bed and breakfast facilities as conditional uses in the Park Forest District by amending Section 17.08.030 of the Rapid City Municipal Code

*A request by to consider an application for an **Ordinance to add bed and breakfast facilities as a conditional use in the Park Forest District by amending Section 17.08.030 of the Rapid City Municipal Code.***

Planning Commission recommended that the Ordinance to add bed and breakfast facilities as a conditional use in the Park Forest District by amending Section 17.08.030 of the Rapid City Municipal Code be approved.

---END OF CONSENT CALENDAR---

2. No. 07TI007 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Resolution for the Dissolution of Tax Increment District No. 63** for Government Lot 3 and the SE1/4NW1/4 less Lot A and the unplatted portion of the NE1/4SW1/4 less the south 270 feet and less part of Copperfield Subdivision all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Government Lot 2 less Rushmore Business Park and the West 660 feet of Government Lot 1 less Rushmore Business Park and the north 1081.18 feet of the SW1/4NE1/4 less Rushmore Business Park and the west 660 feet of the north 1081.18 feet of the SE1/4NE1/4 less Rushmore Business Park, and E. Anamosa Street right-of-way, Concourse Drive right-of-way, and Turbine Drive right-of-way all located within the area as described above and Homestead Street right-of-way located west of Concourse Drive, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located west of Elk Vale Road and north of Copperfield Subdivision.

Hanzel stated all project costs are paid off thirteen years earlier than projected. By state law the TID is to be dissolved.

Brewer spoke regarding the positive impacts the TID created.

Braun abstained due to a conflict of interest.

Popp moved, Swank seconded the motion to recommend that the Resolution for the Dissolution of Tax Increment District No. 63 be approved. (7 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no and Braun abstaining)

- *3. 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.

Lacock stated that the applicant indicated they will not be starting the drainage feature in time for the July 23 Planning Commission meeting. As such, staff recommends the item to be continued to the August 6, 2015 Planning Commission meeting.

Bulman motioned, Braun seconded and unanimously carried to continue the Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure to the July 23, 2015 Planning Commission meeting. (8 to 0 with Braun, Brewer, Bulman, Marchand, 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.

4. No. 15RZ008 - Buffalo Ridge Subdivision

A request by Dream Design International Inc. to consider an application for a **Rezoning from Low Density Residential District I to Low Density Residential District II** for the unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; this being the true point of beginning; thence S02°00'56"W 1325.99 feet; thence N87°48'27"W 680.57 feet; thence N01°18'09"E 1307.89 feet; thence S89°18'29"E 697.03 feet to the Point of Beginning, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

Fisher addressed the item noting an error in the notification process and the applicant's acceptance of the renotification requirement. Fisher recommended that this item be continued to the July 23, 2015 Planning Commission meeting.

Brewer motioned, Rolinger seconded and unanimously carried to continue the Rezoning from Low Density Residential District I to Low Density Residential District II to July 23, 2015 Planning Commission meeting. (8 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)

11. No. 15VR010 - Denmans Addition

A request by FMG, Inc for South Dakota School of Mines and Technology Foundation to consider an application for a **Vacation of Right-of-Way** for a parcel of land located in the NE1/4 of Section 1, T1N, R7E, BHM and in the NW1/4 of Section 6, T1N, R8E, BHM; Rapid City, Pennington County, South Dakota. Commencing at a 5/8" rebar marking the southwestern corner of Block 4

of Denman's Addition, Thence on a line bearing N12°40'55"E a distance of 139.72' to a point of beginning, Thence on a line bearing N12°40'55"E a distance of 20.20' to a point; Thence on a line bearing S72°46'40"E a distance of 258.81 to a point; Thence on a line bearing S12°45'43"W a distance of 20.0' to a point; Thence on a line bearing N72°46'37"W a distance of 258.78 to the point of beginning, more generally described as being located between E. St. Joseph Street and E. Kansas City Street between Maple Avenue and Elm Avenue.

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

Rolinger motioned, Swank seconded and unanimously carried to recommend the Vacation of Right-of-Way be approved with the following stipulation:

- 1. Prior to City Council approval, a revised Exhibit document shall be submitted addressing the Register of Deeds' redline comments; and,**
- 2. Prior to City Council approval, a public sewer, drainage, and utility easement for the area of the alley vacation shall be submitted for recording. (7 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger and Swank voting yes, none voting no and Braun abstaining)**

12. No. 15PL049 - Larson Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Larson Subdivision, legally described as the NW1/4 of the SW1/4 of Government Lot 3 of Section 30, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7344 Norsemen Lane.

Fisher presented the item, noting the introduction of new stipulations and noting it is outside of City Limits but within the 3 mile platting jurisdiction. Fisher reviewed the stipulations of approval and presented staff's recommendation that the **Preliminary Subdivision Plan** be approve with stipulation.

Rolinger motioned, Brewer seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations;

- 1. A Final Plat shall be submitted for review and approval;**
- 2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the cul-de-sac street labeled as "Norseman Lane"; and,**
- 3. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures;**
- 4. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted**

for review and approval;

5. Prior to approval of a Development Engineering Plan application, final engineering plans, signed and sealed by a Professional Engineer, shall be submitted for review and approval;
6. 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,
7. Upon submittal of a Final Plat application, a Road Maintenance Agreement shall be submitted for recording. (7 to 0 with Brewer, Braun, Bulman, Marchand, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)

13. No. 15PL052 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1A and B, Lots 2 thru 3, Lots 1 thru 3 of Block 3 of LaGrand Subdivision, legally described as Lot 1 of Block 2 of LaGrand Subdivision, that portion of the NE1/4 less LaGrand Subdivision, Less Lots H2, H3 and Less right-of-way, all located in Section 33, T2N, R8E, Rapid City, South Dakota, more generally described as being located west of Elk Vale Drive and south of Eglin Street.

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

Rolinger motioned, Swank 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 Elk Vale Road shall be submitted for review and approval showing curb, gutter, sewer and a dual water main or an Exception shall be obtained. In addition, the construction plans shall show a sidewalk along Elk Vale Road as it abuts the property or a Variance shall be obtained from the City Council to waive the requirement to provide a sidewalk. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, construction plans for Turbine Drive showing the street located within a minimum 68 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. In addition, since the street intersects with an arterial street, the first 200 linear feet of Turbine Drive shall have a minimum right-of-way width of 78 feet pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual 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,

- construction plans for Eglin Street shall be submitted for review and approval showing a dual water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with Development Engineering Plan application;
4. 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 or an Exception shall be obtained. The water plan and analysis shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, the water main along Turbine Drive exceeds maximum allowed length and shall be looped in accordance with the Infrastructure Design Criteria Manual. Utility easements shall also be provided as needed;
 5. 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 or an Exception shall be obtained. The sewer data shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. A sewer master plan shall also be submitted to ensure that the proposed sewer can serve future development. In addition, utility easements shall be provided as needed;
 6. Prior to submittal of the Development Engineering Plan application, redlined comments shall be addressed. Upon submittal of the Development Engineering Plan application, the redlined comments and the revised drawings and plat per the redline comments shall be submitted for review and approval or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment shall be obtained. If an Exception is obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
 7. 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;
 8. 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

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;

9. 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;
 10. Upon submittal of a Development Engineering Plan application, a geotechnical analysis including pavement design and soil corrosivity analysis shall be submitted for review and approval 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;
 11. Upon submittal of a Development Engineering Plan application, a complete site plan with a calculated parking plan and landscape plan shall be submitted for the existing development located on the property;
 12. 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;
 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, the plat document shall be revised to show Turbine Drive as N. Turbine Drive;
 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. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (7 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger and Swank voting yes, none voting no and Braun abstaining)
- *14. No. 15UR013 - Rapid City Greenway Tract
A request by KLJ for Storybook Island to consider an application for a **Major Amendment to a Conditional Use Permit to allow additional structures in the Flood Hazard District** for Tract 8 located in Sections 3, 4 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1301 Sheridan Lake Road.

Fisher addressed the item noting that an error in the notification process requires that this item be continued to the July 23, 2015 Planning Commission meeting.

Brewer motioned, Bulman seconded and unanimously carried to continue the Conditional Use Permit to allow additional structures in the Flood

Hazard District to the July 23, 2015 Planning Commission meeting. (8 to 0 with Braun, Brewer, Bulman, Marchand, 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.

16. 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.

In response to a request for clarification from Bulman, Fisher noted that staff's recommendation was to acknowledge the applicant's withdrawal of the application.

Bulman motioned, Braun seconded and unanimously carried to acknowledge the applicant's request to withdraw the application. (8 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*17. No. 15PD019 - McMahon Subdivision

A request by Renner and Associates, LLC to consider an application for a **Final Planned Development to allow mini-storage units** for Lot 4R of Tract G-1 of McMahon Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 519 Kathryn Avenue.

Laroco reviewed the application noting the applicant's request for the use of a landscape screening in lieu of fencing and that the landscaping will provide an adequate buffer to surrounding residential uses. Laroco stated that staff recommends that the application for a **Final Planned Development to allow mini-storage units** be approved with stipulations.

In response to questions from Brewer, Laroco clarified that the planned building materials are painted steel, not corrugated and that all signage will require that a sign permit be obtained.

In response to questions from Bulman, Laroco noted the sign would be a monument sign and that there would be five buildings on the site.

Fisher addressed the landscape buffer specifications regarding the height of the proposed trees.

Laroco addressed the building material for the storage units.

Bulman expressed concern about the visual impact of the proposed construction materials of the building given its close proximity to residential zoning.

Fisher reviewed the Planning Commission's option to continue the item to the next meeting.

After concerns were expressed by Marchand about a need for fencing, Laroco noted that the fencing would encircle the property in addition to the landscaped buffer.

Scott asked Tim Behlings about the property in relation to the proposed firehouse. Laroco noted that the City-owned property is adjacent to the east of the subject property.

Bulman motioned, Swank seconded and unanimously carried to continue the requested Final Planned Development to the July 23, 2015 Planning Commission meeting. (8 to 0 with Braun, Brewer, Bulman, Marchand, 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.

18. Discussion Items

Wolff reminded the Planning Commission of the joint working session to review 15OA001 the Ordinance regarding the Historic Preservation Commission and review process that had been scheduled to be held in the third floor east meeting room at 2:15 on July 14, 2015. All Planning Commissioners were invited to attend.

19. Staff Items

None

20. Planning Commission Items

None

21. Committee Reports

None

There being no further business, Rolinger moved, Swank seconded and

unanimously carried to adjourn the meeting at 7:42 a.m. (8 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)