

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 10, 2015

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

MEMBERS ABSENT: Galen Hoogestraat, Kay Rippentrop and Andrew Scull.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Sarah Hanzel, Rich Broderick, 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.

Staff requested that Items 2 and 5 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations with the exception of Items 2 and 5. (7 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rolinger and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the August 27, 2015 Planning Commission Meeting Minutes.

*3. No. 15UR020 - Rapid City Greenway
A request by South Dakota Game Fish and Parks to consider an application for a **Conditional Use Permit to allow a nesting platform as a structure in the Flood Hazard District** for Tract 1 and 2 and Lot A and B of Tract 3 of Rapid City Greenway Tract, located in Section 9, T1N, R7E and Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Planning Commission approved the Conditional Use Permit with the following stipulations

- 1. This Conditional Use Permit shall allow for an osprey nesting platform to be located within Canyon Lake Park. All requirements of the Flood Hazard District shall be continually met. All uses permitted in the Flood Hazard District shall be permitted. All conditional uses shall require a Major Amendment to 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.

---END OF CONSENT CALENDAR---

*2. No. 15UR018 - Beatty Subdivision

A request by Donna Gilbert to consider an application for a **Conditional Use Permit to allow a bed and breakfast** for Lot 2 of Block 1 of Beatty Subdivision, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3414 Hall Street.

Fisher stated that due to an error in the notification letter the required notification was not met and as such staff requests that the **Conditional Use Permit to allow a bed and breakfast** be continue to the September 24, 2015 Planning Commission meeting to allow staff to send corrected notification letters.

Bulman moved, Swank seconded and unanimously carried to continue the Conditional Use Permit to allow a bed and breakfast to the September 24, 2015 Planning Commission meeting due to an error in notification. (7 to 0 with Braun, Brewer, Bulman, Marchand, Popp, 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. 15RZ018 - Section 13, T1N, R7E

A request by Fisk Land Surveying and Consulting Engineers, Inc for PLM Development LLC, Pat Tlustos to consider an application for a for the NW1/4 of the SE1/4 of the SW1/4 and the NE1/4 of the SE1/4 of the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Minnesota Street and 5th Street.

Fisher stated that due to an error in the notification letter the required notification was not met and as such staff requests that the **Rezoning from Public District to Low Density Residential I District** be continued to the September 24, 2015 Planning Commission meeting to allow staff to send corrected notification letters.

Fisher clarified that the item she needed to pull should have been Item # 4 the **Rezoning from Public District to Low Density Residential I District**.

Rolinger moved and Baun seconded to amend the motion to continue Item #4 rather than Item #5.

Rolinger moved, Braun seconded and unanimously carried to continue the Rezoning from Public District to Low Density Residential I District to the September 24, 2015 Planning Commission meeting due to an error in notification.

5. No. 15AN002 - Southgate Commercial Condos

A request by Costello, Porter Law Firm for BW Properties, LLC to consider an application for a **Petition for Annexation** for property commencing from the Section Corner common to sections 24 & 25, T1N, R7E, B.H.M. and Section 19 & 30, T1N, R8E, B.H.M., thence N0°11'03"W along the section line between sections 24 & 19 a distance of 2003.27' to the Point of Beginning, thence N89°56'19"W a distance of 50.00', thence N0°11'03"W a distance of 50.00', thence N89°56'19"W a distance of 50.00', thence N0°11'03"W a distance of 68.00', thence S89°56'19"E a distance of 50.00', thence N0°11'03"W a distance of 450.00', thence S89°56'19"E along the south line of Catron Blvd. a distance of 460.00', thence S0°11'03"E a distance of 518.00', thence N89°56'19"W a distance of 360.00', thence S0°11'03"E a distance of 50.00', thence N89°56'19"W a distance of 50.00' to the Point of Beginning, more generally described as being located southeast quadrant of Catron Boulevard and 5th Street.

Bulman requested that Item # 5 remain open to review and discussion.

Cushman suggested that a vote be taken to open Item #5 to discussion.

Rolinger moved and Braun seconded to amend the motion to approve Consent Items 1 thru 5 in accordance with the staff recommendations with the exception of Items 2, 4 and 5.

In response to a question from Bulman regarding the Oversized Agreement associated with this annexation, Cushman stated that the Oversized Agreement addresses the developer's agreement to construct 5th Street as a five-lane connector. Cushman stated that she did not know if this has been completed, but that payment would not be made until it is, allowing the annexation to move forward.

In response to a question from Bulman regarding the legal description used to define the annexation, Cushman stated that the applicant is using a metes and bounds description rather than using the condominium definition. Cushman stated that in this case a metes and bounds is the best option and is well within the legal parameters for an annexation.

In response to a question from Brewer regarding the low lying area to the west of the annexed property which appears to be a marshy retaining pond and whether the drainage and right-of-way has been addressed to allow the construction of 5th Street as a five-lane connector, Johnson stated that the annexation does include the right-of-way and that the easement has been retained. Johnson also said that the management of the pond area to the west of the property has been

included in the design and it is anticipated that the proposed drainage canal should alleviate much of the issues.

In response to a question from Bulman, Hanzel confirmed that there is a petition for annexation for this application.

Bulman moved, Rolinger seconded and unanimously carried to recommend that the Petition for Annexation be approved. (7 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rolinger and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*6. No. 15UR019 - South Boulevard Addition

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 cellular communications tower** for Lots 1 thru 13 and Lots 20 thru 32 and the vacated alley located between Lots 1 thru 13 and Lots 20 thru 32 of Block 5 of South Boulevard Addition, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 707 Saint Patrick Street.

Lacock presented the application and reviewed the associated slides. Lacock stated that the applicant has indicated that the tower is to allow for wireless network capacity to handle the increased need for data services rather than cell coverage. Lacock presented staff's recommendation that the **Conditional Use Permit to allow a cellular communications tower** be approved with stipulations.

Brewer moved, Popp seconded and unanimously carried to approve the Conditional Use Permit to allow a cellular communication tower with the following stipulation:

- 1. The Conditional Use Permit shall allow a 75 foot high monopole cellular communication tower with an additional 10 foot lightning rod and an associated equipment shed. The tower shall be designed for co-location and a Building Permit shall be required for the construction of the second equipment shelter. Changes to the proposed tower or equipment shelter(s) that do not meet the criteria of Chapter 17.50.050(G) of the Rapid City Municipal Code shall require a Major Amendment. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Braun, Brewer, Bulman, Marchand, Popp, 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.

*7. 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 noted that this item had been continued from the last Planning Commission meeting to allow for the completion of drainage improvements. Lacock reviewed slides showing the drainage improvements that are being worked on stating that the improvements were not completed at the time of the review and as such staff requests that the **Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure** be continued to the September 24, 2015 Planning Commission meeting to allow the drainage improvements to be completed.

Sheri Dietterle, 3754 Padre Drive, said that she feels that it has taken an excessive amount of time for this item to be completed but otherwise will wait to speak at the next meeting.

Rolinger moved, Bulman seconded and 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 September 24, 2015 Planning Commission meeting. (7 to 0 with Braun, Brewer, Bulman, Marchand, Popp, 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.

8. No. 15VR011 - Sections 16, 17, 20 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Vacation of a Section Line Highway** for that portion of the SW1/4 of the SW1/4 Less Elks Crossing Less Lot H3 and Less right-of-way and that portion of the SE1/4 of the SW1/4 Less Elks Crossing Less Lot H3R and Less right-of-way, located in Section 16, T1N, R8E; that portion of the N1/2 of the N1/2 of the NE1/4 of the NW1/4 Less Lot H3R, the N1/2 of the N1/2 of the NE1/4 of the NW1/4 Less Lot H3R, located in Section 21, T1N, R8E; and that portion of the S1/2 of the SE1/4 less Lot H1, located in Section 17, T1N, R8E; and that portion of the NE1/4 of the NE1/4 and that portion of the NW1/4 of the NE1/4 Less Marling Industrial Park Less Lot H1 and Less right-of-way, located in Section 20,

T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of East Minnesota Street.

Fisher presented the application and reviewed the associated slides. Fisher noted that the county section of the Section Line Highway is being addressed separately through the County process. Fisher noted that the Preliminary Subdivision Plan application previously heard by the Planning Commission (File # 15PL065 and 15PL033) secures access through this area so the section line highways are not needed.

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

Bulman moved, Rolinger seconded and carried to recommend that the Vacation of Right-of-Way be approved with the following stipulation:

- 1. Prior to City Council approval, the proposed utility easement shall be recorded and a copy of the recorded document submitted to the Community Planning and Development Services Department. (6 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Rolinger and Swank voting yes and none voting no and Braun abstaining)**

*9. No. 15PD028 - Potts Subdivision

A request by Sharon Rose and Calvin Lee Havorka to consider an application for a **Final Planned Development Overlay to allow a bed and breakfast in the Park Forest District** 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.

Laroco presented the application and reviewed the associated slides. Laroco stated that since the roads adjacent to the property are not paved the applicant has requested an Exception waiving the requirement to pave the first 50 feet of the driveway. Laroco noted that a recent Ordinance Amendment (File # 15OA006) to allow a bed and breakfast as a conditional use in the Park Forest District had recently been approved clearing the way for this request. Laroco presented staff's recommendation that the **Final Planned Development Overlay to allow a bed and breakfast in the Park Forest District** be approved with stipulations.

Rolinger moved, Brewer seconded and unanimously carried to approve the requested Final Planned Development with the following stipulations:

- 1. The requested Exception to waive the requirement to pave the first fifty feet of the existing driveway is hereby granted. A minimum of 4 off-street parking spaces shall be provided. All parking shall continually comply with the requirements of the Rapid City Municipal Code;**
- 2. This Final Planned Development shall allow for a bed and breakfast as a conditional use on the property. The bed and breakfast facility shall operate in compliance with the submitted operations plan and all**

requirements of the Park Forest District shall be continually maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment. All uses permitted in the Park Forest District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Planned Development. (7 to 0 with Braun, Brewer, Bulman, Marchand, Popp, 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.

*10. No. 15PD029 - Forest Hills Subdivision

A request by Kent R. Hagg to consider an application for a **Final Planned Development Overlay to allow an oversized garage in the Low Density Residential District** for Lot B of Forest Hills Subdivision, located in the NW1/4 of the SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1224 Skyline Drive.

Lacock stated that the applicant had contacted staff to request that this item be continued. Lacock stated that staff therefore requests that the **Final Planned Development Overlay to allow an oversized garage in the Low Density Residential District** be continued to the September 24, 2015 Planning Commission meeting.

Rolinger moved, Brewer seconded and unanimously carried to continue the Final Planned Development Overlay to allow an oversized garage in the Low Density Residential District to the September 24, 2015 Planning Commission meeting at the applicants request. (7 to 0 with Braun, Brewer, Bulman, Marchand, Popp, 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.

*11. No. 15PD037 - Eastbrooke Subdivision

A request by Dream Design International, Inc. to consider an application for a **Revocation of a Final Planned Development Overlay** for a planned development located on Lot 3, Eastbrooke Subdivision, located in Section 31, T2N, R8E and Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 3, Eastbrooke Subdivision, all located in the SE ¼ of the SW ¼ of

Section 31, T2N, R8E, & in the NE ¼ of the NW ¼ of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the point of beginning. Thence, first course: N 00°04'43" E a distance of 201.98'; Thence, second course: N 00°02'43" E a distance of 59.72'; Thence, third course: S 89°51'02" E a distance of 439.68'; Thence, fourth course: S 00°00'34" E a distance of 260.96'; Thence, fifth course: N 89°56'48" W a distance of 440.04', to the said point of beginning, more generally described as being located in the northwest corner of the East Omaha Street and LaCrosse Street intersection.

Laroco presented the application reviewing the associated Plan Development application (File #14PD037) that created the Planned Development noting that the applicant has now requested that the Planned Development be removed due to a change in development plans for the property. Laroco pointed out that the Planned Development Designation extends further than the area within the revocation and that the Planned Development Designation will remain on the northern portion of the property to maintain the buffer between the residential properties and proposed commercial development. Laroco also stated that the Conditional Use Permit to allow on-sale liquor establishments previously approved with the Planned Development are revoked with this revocation and any future development on the property must now comply with the Rapid City Municipal Code and Infrastructure Criteria Manual specifications. Laroco stated that staff recommends that the **Revocation of a Final Planned Development Overlay** be approved.

In response to a question from Brewer, Laroco confirmed that the revocation removes all of the Conditional Use Permits associated to the property.

Fisher responded to question from Bulman, stating that the planned development designation on this property was initiated by the applicant's rezone to create a buffer for the residential development to the north. Fisher stated that due to the change of plans for this property the Planned Development was being removed, but that the balance of the Planned Development Destination would remain in effect.

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

Rolinger moved, Swank seconded and unanimously carried to approve the Revocation of a Final Planned Development Overlay. (6 to 0 to 1 with Brewer, Bulman, Marchand, Popp, 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.

12. Discussion Items

None

13. Staff Items

None

14. Planning Commission Items

None

15. Committee Reports

- A. City Council Report (August 17, 2015)
The City Council concurred with the recommendations of the Planning Commission
- B. Zoning Board of Adjustment
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

There being no further business, Popp moved, Braun seconded and unanimously carried to adjourn the meeting at 7:41 a.m. (7 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rolinger and Swank voting yes and none voting no)