

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 5, 2015

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

MEMBERS ABSENT: Mark Jobman

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Tim Behlings, Ted Johnson, Dale Tech, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:00 a.m.

Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, Planning Commission recommended or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Item 3 be removed from the Consent Agenda for separate consideration.

Motion by Scull seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations with the exception of Item 3. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 5, 2015 Planning Commission Meeting Minutes.
2. No. 15CA002 - Comprehensive Plan Amendment to the Major Street Plan to realign a Principal Arterial Street
Summary of Adoption Action for a request by Sperlich Consulting for Freeland Meadows, LLC to consider an application for a **Comprehensive Plan Amendment to the Major Street Plan to realign a Principal Arterial Street.**

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

---END OF CONSENT CALENDAR---

3. No. 15PL092 - South 40 Subdivision
A request by Centerline for LazyP6 Land Co. to consider an application for a **Preliminary Subdivision Plan** for Lot 1 of Block 1 of South 40 Subdivision, legally described as 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, BHM, Pennington County, South Dakota, more generally described as being located in the southeast quadrant of Catron Blvd and 5th Street.

Fisher presented the **Preliminary Subdivision Plan** application noting that the stipulations have been revised to include that surety for the inspection fees be posted prior to submittal of a Final Plat. Fisher said that staff recommends the **Preliminary Subdivision Plan** be approved with the revised stipulations.

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

- 1. Prior to submittal of a Final Plat application, the revised Development Agreement to allow surety to be posted for the design and construction of subdivision improvements shall be executed or construction plans for the subdivision improvements shall be submitted for review and approval as required;**
- 2. Prior to submittal of a Final Plat application, the waiver of right to protest any future assessments for the improvements along Catron Boulevard shall be executed;**
- 3. Prior to submittal of a Final Plat application, the plat document shall be revised to address redline comments;**
- 4. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and surety for the subdivision inspection fees shall be posted; and,**
- 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, all necessary drainage easements shall be secured within easement(s). (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Scull, and Swank voting yes and none voting no)**

---BEGINNING OF REGULAR AGENDA ITEMS---

- 4. No. 15AN003 - Southgate Commercial Condos**
A request by Centerline for Lazy P6 Land Co., Inc. to consider an application for a **Petition for Annexation** for property commencing from the southwest corner of Section 19, T1N, R8E, B.H.M., thence along the section line N00°11'03"W a distance of 1323.13' to the Point of Beginning, thence N89°57'14"W a distance of 50.00', thence N00°11'03"W a distance of 680.15', thence S89°56'19"E a distance of 100.00', thence N00°11'03"W a distance of 50.00', thence

S89°56'19"E a distance of 360.00' thence along the east line of Unit 2 of Southgate Commercial Condos N00°11'03"W a distance of 518.00', thence along the Catron Boulevard right-of-way S89°56'19"E a distance of 232.65' to the PC of a left-hand curve with a radius of 1348.24', a length of 453.76' and a central angle of 19°17'00", thence along the quarter line of Section 19 S89°58'20"E a distance of 227.96', thence along the west line of Tract A of Wasteland Subdivision S00°12'05"E a distance of 1320.93' thence S89°55'54"W a distance of 1316.56' to the Point of Beginning, more generally described as being located in the southeast quadrant of Carton Boulevard and 5th Street intersection.

Hanzel presented the application noting the item had been placed on the non-consent agenda to allow the review of the Rural Fire District debt repayment options. Hanzel reviewed the recent ordinance revision that made the payment of these debts by the City to the Fire Districts an option that is to be decided as a part of the recommendation of approval. Hanzel stated that staff recommends approval of the **Petition for Annexation**.

Bulman moved, Scull seconded to approve.

Hanzel read the options of approval to allow the motion to identify that the option to pay the rural fire district is being approved.

Bulman moved, Scull seconded and unanimously carried to approve the Petition for Annexation with Option One. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Scull, and Swank voting yes and none voting no)

5. No. 15AN004 - Section 19, T2N, R8E

A request by Hagg Brothers, LLC to consider an application for a **Petition for Annexation** for the southwest quarter (SW1/4) of Section Nineteen (19), Township two north (T2N), Range eight east of the Black Hills Meridian, Pennington County, South Dakota excepting therefrom Freeland Subdivision and excepting therefrom Prairie Hills Subdivision and also excepting therefrom a tract of land situated in the southeast quarter of the southwest quarter (SE1/4SW1/4) of Section Nineteen (19), Township two north (T2N), range eight east (R8E), more particularly as follows: commencing at the northwest corner of lot five (5) of Freeland Subdivision located in the southeast quarter of the southwest quarter (SE1/4SW1/4), Section Nineteen (19), Township two north (T2N), range eight east of the black hills meridian (R8E BHM), thence due north forty feet (N40') to the point of beginning of the tract to be described, thence due north 208.7 feet; thence due east 208.7 feet; thence due south 208.7 feet; thence due west 208.7 feet to the point of beginning, more generally described as being located north of Mall Drive between future North Maple and LaCrosse.

Hanzel presented the application and read the options of approval. Hanzel stated that staff recommends that the **Petition for Annexation** be approved with one of the options of Rural Fire District debt repayment.

Cushman clarified that this option of addressing the payment of debts to Fire Districts will be a part of the annexations going forward. Cushman stated that when property is annexed into Rapid City, that property is removed from the previous Fire District and becomes part of the City's Fire Department service area and that any possible debt owed on the property can be paid to the Fire District the property was part of, as an option the City decides upon annexation.

In response to a question from Scott, Cushman confirmed that the recommended reimbursement fund for these payments is the Mayor and Council's budget.

Hoogestraat moved, Swank seconded and unanimously carried to recommend approving the Petition for Annexation with Option One. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Scull, and Swank voting yes and none voting no)

6. No. 15RZ020 - Section 19, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agricultural District** for the southwest quarter (SW1/4) of Section Nineteen (19), Township two north (T2N), Range eight east of the Black Hills Meridian, Pennington County, South Dakota excepting therefrom Freeland Subdivision and excepting therefrom Prairie Hills Subdivision and also excepting therefrom a tract of land situated in the southeast quarter of the southwest quarter (SE1/4SW1/4) of Section Nineteen (19), Township two north (T2N), range eight east (R8E), more particularly as follows: commencing at the northwest corner of lot five (5) of Freeland Subdivision located in the southeast quarter of the southwest quarter (SE1/4SW1/4), Section Nineteen (19), Township two north (T2N), range eight east of the black hills meridian (R8E BHM), thence due north forty feet (N40') to the point of beginning of the tract to be described, thence due north 208.7 feet; thence due east 208.7 feet; thence due south 208.7 feet; thence due west 208.7 feet to the point of beginning, more generally described as being located north of Mall Drive between future North Maple and LaCrosse.

Hanzel presented the application noting that the rezone as an associated with the associated annexation of the property (15AN004) stating that the annexation of the property automatically zones the property as No Use District and this rezoning request will allow the annexed property to be rezoned to General Agricultural District. Hanzel said that staff recommends the **Rezoning from No Use District to General Agricultural District** be approved.

Rolinger moved, Marchand seconded and unanimously carried to recommend that the Rezoning from No Use District to General Agricultural District be approved. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Scull, and Swank voting yes and none voting no)

7. Discussion Items

Discussion clarifying the Fire District Fees followed.

In response to a question from Rolinger regarding the request for staff to provide information on processes for addressing setback and encroachment issues, Cushman stated that she will share this item at the November 25, 2015 Zoning Board of Adjustment Planning Commission meeting.

8. Staff Items

Fisher reviewed the recent changes to the Planning Commission including the addition of Kim Schmidt as Alternate # 2, Mark Jobman moving to Alternate #1 and Galen Hoogentraat becoming a full voting member of the Planning Commission.

9. Planning Commission Items

None

10. Committee Reports

A. City Council Report (October 19, 2015)

The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

60. No. 15UR018 – Appeal of the Planning Commission's Decision on a request by Donna Gilbert for a **Conditional Use Permit to allow a bed and breakfast** for property located at 3414 Hall Street.

City Council Denied reversing the Planning Commission's action. Notice to cease operations to be sent.

In response to Braun's question on the City Council reversing the Planning Commission's approval of the Conditional Use Permit to allow a bed and breakfast in the residential district, Scott stated that the City Council reviewed the recording of the Planning Commission's meeting and noted that the parking issue was the major issue that lead to their reversal of the Planning Commission's decision. Fisher stated that a letter was sent notifying the applicant of the reversal of decision and the option to resubmit with a working parking plan.

There being no further business, Swank moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:15 a.m. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Scull, and Swank voting yes and none voting no)