

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 7, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Galen Hoogestraat, Curt Huus, Eric Ottenbacher, Mike Quasney and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Herr and Justin Vangraefschepe

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Tim Behlings, Ted Johnson, Todd Peckosh, Wade Nyberg 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, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Items 8 be removed from the Consent Agenda for separate consideration.

Motion by Hoogestraat seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 10 in accordance with the staff recommendations with the exception of Items 8. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 24, 2018 Planning Commission Meeting Minutes.
2. No. 18PL033 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc for Walgar Development Corp to consider an application for a **Preliminary Subdivision Plan** for Lots 1 thru 6 of Block 10, Lots 4 thru 10 of Block 19 and Lots 1 thru 7 of Block 20 of Robbinsdale Addition No. 10, legally described as the balance of Tract A of Block 19 of Robbinsdale Addition No. 10, located in the W1/2 of the NW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Hanover Drive and Parkview Drive.

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

1. **Prior to approval of a Development Engineering Plan application, an Engineering Report per Chapter 1.15 of the Infrastructure Design Criteria Manual shall be submitted for review and approval. 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;
2. Prior to approval of a Development Engineering Plan application, any easements on adjacent property necessary for construction shall be obtained;
 3. Prior to approval of a Development Engineering Plan application, an Oversize Agreement shall be entered into with the City to cover any oversize costs associated with the project;
 4. Upon submittal of a Development Engineering Plan application, construction plans for Hanover Drive and Winfield Street shall be submitted for review and approval showing the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 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 document shall be submitted with the Development Engineering Plan application;
 5. 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. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development;
 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;
 7. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed;
 8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 9. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;

10. **Prior to submittal of a Final Plat application, the plat document shall be revised to address the Register of Deeds Office comments;**
11. **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,**
12. **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).**

3. No. 18CA001 - Eastbrooke Subdivision

A request by KTM Design Solutions, Inc for Mollers Limited Partnership to consider an application for a **Comprehensive Plan Amendment to Amend the Future Land Use Plan from Mixed Use Commercial to Urban Neighborhood** for , legally described as a portion of Lot 3 of the Eastbrooke Subdivision, all located in Sections 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest Corner of Lot 3 of the Eastbrooke Subdivision, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the point of beginning; Thence first course: S89°30'41"E, a distance of 439.38 feet; Thence second course: S00°00'57"E, a distance of 248.11 feet; Thence third course: N89°56'46"W, a distance of 247.06 feet; Thence fourth course: N89°56'46"W, a distance of 192.52 feet; Thence fifth course: N00°02'05"W, a distance of 251.44 feet, to the point of beginning, more generally described as being located northwest of the intersection of Lacrosse Street and E. Omaha Street.

Planning Commission recommended approving the request to amend the Comprehensive Plan to change the Future Land Use Designation of the property from Mixed Use Commercial to Urban Neighborhood.

4. No. 18RZ015 - Eastbrooke Subdivision

A request by KTM Design Solutions, Inc for Mollers Limited Partnership to consider an application for a **Rezoning request from General Commercial District to Medium Density Residential District** for a portion of Lot 3 of the Eastbrooke Subdivision, all located in Sections 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest Corner of Lot 3 of the Eastbrooke Subdivision, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the point of beginning; Thence first course: S89°30'41"E, a distance of 439.38 feet; Thence second course: S00°00'57"E, a distance of 248.11 feet; Thence third course: N89°56'46"W, a distance of 247.06 feet; Thence fourth course: N89°56'46"W, a distance of 192.52 feet; Thence fifth course: N00°02'05"W, a distance of 251.44 feet, to the point of beginning, more generally described as being located northwest of the intersection of Lacrosse Street and E. Omaha Street.

Planning Commission recommended that the Rezoning request from General Commercial District to Medium Density Residential District be approved in conjunction with 18CA001.

*5. No. 18PD019 - Eastbrooke Subdivision

A request by KTM Design Solutions, Inc for Mollers Limited Partnership to consider an application for a **Initial Planned Development Overlay to allow an apartment complex** for a portion of Lot 3 of the Eastbrooke Subdivision, all located in Sections 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest Corner of Lot 3 of the Eastbrooke Subdivision, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the point of beginning; Thence first course: S89°30'41"E, a distance of 439.38 feet; Thence second course: S00°00'57"E, a distance of 248.11 feet; Thence third course: N89°56'46"W, a distance of 247.06 feet; Thence fourth course: N89°56'46"W, a distance of 192.52 feet; Thence fifth course: N00°02'05"W, a distance of 251.44 feet, to the point of beginning, more generally described as being located northwest of the intersection of Lacrosse Street and E. Omaha Street.

Planning Commission approved the Initial Planned Development Overlay to allow an apartment complex be approved with the following stipulations and in conjunction with the associated Rezoning request and Comprehensive Plan Amendment:

1. Upon submittal of a Final Planned Development Overlay application, redlined comments shall be addressed;
2. Upon submittal of a Final Planned Development Overlay application, a landscape plan shall be submitted for review and approval;
3. Upon submittal of a Final Planned Development Overlay application, the plans shall be revised to identify the 14,400 square feet of usable open space required. Details of the proposed play area shall also be submitted for review and approval;
4. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval;
5. Prior to issuance of a Building Permit, Development Engineering Plans shall be approved;
6. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved; and,
7. This Initial Planned Development Overlay shall allow an apartment complex. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval. Any conditional use shall require the review and approval of a Final Planned Development Overlay.

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.

6. No. 18PL037 - Fountain Springs Business Park

A request by KTM Design Solutions Inc for Franklin Simpson to consider an application for a **Preliminary Subdivision Plan** for proposed Tract EE of

Fountain Spring Business Park, legally described as a portion of Tract C-R-3 Less Tract N Fountain Springs Business Park, Fountain Springs Golf Course and Gardens, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of North Plaza Drive and Rand Road.

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

- 1. Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. 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;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Rand Road shall be submitted for review and approval showing the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk and street light conduit or an Exception shall be obtained. In addition, the plat document shall show the dedication of one additional foot of right-of-way or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;**
- 3. 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. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development;**
- 4. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;**
- 5. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water**

quality treatment. In addition, easements shall be provided as needed;

6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
7. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
8. Prior to submittal of a Final Plat application, the plat document shall show an alternate labeling for proposed Tract EE, such as Tract X, Y or Z or Tract 1, 2 or 3;
9. 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,
10. 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. No. 18RZ016 - Fountain Springs Business Park

A request by KTM Design Solutions Inc for Franklin Simpson to consider an application for a **Rezoning Request from General Agricultural District to Light Industrial District** for a portion of Tract C-R-3 less Tract N Fountain Springs Business Park, Fountain Springs Golf Course and Gardens Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Tract E, Fountain Springs Business Park, located in the SE ¼ of the NW ¼ of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; known as the point of beginning; Thence, first course: N 61°58'56" E a distance of 425.37' to the SE corner of said Tract E; Thence, second course: S 10°15'31" E a distance of 100.00'; Thence, third course: S 65°03'46" W a distance of 295.57'; Thence, fourth course: S 47°35'23" W a distance of 101.32' to the existing dedicated right-of-way ; Thence, fifth course: N 28°53'05" W a distance of 104.55', to the said point of beginning, more generally described as being located southeast of the intersection of North Plaza Drive and Rand Road.

Planning Commission recommended that the Rezoning request from General Agricultural District to Light Industrial District be approved.

9. 18TP022- Rapid City Railroad Quiet Zone Draft Report

Planning Commission recommended approval of the Rapid City Railroad Quiet Zone Draft Report.

10. No. 18RZ017 - Section 20, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning request from No Use District to Medium Density Residential District** for the W1/2 of the E1/2 of the SE1/4 of the SW1/4 Less Tract 1 of Vetsch Subdivision;

the E1/2 of the W1/2 of the SE1/4 of the SW1/4; all of the section line right-of-way and dedicated right-of-way lying north of Seger Drive including plat of Lot H1 and dedicated right of way in the W1/2 of the E1/2 of the SE1/4 of the SW1/4 less Tract 1 Vetch's Subdivision and the E1/2 of the W1/2 SE1/4 of the SW1/4; plat of Lot H1 in the E1/2 of the E1/2 of the SE1/4 of the SW1/4; plat of Lot H1 in the SE1/4 less lots A, B, C and D; all of the dedicated right-of-way in Lot D of the Golden Eagle Subdivision in the SW1/4 of the SE1/4; plat of Lot H1 in Lot B in the SW1/4 of the SE1/4; plat of Lot H1 in W400' of Lot A in the S1/2 of the SE1/4; and plat of Lot H2 in Lot A Less W400' in the S1/2 of the SE1/4, all located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Seger Drive, east of 143rd Avenue west of Dyess Avenue.

Staff requests that the Planning Commission acknowledge the application withdrawal.

---END OF CONSENT CALENDAR---

8. No. 18PL038 - Market Square Subdivision

A request by Sperlich Consulting, Inc for Market Square, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 4 of Market Square Subdivision, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Creek Drive and E. St. Patrick Street.

Braun stated he would be abstaining due to a conflict of interest and turned the gavel over to Hoogestraat.

Fisher presented the application and briefly reviewed the history of the property and noting that there are Exceptions that are being requested which will be reviewed by the Engineering Division. Fisher provided a short overview of the requirements pertaining to right-of-way, drainage and improvements in regards to the development of this property for which the Exceptions are being requested. Fisher further reviewed the Exception process, reminding the Planning Commission they do not have review or approval authority.

Jim Letner, 1204 West Boulevard, spoke to the issues that had been defined to him by the City regarding the platting and development of the property and the history of discussions over the years. Letner spoke to his concerns with the communication with City staff and the difficulties he has experienced with the development of this property.

Bulman thanked Letner for his comments and said that she understood his concerns, but that as the process requires the items have to be addressed with Public Works and Council as is required by Ordinance.

Fisher reviewed the platting procedures and briefly addressed the changes to requirements since the first platting application was submitted.

Hoogestraat requested direction for action. Fisher stated that as the decisions on the Exceptions and other concerns addressed by the applicant will not be decided as a part of the Preliminary Subdivision Plan application before the Planning Commission at this time; that staff's recommendation is to approve with stipulations.

Bulman moved, Huss seconded, to approve the Preliminary Subdivision Plan with the stipulations outlined in the Project Report.

Letner stated that he disagrees with the Project Report.

Fisher stated that since Letner disagrees with the Project Report, she requests that the application be continued to the June 21, 2018 Planning Commission meeting to allow the applicant to meet with the Public Works and Engineering Division for further discussions.

Bulman withdrew her motion, Huus seconded the withdrawal.

Bulman moved, Huus seconded and the Planning Commission continued the Preliminary Subdivision Plan to the June 21, 2018 Planning Commission Meeting. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*11. No. 18PD014 - Original Town of Rapid City

A request by ACES for Pennington County Buildings & Grounds Department to consider an application for a **Major Amendment to a Planned Development Overlay to expand the boundary of Planned Development Overlay and to renovate the Pennington County Jail Complex** for Lots 1 thru 15 and the N1/2 vacated alley adjacent to said lots; Lot 16; Lots 20 thru 32 and the S1/2 of vacated alley adjacent to said lots and the eastern 75 feet of the previously vacated 3rd Street right-of-way lying adjacent to Lot 16 of Block 98 of 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 307 St. Joseph Street and 248 Kansas Street.

Eric returned to the dais at this time accepting the return of the gavel.

Lacock presented the application and reviewed the associated slides noting that this is to improve the Pennington County Jail Complex. Lacock explained that this area is zoned Public District because a detention facility is not an allowed use in the Urban Commercial District. Lacock discussed the continuation of this item noting that the proposed design for the approach on Kansas City Street does not meet design criteria and after review it was decided to stipulate that it be designed in compliance with the requirements of the Infrastructure Design Criteria Manual or a Design Exception be obtained. Lacock reviewed the Exceptions requested noting that they are in accordance with the surrounding

Urban Commercial District with reduced setbacks and that the fencing is for security reasons and that staff recommends that the Exceptions be granted and the application be approved with the stipulations outlined in the Project Report.

In response to a question from Karen regarding the fence's location in relation to access to the parking garage, Leah Berg, of ACES, clarified that the parking garage would remain accessible to the public with the fence only surrounding a section for the Sheriff's office.

Caesar moved, Quasney seconded and Planning Commission approved the Major Amendment to a Planned Development to expand the boundary of the planned development and to renovate the Pennington County jail complex with the following stipulations:

- 1. An Exception is hereby granted to allow a fence 8 feet in height along the property line in lieu of the maximum allowed 4 feet in the front yard;**
- 2. An Exception is hereby granted to allow interior fencing 12 feet in height in lieu of the maximum allowed 8 feet;**
- 3. An Exception is hereby granted to reduce the minimum required front yard setback from 25 feet to 1 foot along Kansas City Street for the proposed dock;**
- 4. Prior to issuance of a Building Permit, the applicant shall design the proposed approach in compliance with the requirements of the Infrastructure Design Criteria Manual or obtain a Design Exception;**
- 5. Prior to issuance of a Building Permit, the applicant shall revise the proposed sewer design in compliance with the Infrastructure Design Criteria Manual or obtain a Design Exception;**
- 6. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to a Planned Development Overlay. The addition of electronic or LED signage or a pole sign shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
- 7. This Major Amendment to the Planned Development shall allow the expansion of the jail complex. Any expansion of use or any new conditional use shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Ottenbacher, Quasney and Vidal 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.

- *12. No. 18PD021 - Denmans Addition
A request by Cliff Bienert for Cathedral of Our Lady of Perpetual Help to consider

an application for a **Major Amendment to a Planned Development Overlay to allow an LED Sign** for Lots 17 thru 27 and the S1/2 of vacated alley adjacent to said lots of Block 3 of Denmans Addition, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 316 E. Kansas City Street.

Lacock presented the application and reviewed the associated slides. Lacock noted that the sign will be in the same location as the original proposed sign, but they are now requesting the sign contain a LED message board. Lacock stated that if the Planning Commission determines that the sign is appropriate, staff recommends approval of the application.

Cliff Bienert, representing the Newman Center, addressed the concerns regarding the lighting of the LED sign stating that they could operate it in accordance with the hours of operation for the Newman Center. He also addressed the proposed development of the area which includes the creation of additional housing in place of the single family residences currently located in the area.

Golliher moved, Quasney seconded and the Planning Commission determining that the proposed LED sign is appropriate, approved the Major Amendment to a Planned Development Overlay with the following stipulations:

- 1. Acknowledge the previously granted exception to allow a reduced minimum front yard setback from 35 feet to 20 feet along Elm Avenue;**
- 2. Acknowledge the previously granted exception to allow a reduced minimum front yard setback from 35 feet to 20 feet along East Kansas City Street;**
- 3. Acknowledge the previously granted exception to allow a reduced minimum parking requirement of 26 parking stalls in lieu of the required 34 parking stalls. A minimum of 26 parking spaces shall be provided. In addition, one of the parking spaces shall be handicap "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 4. This Major Amendment to a Planned Development shall allow an Electronic or Light Emitting Diode (LED) message center measuring approximately 14 square feet in size. All signage shall comply with the requirements of the Rapid City Municipal Code. An expansion in size or any additional LED sign shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for the sign; and,**
- 5. All uses permitted in the Urban Commercial District shall be permitted, contingent upon sufficient parking being provided and an approved Building Permit. Any change in use that is a Conditional Use in the Urban Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, Ottenbacher, Quasney and Vidal 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.

13. Discussion Items
None

14. Staff Items
Fisher introduced Eric Ottenbacher to the Planning Commission. Fisher also introduced and welcomed the new Current Planner, John Green.

15. Planning Commission Items
None

There being no further business, Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:58 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)