

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 21, 2018

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

MEMBERS ABSENT: Galen Hoogestraat

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Kelly Brennan, Tim Behlings, Todd Peckosh, Carla Cushman, 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.

Bulman requested that Items 4 be removed from the Consent Agenda for separate consideration.

Motion by Caesar seconded by Gollhofer 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 4. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Huus, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 7, 2018 Planning Commission Meeting Minutes.
2. No. 18PL045 - Randall Subdivision
A request by Sperlich Consulting, Inc for Don Wieseler to consider an application for a **Preliminary Subdivision Plan** for Proposed Lot 1A and 1B of Randall Subdivision, legally described as Lot 1 of Randall Subdivision, located in the NW1/4 of the SW1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Deadwood Avenue and N. Plaza Drive.

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

1. **Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;**
2. **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;
3. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval showing an 8 foot wide boulevard and a 5 foot wide sidewalk along Deadwood Avenue fronting proposed Lot 1A or a Variance shall be obtained from the City Council;
 4. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval showing a conforming sanitary sewer service for proposed Lot 1A;
 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. Documentation shall also be submitted as needed identifying maintenance and ownership of any proposed drainage elements. 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, if applicable;
 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 shall be revised to show the recording information for the "Vehicular Access" note shown on the document;

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. 18PL046 - Menard Subdivision

A request by Sperlich Consulting, Inc for Vista Ridge Properties, LLC to consider an application for a **Preliminary Subdivision Plan** for Proposed Lots 2A and 2B of Block 2 of Menard Subdivision, legally described as Lot 2 of Block 2 of Menard Subdivision, located in the SE1/4 of the NW1/4 and in the NE1/4 of the SW1/4 of Section 3, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of E. Anamosa and N. Creek 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. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for the proposed access easement showing the easement with a minimum width of 70 feet and constructed with a minimum pavement width of 26 feet, 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;
3. Upon submittal of a Development Engineering Plan application, construction plans and associated design reports showing the installation of a sewer main along East North Street shall be submitted for review and approval 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;
4. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of 10 additional feet of right-of-way along North Creek Drive 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. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
6. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
7. Prior to submittal of a Final Plat application, the plat document shall be revised to show the "10 foot wide parking easement" as a "10 foot wide utility and parking easement";
Prior to submittal of a Final Plat application, the plat document shall be revised to show the "Access Easement as shown in Misc. Doc. A201713307" as a miscellaneous document;
8. Upon submittal of a Final Plat application, the plat document shall show all easements as necessary, including drainage easements and utility easements;
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).

5. 18TP023 – Rapid City Year End 2017 Population Estimate

Planning Commission recommended approval of the Rapid City Year End 2017 Population Estimate.

---END OF CONSENT CALENDAR---

4. 18TP021 - 2019–2022 Rapid City Area Transportation Improvement Program – Draft Report

Planning Commission recommended approval of the 2019–2022 Rapid City Area Transportation Improvement Program – Draft Report.

Harrington reviewed the report briefly listing the key projects. Harrington noted that this is the draft report and that the final will be back before the Planning Commission

In response to a question from Bulman regarding East Boulevard project, Peckosh clarified that the project is out to bid and is slated for construction in 2018 and 2019.

---BEGINNING OF REGULAR AGENDA ITEMS---

6. No. 18OA013 – An Ordinance to Amend Certain Provisions within the Sign Code
A request by City of Rapid City to consider an application for an **Ordinance to**

Amend Certain Provisions within the Sign Code by Amending Section 17.50.090 of the Rapid City Municipal Code.

Cushman briefly reviewed the history of off premise signs and the lawsuit with Epic Outdoor Advertising indicating that this Ordinance Amendment arises out of the settlement agreement with Epic. Cushman reviewed the sections of the Sign Code Ordinance that are being amended which includes the change to off premise signs in the I-90 zone allowing a maximum size of 672 square feet with a maximum height of 40 feet and that Conditional Use Permits for alterations to existing signs that have previously been issued a Conditional Use Permit are no longer required. Cushman reiterated that the changes to the size of signs are solely regarding Off Premise Signs.

Quasney spoke to his disagreement with the changes and discussed his reasons of which one was that the citizens of Rapid City having voted to control billboard signage and this being a reversal of those restrictions nullifies the objective of that vote.

In response to a question from Bulman regarding the relation of changes to the settlement of the lawsuit, Cushman confirmed the changes are associated with the settlement. Cushman urged the Planning Commission should vote to approve or deny the Ordinance Amendment as a recommendation to City Council. Cushman explained that as with any ordinance amendment Council this will require two readings at City Council and that Council could possibly make changes.

Quasney moved, Ottenbacher seconded to deny the Ordinance to Amend Certain Provisions within the Sign Code by Amending Section 17.50.090 of the Rapid City Municipal Code. Discussion followed.

Vidal stated that he is not able to support the denial stating that he feels the staff has provided a good option which he feels should be supported.

Quasney discussed his thoughts on the need to assure that the sign code is strong and concise in support of the City and not for the benefit of the sign companies.

In response to a question from Vangraefschepe, Cushman confirmed that Council has approved the lawsuit settlement and are aware that the Ordinance Amendment would be forthcoming and reiterated that Council does have the option to make revisions to the Ordinance Amendment as it goes forward if that is what they decide.

Discussion followed.

Cushman clarified that the ordinance amendment means that the current signs along the interstate inside the City limits may be enlarged but that that the number of them is not being increased as the spacing of the signage is not being modified with this Ordinance Amendment.

Upon a roll-call vote the motion to deny the Ordinance to Amend Certain Provisions within the Sign Code by Amending Section 17.50.090 of the Rapid City Municipal Code failed (5 to 4 with Bulman, Herr, Huus and Quasney voting yes and Braun, Caesar, Golliher, Vangraefschepe and Vidal voting no)

Herr moved, Quasney seconded and the Planning Commission approved that the Ordinance to Amend Certain Provisions within the Sign Code by Amending Section 17.50.090 of the Rapid City Municipal Code be forwarded Without Recommendation. (7 to 2 with Braun, Bulman, Caesar, Golliher, Herr, Huus and Quasney voting yes and Vangraefschepe and Vidal voting no)

7. 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 that he would be abstaining from this item due to a conflict of interest and turned the gavel over to Huus and stepped down from the dais.

Fisher presented the application briefly reviewing the discussion from the June 7, 2018 Planning Commission Meeting. Fisher stated that the applicant had met with both Todd Peckosh from the Engineering Department and Current Planning staff and the adjustments that were arrived at from these meetings are noted in the revised stipulations. Fisher stated that staff supports those changes and recommends that the Preliminary Subdivision Plan be approved with revised stipulations.

Golliher moved, Caesar seconded and the 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. Upon submittal of a Development Engineering Plan application, a site plan which includes a complete parking plan, landscape plan and sign plan shall be submitted for review and approval demonstrating that the**

- existing development on proposed Lot 4 meets all of the design standards and requirements of Chapter 17 of the Rapid City Municipal Code.
3. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of 10 additional feet of right-of-way along East Saint Patrick Street as it abuts the property or an Exception shall be obtained. ~~In addition, construction plans shall be submitted showing the construction of a second water main or an Exception shall be obtained. If Exceptions are obtained, a copy of the approved Exceptions shall be submitted with the Development Engineering Plan application;~~
 4. Upon submittal of a Development Engineering Plan application, construction plans for East Saint Charles Street shall be submitted for review and approval showing the installation of sidewalk along the south side of the street and street light conduit or a Variance to waive the requirement to install sidewalk and an Exception to waive the requirement to install street light conduit shall be obtained. In addition, the plat document shall be revised to show the dedication of 5 additional feet of right-of-way along East Saint Charles Street the first 200 feet as it extends west from Creek Drive or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
 5. Upon submittal of a Development Engineering Plan application, construction plans for Creek Drive shall be submitted for review and approval showing the installation of 16 additional feet of pavement, which includes an oversize cost, curb, gutter, sidewalk, street light conduit, and extending the existing water main along the southern portion of the right-of-way shall be submitted for review and approval or an Exception request to waive the requirement must be obtained from the City Council. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way for Creek Drive or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
 6. 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;
 7. 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;
8. 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;
 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 Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 11. Prior to submittal of a Final Plat application, the plat title shall be revised to show the formerly as "Lot B of Lot 3 of Tract D of SW1/4SW1/4 of Section 5, T1N, R8E Located in the...". In addition, the Certificate of Ownership shall show the current owner of the property. The Register of Deed's Certificate shall be revised to read Document # not Book and Page information;
 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). (8 to 0 to 1 with Bulman, Caesar, Gollither, Herr, Huus, Quasney, Vangraefscheppe and Vidal voting yes and none voting no and Braun abstaining)

*8. No. 18PD020 - Big Sky Business Park

A request by KTM Design Solutions, Inc for Dakota Heartland Inc. to consider an application for an **Initial Planned Development Overlay to allow an apartment building** for a portion of S1/2 of Government Lot 3 less Big Sky Business Park and less right-of-way, all located in Section 3, Township 1 North, Range 8 East, Black Hills Meridian, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest Corner of Lot 1, Block 5 of Big Sky Business Park located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, also known as the point of beginning; Thence first course: N00°05'21"E, a distance of 235.55 feet; Thence second course: S89°54'57"E, a distance of 344.63 feet; Thence third course: S00°00'00"E, a distance of 236.05 feet to the northern property line of said Lot 1, Block 5 of Big Sky Business Park; Thence fourth course: N89°49'57"W, a distance of 345.00 feet along the northern property line of said Lot 1, Block 5 of Big Sky Business Park to the point of beginning, more generally described as being located at the northern terminus of Neel Street.

Braun returned to the dais at this time and Huus relinquished the gavel to Braun.

Lacock presented the application and reviewed the associated slides explaining that this property is located in a Planned Development Designation and as such an Initial Planned Development is being submitted and that a Final Planned Development Overlay will be required prior to issuance of a Building Permit. Lacock noted that the applicant is requesting an Exception to allow a three story structure with a height of 37 feet 7 inches in lieu of the maximum allowed height of three stories and 35 feet. Lacock indicated that the apartment complexes in the area have been granted similar height Exceptions and that the applicant is modifying the setback to reduce the impact of the additional height staff recommends that the Exception request be granted and the Initial Planned Development Overlay to allow an apartment building be approved with stipulations.

In response to a comment from Braun that in consideration of the numerous height exceptions Planning Commission receives that perhaps it would benefit staff and developers to review the maximum allowed, Lacock stated that this Exception is only being reviewed by the Planning Commission due to the property being within a Planned Development Designation. Had it not been, this request would have been addressed through an administrative Zoning Exception.

Quasney moved, Vangraefschepe seconded and the Planning Commission approved the Initial Planned Development Overlay to allow an apartment building with the following stipulations:

- 1 An Exception is hereby granted to allow a three story structure with a height of 37 feet 7 inches in lieu of the maximum allowed height of three stories and 35 feet;**
- 2. Upon submittal of a Final Planned Development Overlay application, a drainage plan shall be submitted for review and approval;**
- 3. Upon submittal of a Final Planned Development Overlay application, a landscape plan shall 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 Certificate of Occupancy, a Final Plat shall be approved; and,**
- 6. This Initial Planned Development Overlay shall allow a 40-unit apartment building. 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. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Huus, Quasney, Vangraefschepe 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.

9. Discussion Items

None

10. Staff Items

Tim Behlings informed the Planning Commission that the Guns and Hoses Blood Drive is being held at the Rushmore Mall throughout the week and encouraged everyone to consider donating.

11. Planning Commission Items

Planning Commission Liaison for the July 2, 2018 City Council Meeting will be Vince Vidal.

There being no further business, Bulman moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:53 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliver, Herr, Huus, Quasney, Vangraefschep and Vidal voting yes and none voting no)