

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 7, 2019

MEMBERS PRESENT: Erik Braun, Mike Gollhofer, John Herr, Curt Huus, Eric Ottenbacher, Mike Quasney, Justin Vangraefschepe and Vince Vidal. Jason Salamun, Council Liaison was also present.

MEMBERS ABSENT: Karen Bulman, Racheal Caesar, Galen Hoogestraat

STAFF PRESENT: Ken Young, Vicki Fisher, John Green, Kelly Brennan, Patsy Horton, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

Brennan requested that Items #9 and #10 be heard concurrently.

9. **No. 19CA001 - Section 12, T1N, R7E**

A request by KTM Design Solutions, Inc for Maguire Services, LLC to consider an application for a **Comprehensive Plan Amendment to the Future Land Use from Forest Conservation to Low Density Neighborhood** for the tract of land lying in the S1/2NE1/4 and the N1/2SE1/4 of Section 12, T1N, R7E of the B.H.M. and being more particularly described as follows: commencing at the Northeast corner of Lot 32, Block 3 of Robbinsdale Terrace Addition as recorded in the steel files in the Pennington County Register of Deeds and being the Point of Beginning; Thence with said Addition southwesterly a distance of 300 feet to the Northwest corner of Lot 26, Block 5; Thence continuing with said Addition southeasterly a distance of 210 feet to the southwest corner of Lot 25, Block 5; Thence continuing with said Addition southwesterly a distance of 46 feet to the northwest corner of Lot 20, Block 5; Thence continuing with said Addition northwesterly a distance of 166 feet to the southeast corner of Lot 16, Block 5; Thence continuing with said Addition northwesterly a distance of 450.5 feet to the southeast corner of Lot 10 Revised, Block 5; Thence continuing with said Addition northerly a distance of 46.06 feet to an angle point in the easterly line of Lot 10A, also being an angle point in the south line of Lot 1 of Faith Lutheran Addition as recorded in Book 29 of Plats, Page 21 in the Pennington County Register of Deeds; Thence with said Faith Lutheran Addition northerly a distance of 11.50 feet to an angle point in the south line of said Lot 1; Thence continuing with said Addition easterly a distance of 206.77 feet to the southeast corner of said Lot 1; Thence continuing with said Addition northerly a distance of 100.00 feet to a point on the easterly line of said Lot 1, also being the southwest corner of Lot 2, Block 5 of aforementioned Robbinsdale Terrace Addition; Thence with said Robbinsdale Terrace Addition easterly a distance of 583 feet to the northwest corner of Lot 9, Block 3; Thence continuing with said Addition southeasterly a distance of 306 feet to the southwest corner of Lot 12, Block 3; Thence continuing with said Addition southeasterly a distance of 203 feet to an angle point in the south line of Lot 15, Block 3; Thence continuing with said Addition southwesterly a distance of 361.5 feet to the northeast corner of Lot 25, Block 3; Thence continuing with said Addition westerly a distance of 112 feet to the northwest corner of Lot 26, Block 3; Thence continuing with said Addition

northwesterly a distance of 474 feet to the northeast corner of Lot 32, Block 3 and the Point of Beginning, more generally described as being located southeast of the intersection of Oak Avenue and Indiana Street.

10. No. 19RZ005 - Section 12, T1N, R7E

A request by KTM Design Solutions, Inc for Maguire Services, LLC to consider an application for a **Rezoning Request from Park Forest District to Low Density Residential District** for the tract of land lying in the S1/2NE1/4 and the N1/2SE1/4 of Section 12, T1N, R7E of the B.H.M. and being more particularly described as follows: commencing at the Northeast corner of Lot 32, Block 3 of Robbinsdale Terrace Addition as recorded in the steel files in the Pennington County Register of Deeds and being the Point of Beginning; Thence with said Addition southwesterly a distance of 300 feet to the Northwest corner of Lot 26, Block 5; Thence continuing with said Addition southeasterly a distance of 210 feet to the southwest corner of Lot 25, Block 5; Thence continuing with said Addition southwesterly a distance of 46 feet to the northwest corner of Lot 20, Block 5; Thence continuing with said Addition northwesterly a distance of 166 feet to the southeast corner of Lot 16, Block 5; Thence continuing with said Addition northwesterly a distance of 450.5 feet to the southeast corner of Lot 10 Revised, Block 5; Thence continuing with said Addition northerly a distance of 46.06 feet to an angle point in the easterly line of Lot 10A, also being an angle point in the south line of Lot 1 of Faith Lutheran Addition as recorded in Book 29 of Plats, Page 21 in the Pennington County Register of Deeds; Thence with said Faith Lutheran Addition northerly a distance of 11.50 feet to an angle point in the south line of said Lot 1; Thence continuing with said Addition easterly a distance of 206.77 feet to the southeast corner of said Lot 1; Thence continuing with said Addition northerly a distance of 100.00 feet to a point on the easterly line of said Lot 1, also being the southwest corner of Lot 2, Block 5 of aforementioned Robbinsdale Terrace Addition; Thence with said Robbinsdale Terrace Addition easterly a distance of 583 feet to the northwest corner of Lot 9, Block 3; Thence continuing with said Addition southeasterly a distance of 306 feet to the southwest corner of Lot 12, Block 3; Thence continuing with said Addition southeasterly a distance of 203 feet to an angle point in the south line of Lot 15, Block 3; Thence continuing with said Addition southwesterly a distance of 361.5 feet to the northeast corner of Lot 25, Block 3; Thence continuing with said Addition westerly a distance of 112 feet to the northwest corner of Lot 26, Block 3; Thence continuing with said Addition northwesterly a distance of 474 feet to the northeast corner of Lot 32, Block 3 and the Point of Beginning, more generally described as being located southeast of the intersection of Oak Avenue and Indiana Street.

Brennan stated that this Rezoning request (17RZ025) had been requested back in October of 2017 and had been denied by the City Council at that time due to concerns with topography, drainage, soil stability and proposed density of future development. Brennan stated that no new information has been provided to address these concerns at this time. Brennan reviewed the associated slides including a topography graphic showing the steepness of the property, explaining that it is general practice to designate such areas Park Forest or Forest Conservation due to rugged terrain. Brennan noted that staff has received five letters in opposition to the request. She further noted that the applicant currently could develop the property into three residential lots without either the Rezoning

request or the Comprehensive Plan Amendment and that staff recommends that the Comprehensive Plan Amendment to the Future Land Use from Forest Conservation to Low Density Neighborhood and the Rezoning Request from Park Forest District to Low Density Residential District be denied.

Pat Muldoon, 135 East Indiana, stated that she is very much against this request noting that no surveys or testing have been done. She noted that the existing residences already have issues with shifting soil. She noted that on the prior request she provided a petition with 28 residents against and 2 that were in favor.

In response to a question from Vangraefschepe whether the Rezoning request align with the City's overall plan, Fisher addressed how the City's Future Land Use Plan shows it as Forest Conservation due to the topographic constraints. Vangraefschepe stated that he understands those concerns, but noted that in theory, if the development is done correctly it should improve the drainage and other issues and that is why he has a hard time denying it on hearsay rather than investigative information.

In response to a question from Vidal regarding current building options, Fisher clarified that they can build a single family home, anything more would require engineering plans, soils and other reports.

In response to questions from Huus regarding the current allowable development of this property, Fisher clarified that based on the 9.85 acres the property could currently be subdivided into three, three-acre lots within the current Park Forest zoning and that the Rezoning request and the Amendment to the Comprehensive Plan is to allow for 6,500 square foot lots. Huus acknowledged that the cost of the required geotechnical studies would be an investment, but that the initial Rezoning request had been denied because staff had requested more information on the geotechnical status. Huus noted that it is important that they be required to provide the requested information before a Rezoning be granted.

In response to a comment from Vangraefschepe that the Rezoning does not clear the field for development but makes it more financially feasible for them to invest in the required studies and reports needed to move forward, Fisher said that once the property is rezoned, it would make it difficult to deny a plat that is supported by the increased density regardless if the studies and reports are provided. She indicated that retaining the lower density zoning protects not only the property itself from over development it helps protect the neighborhood, which is why staff recommends denial of the Rezoning request.

Kyle Treloar, KTM Design, stated that the applicant is open to a Planned Development Designation as a part of the Rezoning, which would provide that any plans for development would come before the Planning Commission.

Fisher reiterated that both Planning Commission and City Council had requested this information be provided during the review and denial of the previous Rezoning request and that to date that information has not been received.

Salamun left the meeting at this time.

**Golliher moved, Quasney seconded and the Planning Commission recommended that the Comprehensive Plan Amendment to the Future Land Use from Forest Conservation to Low Density Neighborhood be denied; and that,**

**The Rezoning Request from Park Forest District to Low Density Residential District be denied. (5 to 3 with Braun, Golliher, Huus, Ottenbacher and Quasney voting yes and, Herr, Vangraefschepe and Vidal voting no)**