

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 4, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Galen Hoogestraat, Curt Huus, Mike Quasney, Justin Vangraefschepe and Vince Vidal. Richie Nordstrom, acting Council Liaison was also present.

MEMBERS ABSENT: John Herr and Eric Ottenbacher,

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, 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 3 and 4 be removed from the Consent Agenda for separate consideration.

Motion by Bulman seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Items 3 and 4. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 21, 2019 Planning Commission Meeting Minutes.
2. No. 19CA001 - Summary of Adoption Action Section 12, T1N, R7E
Summary of Adoption Action on 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 intersecting of Oak Avenue and Indiana Street.

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

5. No. 19RZ008 - Randall Subdivision

A request by Sperlich Consulting, Inc for West View LandCompany, LLC to consider an application for a **Rezoning Request from General Commercial District to Light Industrial District** for Lot 1 of Randall Subdivision, located in Section 27, T2N, R7E BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Deadwood Avenue.

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

6. No. 19PL020 - Fountain View Subdivision

A request by KTM Design Solutions, Inc for Hermano, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 2A, 2B, 3A, 3B, 4A, 4B, 5A and 5B of Lot 8 of Fountain View Subdivision, legally described as Tract E of Fountain View Subdivision, located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Harmony Heights Lane and south of I-90.

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

1. **Upon submittal 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 showing the installation of one intermediate turnaround for fire access no more than 600-feet from the terminus of Harmony Heights Lane 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;
 3. Upon submittal of a Development Engineering Plan application, construction plans showing the installation of one fire hydrant at an interval not to exceed 450-feet from existing fire hydrants serving the property 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, water plans and analysis shall be submitted for review and approval that demonstrate that the water service to the lots is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Design reports shall be in conformance with the Infrastructure Design Criteria Manual and signed and sealed by a professional engineer;
 5. Upon submittal of a Development Engineering Plan application, a sewer design report shall be submitted for review and approval that demonstrates that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. The design report shall be in conformance with the Infrastructure Design Criteria Manual, and signed and sealed by a professional engineer;
 6. Upon submittal of a Development Engineering Plan application, drainage plans and reports demonstrating stormwater detention at historic rates and stormwater quality management for the proposed lots shall be submitted for review and approval. Additionally, all drainage easements shall be provided as necessary;
 7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 9. Upon submittal of a Final Plat application, the plat document shall show all necessary easements, including drainage easements and utility easements;
 10. Upon submittal of a Final Plat application, an agreement securing ownership and maintenance of proposed drainage elements shall be

- submitted for recording;
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).
7. No. 19PL021 - Rockinon Ranch Estates
A request by KTM Design Solutions, Inc for KTLDCO, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 36, 37, 38, 39 and 40 of Rockinon Ranch Estates, legally described as the N1/2 of the NE1/4 of the SE1/4 less Rockinon Ranch Estates and less right-of-way; the NW1/4 of the SE1/4 all Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Lennon Lane and Hendrix Lane.

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

1. Upon submittal of a Development Engineering Plan application, all redline comments on the "Site/Utility Plan" shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, construction plans for Lennon Lane shall be submitted for review and approval showing the street located in a minimum 50-foot wide right-of-way and constructed with a minimum 24-foot wide paved surface, curb, gutter, street light conduit, water and sewer or an Exception shall be obtained. In addition, the cul-de-sac bulb shall be located within a minimum 104-foot diameter right-of-way and constructed with a minimum 84-foot diameter paved surface or an Exception shall be obtained. The construction plans shall also show the construction of a sidewalk along Lennon Lane or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, a geotechnical report shall be submitted for review and approval;
4. 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 and the Rapid City Municipal Code. The water plans shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows and provide sufficient system capacity. A Master Plan shall also be provided for review and approval showing how the west side of the property will be serviced from the "Upper Northridge" Zone. In addition, utility easements shall be secured as needed;

5. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In particular, the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. Utility easements shall also be secured as needed;
6. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval;
7. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual and the Haines Avenue Drainage Basin Plan shall be submitted for review and approval. The drainage plan shall demonstrate that stormwater is being detained to pre-developed/historic rates and provides stormwater quality. In addition, drainage easements shall be secured as needed;
8. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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. The utility plans shall also be reviewed and approved by the South Dakota Department of Environment and Natural Resources. The private utility layout plan shall also be submitted to the respective utility companies. All final engineering reports shall be signed and sealed by a Professional Engineer;
8. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
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.

---END OF CONSENT CALENDAR---

Fisher requested that Items #3 and #4 be heard together.

3. No. 19OA002 - Ordinance to Update the Tax Increment Financing District Review Process by Amending Chapter 3.26 of Rapid City Municipal Code
A request by City of Rapid City to consider an application for an **Ordinance to**

Update the Tax Increment Financing District Review Process by Amending Chapter 3.26 of Rapid City Municipal Code.

4. No. - Resolution Adopting the Rapid City Tax Increment Financing Policy
A request by City of Rapid City to consider an application for a **Resolution Adopting the Rapid City Tax Increment Financing Policy.**

Fisher requested that the items be continued to the May 23, 2019 Planning Commission meeting.

Planning Commission continued the Ordinance Amendment to the May 23, 2019 Planning Commission Meeting; and, Planning Commission continued the Resolution to the May 23, 2019 Planning Commission Meeting. (9 to 0 with Braun, Bulman, Caesar, Gollither, Hoogestraat, Huus, Quasney, Vangraefscheppe and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

- *8. No. 19UR005 - Original Town of Rapid City
A request by Jennifer Patterson dba The Quintessence Salon and Spa to consider an application for a **Conditional Use Permit to allow on-sale liquor in conjunction with an existing salon** for Lot 27 of Block 75 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 512 Main Street.

Green presented the application and reviewed the associated slides. Green noted that the salon is located within "The Shops at Main Street Square" and is an existing salon. Green explained that the operation plan shows that beverages will be available in a VIP Section, but the customer will be able to move about the entire salon with the beverage. Green noted that there are various other salons that offer this service and does not believe it will create an overabundance of similar uses and staff recommends approval of the application with stipulations.

Caesar moved, Quasney seconded, and the Planning Commission approved the Conditional Use Permit to allow on-sale liquor use in conjunction with an existing salon with the following stipulation(s):

1. **All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; All signs, including banners or grand opening or special event advertisements are subject to historic review; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit; and,**
2. **The Conditional Use Permit shall allow on-sale liquor in conjunction a salon. Any expansion or change in the proposed on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Central Business District shall require the review and approval of a Building Permit. Any**

change in use or expansion of use that is a Conditional Use in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Braun, Bulman, Caesar, Golliver, Hoogestraat, 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

*9. No. 19PD008 - Kepp Heights Subdivision No. 3

A request by City of Rapid City Parks and Recreation Department to consider an application for a **Major Amendment to a Planned Development Overlay to allow an accessory structure** for Lot 16R of Kepp Heights Subdivision No. 3 and the W1/2 vacated Skyline Drive adjacent to said Lot 16R of Kepp Heights Subdivision No. 3, located in Sections 10 and 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2400 Block Skyline Drive.

Lacock presented the application and reviewed the associated slides. Lacock briefly reviewed the Planned Development (File #14PD019) that allowed the changes to the Skyline Wilderness Area including relocating part of Skyline Drive, the construction of parking and trailheads for the hiking and biking trails in the Skyline Wilderness Area. Lacock noted that the Rapid City Parks and Recreation Department are requesting an Exception to reduce the minimum required front yard setback for an accessory structure from 35 feet to 23 feet to allow the placement of a picnic structure along the west side of Skyline Drive. Lacock said staff believes the reduction to setback would not create a right-of-way issue and that due to the steep slope beyond the identified area the structure could not be placed further back. Lacock noted that the plan also identifies a sidewalk that will extend along the overlook area. Lacock noted that staff has received calls of inquiry and a letter of opposition. Lacock stated that staff recommends that the Major Amendment to a Planned Development Overlay to allow an accessory structure be approved with stipulations.

Fisher discussed the concerns of illegal or questionable activities in the area, noting that there have been numerous calls to the Police Department and that staff believes that the more the area is developed for positive uses the less the draw for other activities.

In response to a question from Vidal regarding arrest records associated to this location, Fisher stated that Community Development documents did not have that information.

Glenda Williams, 2627 Skyline Drive, spoke to her concerns with traffic, use and activities in the area including vandalism to their home and the overlook area. Williams does not believe that this is a good location to expand facilities and hopes that the request is denied.

Bob Williams, 2627 Skyline Drive, addressed his thoughts on the use of the existing trailhead including the misuse of the trailhead, the issues with the road and drainage along the road and further down Skyline Drive. Williams also spoke about the graffiti and potential for the use of the proposed shelter for partying. He stated that security in the area is a major issue and the more the area is developed the more potential for issues.

In response to a question from Huus whether this would have been reviewed had the Exception to setback not been requested, Lacock confirmed the item could have been processed as a Minimal Amendment and would not have been reviewed by Planning Commission.

Scott Anderson, Rapid City Parks and Recreation Department, stated that security is the purview of the Police Department, but did say that the Parks Department staff has had to contact the police numerous times and that they are aware of the issues with the area. Anderson noted that the camera is currently not operational, but that Park's staff is working to correct that issue. Anderson stated that the Parks Division will continue to work with the Police Department noting that the improvement of the area is an attempt to draw more favorable use of the area that will eventually help reduce the unwanted activity. Anderson further discussed the desire to install a sidewalk along the overlook area.

Discussion followed regarding the security issues and the need to ensure that the development of the area is done in a way that promotes both safety of the users and the surrounding homeowners.

In response to a question from Braun if an Operation Plan could be requested to ensure that safety measures are implemented prior to a building permit, Fisher stated that could be required as a stipulation.

Bulman suggested that the item be continued to allow the overall issue of security to be addressed and to allow for more information to be provided.

Fisher agreed and stated that the Police Department could be requested to either attend or to provide information and that this would allow Parks and Recreation Department to meet with the Police Department on this issue.

Vidal stated that he is looking for an operation plan to include security and development options and not just a list of police activity and arrest reports.

Quasney moved, Caesar seconded and the Planning Commission carried to continue the Major Amendment to a Planned Development Overlay to May 9, 2019 Planning Commission meeting. (9 to 0 with Braun, Bulman, Caesar, Gollither, Hoogestraat, 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

Development by close of business on the seventh full calendar day following action by the Planning Commission.

10. Discussion Items
None

11. Staff Items
None

11. Planning Commission Items

A. Planning Commission Liaison for the April 15, 2019 City Council Meeting will be John Herr.

B. Vidal discussed the TIF meeting that was held April 2, 2019 in the Council Chambers to allow further review and input from the community on the proposed changes. Vidal stated that staff was very helpful and thorough in addressing questions from the Financial and Development representatives.

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