

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 23, 2020

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Golliher, Eirik Heikes, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Racheal Caesar, John Herr, Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Tim Behlings, Ted Johnson, Wade Nyberg Kinsley Groote 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.

Motion by Vidal, seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (7 to 0 with Arguello, Braun, Bulman, Golliher, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 9, 2020 Planning Commission Meeting Minutes.
2. No. 20PL046 - Gemstone Subdivision
A request by Fisk Land Surveying & Consulting Engineers, Inc for Caekaert Construction, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 6A and 6B of Block 29 of Gemstone Subdivision, legally described as Lot 6 of Block 2 of Gemstone Subdivision, located in Government Lot 1 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 507 and 509 Topaz Lane.

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

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to include a telephone number for the preparer of the document.**
3. No. 20PL048 - Beckman Subdivision
A request by Renner Associates, LLC for Tyler Schad to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 4 and 5A and 5B of Beckman Subdivision, legally described as Lot 1 of the NW1/4 of the SE1/4 and the unplatted portion of Lot 1 in the NE1/4 of the SW1/4, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the eastern terminus of Beckman Drive.

Planning Commission recommended that the Preliminary Suidivision Plan be

approved with the following stipulations:

1. 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, 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. In addition, all information required per Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval as applicable;
2. Upon submittal of a Development Engineering Plan application, construction plans for Beckman Drive shall be submitted for review and approval showing the street located in a minimum 50-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with the cul-de-sac bulb located in a minimum 104-foot diameter right-of-way and constructed with a minimum 84-foot diameter pavement or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, the east right-of-way line shall be extended to the east property line to include the area of steep roadway embankment;
3. Upon submittal of a Development Engineering Plan application, construction plans for the "shared access easement" located on proposed Lot 1 shall be submitted for review and approval showing the easement with a minimum width of 20 feet and constructed with a minimum 16-foot wide paved surface or shall meet criteria for obtaining an Exception. 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 proposed Lot 4 as a "flagpole lot" or construction plans shall be submitted for review and approval for the proposed "access easement" located along the common lot line between Lot 3 and Lot 5A . In particular, the construction plans shall show the easement with a minimum width of 20 feet and constructed with a minimum 16-foot wide paved surface or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan;
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. In addition, the design report shall demonstrate that adequate water capacity and pressure are available at the proposed building location site(s). Easements shall also be provided as needed;

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. In addition, construction plans shall be submitted for review and approval adjusting the manhole located outside of the roadway near the curve of Beckman Drive to be closer to the street for easier access. Easements shall also be provided as needed;
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. Upon submittal of a Development Engineering Plan application, a grading plan shall be submitted for review and approval. The grading plan shall show lowering the building pad elevations as needed to ensure that building sites do not exceed the 3,450-foot elevation to be served by the South Canyon-Arrowhead Water Zone. In addition, the grading plan shall address the ditch located outside the right-of-way along the inside of the curve of Beckman Drive. In particular the grading plan shall show eliminating the ditch to allow drainage to overland flow to the street or a drainage easement shall be dedicated and an agreement shall be entered into to secure maintenance to convey drainage across the property;
9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
10. Prior to approval of the Development Engineering Plan application, the water and sewer plans shall be approved by the South Dakota Department of Environment and Natural Resources;
11. Prior to Development Engineering Plan approval, an engineer's cost estimate shall be signed and approved;
12. Prior to Development Engineering Plan approval, any necessary off-site easements shall be secured;
13. Upon submittal of a Final Plat application, the plat document shall include a 6-foot wide exterior maintenance easement on either side of the common lot line between Lot 5A and 5B;
14. Upon submittal of a Final Plat application, the plat document shall be revised to show the lots located in "Block 3";
15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been accepted shall be posted and the subdivision inspection fees shall be paid; and,
16. 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---

---BEGINNING OF REGULAR AGENDA ITEMS---

Heikes joined the meeting at this time.

*4. No. 20PD025 - Copperfield Vistas Subdivision

A request by Luke Austin to consider an application for a **Major Amendment to a Planned Development Overlay to reduce side yard setbacks for a dwelling** for Lot 29 of Block 4 of Copperfield Vistas Subdivision, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 950 Summerfield Drive.

Lacock reviewed the application and reviewed the associated slides noting that since this property is located in a Planned Development it requires the Major Amendment to allow the reduction to the side yard setback. Lacock said there was an error in measurement when the house was built as the builder measured from incorrect stakes which placed the house into the setback for a portion of the north side. Lacock stated that the applicant had also requested a vacation of utility easement and minor drainage easement which has been administratively approved for the existing encroachment. Lacock clarified that this Major Amendment allows for the existing encroachment to bring it into compliance, but will not allow for additional encroachment. Lacock further stated that should the existing structure burn down or be damaged by 50% of its value it would have to be built back within the standard eight foot setbacks not to its existing footprint.

In response to a questions from Gollhier if there aren't checks and balances to prevent this type of issue, Lacock explained that construction inspections do not address this, it was after a location survey was done that the error was identified.

In response to a question from Arguello if this is just for the lot of if it could allow for the possibility for others to press the maximum building size, Lacock clarified that it is specific to this single lot.

Stuck asked if the effected neighbor to the north had stated any concerns or comments. Lacock confirmed that staff had not been contacted with any concerns.

Stuck moved, Arguello seconded and the Planning Commission approved the Major Amendment to a Planned Development to reduce the minimum required side yard setback with the following stipulations:

1. **An Exception is hereby granted to reduce the minimum required side yard setback from 8 feet to 5.3 feet for the existing structure; and,**
2. **The Major Amendment to the Planned Development shall allow a single-family dwelling with a reduced side yard setback of 5.3 feet. Permitted uses within the Low Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development.**

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.

*5. No. 20UR015 - Original Town of Rapid City

A request by Chris Wells for Alessio Di Sabatino to consider an application for a **Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant** for Lot 9 and 10 of Block 84 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 617 Main Street.

Lacock presented the application and reviewed the associated slides noting that the location supports the use. Lacock reviewed the proposed hours of operation stating that the applicant is proposing to offer a brunch on the weekends in addition to lunch and dinner service. Lacock said that staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant with stipulations.

In response to a question from Bulman regarding the layout, Lacock reviewed the site plans.

Bulman moved, Golliher seconded and the Planning Commission approved the Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant with the following stipulation(s):

1. **Prior to issuance of a sign permit, the sign(s) shall obtain review and approval through the Historic Sign Review Board. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Conditional Use Permit. The inclusion of any LED message centers shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign; and,**
2. **The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a restaurant operated in compliance with the applicant's operations plan. The applicant shall be in compliance with the operations plan at all times. Any expansion to the 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 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. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Quasney Stuck 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.

6. No. 20OA005 - Ordinance Amendment To Amend Provision of the Rapid City Municipal Code Relating to the Storage and Parking of Certain Vehicles and Trailers

A request by City of Rapid City to consider an application for an **Ordinance Amendment To Amend Provisions of the Rapid City Municipal Code Relating to the Storage and Parking of Certain Vehicles and Trailers.**

Groote reviewed the amendment clarifying they are combining two code sections into one, clarifying some provisions to making it relevant to current instances.

Fisher briefly reviewed the history of what contributed to this revision, including neighbors' complaints on the parking of recreational vehicles. Fisher stated that part of this is to address the issues that exist while allowing the parking of these vehicles.

In response to a question from Heikes whether this affected HOAs and CCRs Groote stated that if the HOA restrictions are tighter, then it is up to the HOA to enforce the tighter restrictions.

In response to questions from Bulman about commercial vehicles, Groote confirmed that the single commercial vehicle restriction will remain in effect and that 24 hour parking limit will keep people from parking in the street for long periods of time. Groote also noted that there will be specific exceptions that will be allowed based on special circumstances.

In response to Bulman's inquiry about who these complaints would be made to, Groote said the Police Department would enforce right-of-way issues.

In response to a question from Stuck about how the enforcement of the Ordinance would be handled, Matt Owczarek, of the Code Enforcement Division, stated that they could enforce on-property issues, but those on the street or in the right-of-way would be addressed by the Police Department.

Fisher clarified that there is collaboration between the Police and Code Enforcement that allows the enforcement. Fisher also noted that the enforcement is complaint driven.

In response to Arguello's question on the actions of enforcement, Owczarek reviewed that they generally try verbal contact, followed by written notice and if necessary they will tow a vehicle that remains in violation.

Heikes asked if this is for all neighborhoods. Fisher stated that newer developments generally have covenants that address these specific issues and again those covenants, if more restrictive, will take precedence.

Bulman moved, Stuck seconded and the Planning Commission recommended approval of the Ordinance Amendment. (7 to 1 with Arguello, Braun, Bulman, Gollither, Quasney Stuck and Vidal voting yes and Heikes voting no).

7. Discussion Items
None

8. Staff Items
None

9. Planning Commission Items

In response to Stuck's question about chickens in the city that was discussed at City Council, Fisher clarified that currently the keeping of chickens in the city limits is not allowed and it being requested that staff be directed to see if this should be revisited. Fisher stated it is currently through the animal control regulations and if that remains the case, it will not come before the Planning Commission.

There being no further business, Golliver moved, Arguello seconded and unanimously carried to adjourn the meeting at 7:34 a.m. (8 to 0 with Arguello, Braun, Bulman, Golliver, Heikes, Quasney Stuck and Vidal voting yes and none voting no).