MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 25, 2020

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Mike Quasney, and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Eirik Heikes, Eric Ottenbacher, Haven Stuck. Bill Evans, Council Liaison was also absent.


Braun called the meeting to order at 7:01 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 7 be removed from the Consent Agenda for separate consideration.

Motion by Caesar seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Item 7. (7 to 0 with, Braun, Bulman, Caesar, Golliher, Herr, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 5, 2020 Planning Commission Meeting Minutes.

2. No. 20RZ037 - Brielle Subdivision
   A request by Tony Marshall for Table Rock Inc. to consider an application for a Rezoning request from Low Density Residential District II to Medium Density Residential District for Lots 11, 12, 13, 14 and 15 of Brielle Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2829, 2833, 2837, 2841 and 2845 Horizon Point.

   Planning Commission recommended approval of the Rezoning request from Low Density Residential District II to Medium Density Residential District.

3. No. 20PL081 - Murphy Ranch Estates Subdivision
   A request by Davis Engineering, Inc for Murphy Brothers Partnership, LLC to consider an application for a Preliminary Subdivision Plan for proposed Lots 19 thru 31 of Block 11, Lots 12 thru 18 of Block 13 and Lot H of Murphy Ranch Estates Subdivision, legally described as Tract F of the NW1/4 of Section 14, T1N, R8E, less Murphy's Subdivision, less Murphy Ranch Estates Subdivision and less right-of-way, located in Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the current
terminus of Blackpowder Road, south of Knuckleduster Road.

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

1. Prior to submittal of a Development Engineering Plan application, the construction plans and plat document shall show the existing 60-foot wide right-of-way for Knuckleduster Road. If the additional 8 feet of right-of-way along Knuckleduster Road is vacated by Pennington County prior to submittal of a Final Plat application, the recording information vacating the right-of-way shall be shown on the plat document;

2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to eliminate proposed Lot 18 and Knuckleduster Road shall be extended to the south boundary of the property in order to provide access to the adjacent property in compliance with the previously approved Master Plan for Murphy Ranch Estates and pursuant to Chapter 16.16.040.A of the Rapid City Municipal Code;

3. Upon submittal of a Development Engineering Plan application, construction plans for Knuckleduster Road and Blackpowder Road, local streets, shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual 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;

4. Upon submittal of a Development Engineering Plan application, construction plans for Sako Court, a lane-place cul-de-sac street, 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 being 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;

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, easements shall be provided as needed;

6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer in accordance with 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, easements shall be provided as needed;

7. Upon submittal of a Development Engineering Plan application, a revised grading plan addressing the current lot layout and recent grading on the property shall be submitted for review and approval;

8. 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 if subdivision improvements are required;

9. 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, 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. 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;

11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

12. Upon submittal of a Final Plat application, a Road Maintenance Agreement shall be submitted for review and approval;

13. Upon submittal of a Final Plat application, all necessary easements shall be shown on the plat document, including an easement to address the drainage from Phase 6;

14. 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,

15. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

4. No. 20PL083 - JN Subdivision
A request by Fisk Land Surveying & Consulting Engineers, Inc for James Nelson to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 and 2JN Subdivision, legally described as all of the N1/2 of the N1/2 of the SE1/4 of the SW1/4 of the SW1/4; the NE1/4 of the SW1/4 of the SW1/4 and the NW1/4 of the SW1/4 of the SW1/4 east of Nemo Road less Lot H1; the N1/2 of the N1/2 of the SW1/4 of the SW1/4 east of Nemo Road less Lot H1 in Section 25, T2N, R6E, BHM, all located in the SW1/4 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8204 and 8208 Nemo Road.

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

1. Prior to submittal of a Final Plat application, a Variance shall be obtained from the City Council waiving the requirement to provide
sidewalk along all right(s) of way and access easements;

2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of half of the required 68 feet of right-of-way for Bittersweet Road, a collector street on the City’s Major Street Plan;

3. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed 40-foot wide private access and utility easement with a minimum width of 50 feet;

4. Prior to submittal of a Final Plat application, the plat document shall be revised to show the recording information for the previously dedicated H Lot (Lot H-1) located adjacent to Nemo Road;

5. Prior to submittal of a Final Plat application, the plat document shall be revised to show the shared well located on proposed Lot 1 and the service line to proposed Lot 2 within a utility easement;

6. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property. In addition, a copy of the approved plan shall be submitted with the Final Plat application;

7. Upon submittal of a Final Plat application, the plat document shall continue to show the proposed dedication of 10 feet of right-of-way along Nemo Road;

8. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing maintenance of the roads within the access easement(s) extending through the property;

9. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing maintenance and ownership of the shared well; and,

10. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable.

5. No. 20PL085 - Brielle Subdivision No. 2
A request by Longbranch Civil Engineering, Inc for Tony Marshall to consider an application for a Preliminary Subdivision Plan for proposed Lots A thru Q of Brielle Subdivision No. 2, legally described as Lot 1 and Lot 2 of Skyline Pines East Subdivision, located in the SW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Tower Road and Tower Court.

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

1. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;

2. Upon submittal of a Development Engineering Plan application, an additional four feet of right-of-way shall be dedicated for Tower Road 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;

3. Upon submittal of a Development Engineering Plan application,
construction plans for Tower Place, a local street, shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the IDC1. In addition, the cul-de-sac bulb shall be located in a minimum 96 diameter right-of-way with a minimum 84-foot diameter paved surface or shall meet the 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, 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, easements shall be provided as needed;

5. 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, easements shall be provided as needed. In addition, the sewer main shall be located in public right-of-way or shall meet the 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;

6. 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;

7. Prior to submittal of a Final Plat application; the properties shall be Rezoned from Office Commercial District to Medium Density Residential District. And a Final Planned Development Overlay shall be submitted for review and approval;

8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the vacation of the non-access easement in the location of Tower Place;

9. 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;
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. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the Lot I designation. Instead the lots shall be labeled A through H and J through R or shall be labeled Lots 1 through 17;

12. Prior to submittal of a Final Plat application, a note shall be added to the plat document securing a 6 foot wide maintenance easement along the common lot line for the proposed townhome lots;

13. Prior to submittal of a Final Plat application, a different street name for Tower Place shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;

14. 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,

15. 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).

6. No. 20RZ038 - I-90 Heartland Business Park
A request by Ferber Engineering Company for B2 Holdings to consider an application for a Rezoning request from Planned Unit Development to General Commercial District for Lots 2R and 3R Block of I-90 Heartland Business Park, located in Section 28, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2233 and 2341 N. Elk Vale Road.

Planning Commission recommended that the Rezoning request from Planned Unit Development to General Commercial District be approved.

8. No. 20VR004 - Rapid City Greenway Tract
A request by Fisk Land Surveying & Consulting Engineers, Inc for Rapid City Club for Boys to consider an application for a Vacation of Right-of-Way for the north 4th Street right-of-way adjoining Lot RU-10 and vacated south 50 feet of Philadelphia Street: and Tract 22 of Rapid City Greenway Tracts located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 320 North 4th Street.

Planning Commission recommended approval of the Vacation of Right-of-Way.

---END OF CONSENT CALENDAR---

*7. No. 20UR023 - Highpointe Ranch Subdivision
A request by Wyss Associates, Inc for Watershed Development, LLC to consider an application for a Conditional Use Permit for a Community Park for the E1/2 of the NE1/4 of the SW1/4 of the SE1/4 less Highpointe Ranch Subdivision and less right-of-way; the SE1/4 of the SE1/4 less Highpointe Ranch Subdivision less right-of-way
located in Section 20, T1N, R7E, BHM, Rapid City, Pennington, South Dakota, more generally described as being located north of existing Red Rock Subdivision.

In response to Bulman’s question regarding future maintenance of the park, Fisher stated that although the Rapid City Parks and Recreation Department has confirmed that the equipment meets standards, it is not currently scheduled to be managed by the City, but by the High Pointe Ranch Home Owners Association.

Bulman moved, Golliher seconded and the Planning Commission approved Conditional Use Permit to allow a walk-in neighborhood park with the following stipulations:

1. The park shall be designed to ensure the future dedication of 68 feet of right-of-way for Wind River Road is being maintained. A temporary gravel walkway shall be allowed until Wind River Road is constructed, replacing the gravel walkway with a concrete sidewalk;

2. Upon issuance of a building permit, the City shall issue the park a physical address and the address shall be posted on the property;

3. All playground equipment shall comply with ASTM F1487; and,

4. The Conditional Use Permit shall allow for the construction of a neighborhood park on the property pursuant to the approved site plan and operational plan. Any permitted use in the Low Density Residential District -2 shall require a Building Permit. Any conditional use or expansion of the park shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Braun, Bulman, Caesar, Golliher, Herr, 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 Development by close of business on the seventh full calendar day following action by the Planning Commission._

---BEGINNING OF REGULAR AGENDA ITEMS---

*9. No. 20PD031 - North 80 Subdivision
A request by KGI Wireless for CommNet Cellular Inc. d/b/a Verizon Wireless to consider an application for a **Major Amendment to a Planned Development Overlay to allow a communications tower** for Lot E of Lot 5 of North 80 Subdivision, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 425 Bentley Lane.

Lacock noted that the applicant is proposing to construct a tower to address capacity deficiency in the area. Lacock reviewed the proposed model which will consist of a 100 foot tall tower with a fenced in 12 feet by 16.5 feet equipment pad area. Lacock state it is anticipated for the tower to blend into the existing phone and power poles in the area and would allow proposed future co-location. Lacock noted that the applicant has confirmed that the tower will not be impacting the major drainage or conservation easements located on the property. Lacock stated that 911 Services has indicated that this tower is needed and that staff recommends
approval with stipulations.

In response to a question from Vidal as to why this specific location now, Lacock reiterated that due to existing capacity deficiency in an area of expanding development it has been identified as a current need.

Bulman moved, Caesar seconded and the Planning Commission approved the Major Amendment to the Planned Development with the following stipulations:
1. 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 the Planned Development Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,
2. The Major Amendment to the Planned Development shall allow for a 100-foot tall cellular communications tower designed for co-location with an associated fenced equipment pad area. Tower space shall be provided for local safety radio equipment. Permitted uses within the General Commercial 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. (7 to 0 with Braun, Bulman, Caesar, Golliher, Herr, 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

*10. No. 20UR022 - Wildwood Subdivision
A request by Joseph and Shelby Keeton to consider an application for a Conditional Use Permit to allow an over-sized garage for Lot 7 of Block 3 of Wildwood Subdivision, located in Section 21, T1N, R7E, BHM, Rapid Pennington County, South Dakota, more generally described as being located at 5480 Pine Tree Drive.

Gillies presented the application and reviewed the associated slides noting that the addition of this second garage would bring the overall garage space 124 feet over the allotted storage area. Gillies noted that the garage will be built in complementing design to the existing structures, that its placement should shield it from the neighboring properties and that a single approach will be utilized to access both garage structures. Gillies noted that the design of the second garage incorporates a patio area, but noted that as this area will not be used as storage area, it is not calculated into the overall storage or garage square feet. Gillies stated that staff recommends granting the Exception to allow a combined attached and detached over-sized garage of 1,624 square feet in size, in lieu of the maximum allowed 1,500 square feet, and approval of the application with stipulations.

In response to a question from Braun if the single approach is a requirement for
accessory structure or just a preference, Fisher stated that it is a preference as obtaining a second approach would require securing an approach permit from the Public Works Division and that although they can be obtained, the single access is preferred to help reduce congestion on the street.

In response to a question from Caesar on the patio area, Gillies stated that it was part of the footprint but not garage or storage area with the garage or storage area requiring the Exception, not the lot coverage.

Golliher moved, Vidal seconded and Planning Commission approved the Conditional Use Permit to allow an over-sized garage with the following stipulation:

1. An Exception is hereby granted to allow a combined attached and detached over-sized garage 1,624 square feet in size, in lieu of the maximum allowed 1,500 square feet;
2. Prior to submittal of a Building Permit, the site plan shall be revised to show property line sidewalk along Pine Tree Drive or a Variance shall be obtained from the City Council;
3. Upon issuance of a Building Permit, the existing house number shall be posted on the house in such a way that that it is clearly visible from Pine Tree Drive;
4. All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
5. The proposed over-sized garage shall be constructed with the same design elements as shown on the applicant's submitted elevations. Any changes to the design of the garage not compatible with the existing dwelling shall require a Major Amendment to the Conditional Use Permit; and,
6. The Conditional Use Permit shall allow for an over-sized garage on the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the structure shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District shall require a Building Permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Braun, Bulman, Caesar, Golliher, Herr, 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

11. Discussion Items
   Fisher wished everyone a happy Thanksgiving and reminded the Planning Commission that there was only one meeting left in the year.

12. Staff Items
Planning Commission Minutes
November 25, 2020

None

13. Planning Commission Items
None

There being no further business, Golliher moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:18 a.m. (7 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Quasney and Vidal voting yes and none voting no)