

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 26, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, Eirik Heikes, Mike Quasney, Haven Stuck and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: John Herr, Eric Ottenbacher

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Sarah Hanzel, Tim Behlings, Chip Premus, Todd Peckosh, Wade Nyberg, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:00a.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 Caesar seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 5, 2021 Planning Commission Meeting Minutes.

Planning Commission approved the August 5, 2021 Planning Commission Minutes.

2. No. 21CA002 - Summary of Adoption Action of Comprehensive Plan Amendment to allow for the new alignment of Bunker Drive

Summary of Adoption Action on a request by Longbranch Civil Engineering, Inc for Doeck, LLC to consider an application for a of Comprehensive Plan Amendment to allow for the new alignment of Bunker Drive for the SE1/4 of the NE1/4 of Section 14, T2N, R7E, less Auburn Hills Subdivision and a portion of the NE1/4 of the SE1/4 of Section 14, T2N, R7E, less Auburn Hills Subdivision, located in the NE14 and in the SE1/4 of Section 14, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the western Terminus of Coal Bank Drive.

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

3. No. 21AN002 - Cabot Hill Subdivision

A request by Ferber Engineering Company for Wayne Hellman to consider an application for a **Petition for Annexation** for the NE1/4 of the SE1/4 of the SW1/4, less Tracts A and C and the SW1/4 of the SE1/4, less Tract A, less Lot H1 and less

part of County Road, all located in Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 1470 Cabot Hill Road.

Planning Commission recommended approving the applicant's request to waive the annexation requirement.

*4. No. 21PD028 - Fifth Street Office Plaza

A request by Longbranch Civil Engineering, Inc for K&W, LLC to consider an application for a **Final Planned Development Overlay to allow a strip mall** for , Lot 3 of Block 2 of Fifth Street Office Plaza, located in the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located south of the intersection of Enchanted Pines Drive and 5th Street.

Planning Commission approved the Final Planned Development Overlay to allow a commercial development with the following stipulations:

1. **Prior to issuance of a Building Permit, the plans shall include a grease/oil/solids separator for waste from the proposed restaurant;**
2. **Prior to issuance of a Building Permit, the plans shall be revised eliminating the water service lines from extending under the building;**
3. **Prior to issuance of a Building Permit, an access easement shall be recorded for the shared access point with the adjacent property;**
4. **A master meter with a high hazard backflow prevention device (RPZ) shall be installed in a dedicated meter facility structure or within a room of a structure;**
5. **The Building shall be protected throughout with an approved fire sprinkler system designed and installed as per NFPA 13;**
6. **All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,**
7. **The Final Planned Development shall allow a commercial development in the General Commercial District. All requirements of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon an approved Building Permit and the provision of adequate parking. All conditional uses in the General Commercial District shall require a Major Amendment to the Final Planned Development Overlay.**

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. 21PL075 - Village on the Green No. 3 Subdivision

A request by Brett Grosz for Hart Ranch Development Company to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 of Block 1 and Lots 1 thru 17 of Block 2 of Village on the Green No. 3 Subdivision, legally described as a portion of the S1/2 of the NE1/4 and portions of the N1/2 of the SE1/4 of Section 13, T1S, R7E, BHM, BHM, Pennington County, South Dakota, more generally described as being located west of Arena Drive and south of Anne Court.

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

1. **Upon submittal of a Development Engineering Plan application, construction plans for Anna Court, Street A and Street B, all local streets, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb on Street A shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate that fire flows are being provided to support the proposed subdivision. If fire flows are insufficient, then upon submittal of a Final Plat application, the applicant shall enter into a Covenant Agreement with the City to ensure that fire suppression systems are installed in all new residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, the covenant agreement shall ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative;**
3. **Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
4. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
5. **Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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**

6. required by the Infrastructure Design Criteria Manual;
 6. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
 7. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
 8. Prior to submittal of a Final Plat, street names for proposed Street A and Street B shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the approved street names shall be shown on the plat document;
 9. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements and a Major Drainage easement shall be dedicated for all drainage improvements;
 10. 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,
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
6. No. 21PL076 - JW Estates
A request by Fisk Land Surveying & Consulting Engineers, Inc for Jay White to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of JW Estates, legally described as portions of the E1/2 of the E1/2 of the NW1/4 of the SW1/4 and the NE1/4 of the SW1/4 in Section 14, T1N, R7E, BHM, all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1640 Skyline Ranch Road.

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

1. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of one additional foot of right-of-way along Tower Road as it abuts the property;
2. Prior to submittal of a Final Plat application, the applicant shall demonstrate that fire flows are being provided to support the proposed subdivision. If fire flows are insufficient, then upon submittal of a Final Plat application, the applicant shall enter into a Covenant Agreement with the City to ensure that fire suppression systems are installed in all new residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, the covenant agreement shall ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative; and,
3. Prior to submittal of a Final Plat application, the applicant shall contact the Fire Department to conduct a wildland fuels mitigation assessment to determine if a Wild Fire Mitigation Plan for the property is needed. In addition, a copy of the approved plan shall be submitted with the Final Plat application or written documentation from the Fire Department shall be submitted indicating that a plan is not needed.

7. 21TP017- 2022-2025 Transportation Improvement Program – Final Report

Planning Commission recommended the 2022-2025 Transportation Improvement Program – Final Report be acknowledged.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*8. No. 21UR012 - Carriage Hills Subdivision

A request by Jeff and Kate Collins to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 19 of Block 8 of Carriage Hills Subdivision, located in Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4421 W. Glen Place.

Bauer presented the application and reviewed the associated slides, stating that the detached garage requested is in excess of the allowable garage square footage. Bauer noted that one of the uses of the garage is to hold a recreational vehicle and is in excess of the 15 foot height allowed by ordinance and will require either a Variance or an Administrative Exception. Bauer noted lot contains extensive landscaping which will reduce the impact of the building to surrounding properties and that the structure will be constructed with like materials and in the same style of the existing home. Bauer noted that the Home Owner's Association has informed staff that they have held a board meeting and approved the request. Bauer stated that staff recommends that the Conditional Use Permit to allow an oversized garage be approved with the stipulations outlined in the Project Report.

Braun noted that Stuck will be abstaining from the item due to a conflict of interest.

Bulman moved, Heikes seconded and the Planning Commission approved the Conditional Use Permit to allow an over-sized garage with the following stipulations:

1. **An Exception is hereby granted to allow a detached over-sized garage with a storage room and recreation room in addition to the existing attached garage with a total combined area of 1,979 square feet, in lieu of the maximum allowed 1,500 square feet;**
2. **Prior to issuance of a Building Permit, the applicants shall obtain a Variance from the Zoning Board of Adjustments or an Administrative Zoning Exception to allow a garage with a maximum height of 17 feet, 8.75 inches;**
3. **Prior to submittal of a Building Permit, the site plan shall be revised to show property line sidewalk along W. Glen Place or a Variance shall be obtained from the City Council;**
4. **The proposed over-sized garage shall be constructed with the same design elements as shown on the applicant's submitted elevations; and,**
5. **The Conditional Use Permit shall allow for an over-sized garage on the property. The garage shall not be used for commercial purposes. Any change in use that is a permitted use in the Low Density Residential District shall require a Building Permit. Any expansion to the garage or 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. (8 to 0 to 1 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal voting yes and none voting no and Stuck abstaining)

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*9. No. 21PD027 - Original Town of Rapid City

A request by Renner Associates, LLC for Pennington County Buildings & Grounds Department to consider an application for a **Final Planned Development overlay to allow a crisis stabilization center** for Lot 25 thru 32 of Block 107 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 northwest of the intersection of Quincy Street and 3rd Street.

Hanzel presented the application reviewing the existing uses and the request for the expansion which will include mental health care and stabilization for no more than 16 patients. Hanzel stated that the proposed location is located south of the existing facility on Quincy and 3rd Street. Hanzel reviewed the Exceptions that had been approved with the Initial Planned Development including the reduction of parking. She noted that the site plan does not count on-street parking in the calculations. Hanzel stated that the applicant has indicated through a parking study that the parking capacity has met the parking needs of clients and employees and should continue to do so with this expansion. Hanzel reviewed the proposed elevations of the facility as well as the fencing and screening that will be provided which includes live plantings. Hanzel stated that staff recommends that the Final Planned Development overlay to allow a crisis stabilization center be approved with stipulations outlined in the Project Report.

In response to questions from Heikes regarding parking and other modes of transit available to access the center, Mike Kuhl, Pennington County Buildings and Grounds Director, spoke to the availability of the Pennington County parking structure and to the pending construction of a second parking structure in the prior Lamplighter Inn location that would provide parking for the center. Kip Harrington, Long Range Planning, confirmed that there is Rapid Transit bussing that runs in the area, although not directly in front of the facility, as well as bike accessibility.

In response to a question from Arguello regarding the single residence that still exists amongst the Care Campus facilities, Hanzel reiterated that 6 foot privacy fences will provide screening between the campus uses and the private residence.

In response to a question from Quasney whether there is any bussing provided by the facility, Kuhl stated that the Rapid Transit system is available for convenient access, but the Center does not currently provide bussing.

In response to a question from Braun if the County would be directing staff to utilize other parking outside of the parking structure or areas to avail parking for

customer's use, Kuhl stated they already do so and with the planned future parking structure on the former Lamplighter Inn location will also help alleviate parking congestion.

Vidal moved, Golliher seconded Planning Commission approved the requested Final Planned Development with the following stipulations:

- 1. Prior to Issuance of a Building Permit, a developmental lot agreement will be secured;**
- 2. Upon submittal of a building permit, a site plan shall demonstrate that inlets and gutter pans do not interfere with the sanitary sewer and gas mains.**
- 3. Upon submittal of a Building Permit, the driveway approach pan will be replaced to meet City Standard Detail 60-4.**
- 4. An Exception to reduce the parking from 101 to 77 is hereby granted. Any changes to the uses or operation of the site which result in an increase in the required amount of parking will require a Major Amendment to the Planned Development;**
- 5. Acknowledge the Exceptions from 16PD051 as follows:**
 - An Exception to reduce required parking from 241 to 67 as part of Phase I of the redevelopment of the existing structure located at 321 Kansas Street.**
 - An Exception to allow the existing 4-foot front yard setback, 0-foot rear yard setback to remain**
 - An Exception to reduce the required landscaping islands from 4 to 0; and,**
 - An Exception to reduce the required side yard setback for commercial parking adjacent to a residential use from 12 feet to 0 feet.**
- 6. Acknowledge the Exceptions from 18PD035 as follows:**
 - 11.An Exception to reduce the required side yard setback for commercial parking adjacent to a residential use from 12 feet to 0 feet on the west side of the parking lot; and**
 - An Exception to reduce required parking from 296 to 85 as part of Phase II of redevelopment of the structure located at 321 Kansas Street. This Phase involved renovation of the 2nd floor of the structure.**
- 7. Acknowledge the Exceptions from 21PD013 as follows:**
 - An Exception to reduce the required amount of parking for the Pennington County Care Campus from 117 to 101 as part of the proposed construction of the new 14,000 square foot building.**
 - An Exception to reduce the required rear yard setback from 25 feet to 15 feet from the alley;**
 - An Exception to reduce the required street side yard setback from 25 feet to 3 feet;**
 - An Exception to allow an 8-foot encroachment into the 25-foot setback for the purposes of canopy structures on patios.**
- 8. All signage shall comply with the requirements of the Rapid City Municipal Code. No Light Emitting Diode (LED) message centers are being approved as a part of this Final Planned Development Overlay. The future addition of any LED message centers shall require a Major**

Amendment to the Planned Development. A sign permit shall be obtained for each sign; and,

9. **This Final Planned Development shall allow a Crisis Care Facility as part of the Pennington County Care Campus. All requirements of the Public District shall be maintained unless specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Amendment to the Planned Development. All uses permitted in the Public District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the Public District or uses which increase the required amount of parking on the site shall require an Amendment to the Planned Development. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, 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.

*10. No. 21UR015 - Pine Hills Subdivision

A request by Jeremy Schunneman to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lots 66 and 67 of Pine Hills Subdivision, located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1031 Pine Hills Drive.

Bauer presented the application and reviewed the associated slides noting that the property includes two separate lots, and as such, the applicant will be required to enter into a Developmental Lot Agreement to prevent one of the lots from being sold separately. Bauer noted that the garage has living space on the upper floors and that due to the structure being less than 35 feet it falls under the height allowance per the ordinance language. Bauer further noted that the forested lot provides screening. Bauer stated that staff recommends approval of the Conditional Use Permit to allow an oversized garage with stipulations as outlined in the Project Report.

In response to a question from Heikes on fire mitigation, Behlings stated that the area has been mitigated in the past so that the mitigation for this structure will include building construction materials be limited to non-combustible exterior and fire sprinkler system on the inside as well as the use of landscaping that does not propagate fire.

Gollhofer moved , Caesar seconded Planning Commission approved the Conditional Use Permit to allow an over-sized garage with the following stipulations:

1. **An Exception is hereby granted to allow an over-sized garage 2,240 square feet in size, in lieu of the maximum allowed 1,500 square feet;**
2. **Prior to issuance of a Building Permit, the applicant shall enter into a Developmental Lot Agreement;**

3. The proposed over-sized garage shall be constructed with the same design elements as shown on the applicant's submitted elevations;
4. Prior to submittal of a Building Permit, the site plan shall be revised to show property line sidewalk along Pine Hills Drive or a Variance shall be obtained from the City Council;
5. The Fire Department has indicated that a fire suppression system shall be installed in the structure. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable;
6. Prior to issuance of a building permit, the applicant shall contact the Life Safety Division of the Rapid City Fire Department to evaluate the property to determine if any additional wildland fire mitigation efforts will be needed associated with the proposed construction. In addition, exterior building and landscaping materials shall be in conformance with the best practices established by Rapid City Space initiative; and,
7. The Conditional Use Permit shall allow for an over-sized garage on the property. The garage shall not be used for commercial purposes. Any change in use that is a permitted use in the Low Density Residential District shall require a Building Permit. Any expansion to the garage or 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. (9 to 0 with Arguello, Braun, Bulman, Caesar, 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.

11. Discussion Items
None

12. Staff Items

Harrington stated that Current Planning has hired Brian Hurskaian as a Current Planner. Brian will be coming to us from Arizona, will be joining staff September 7, 2021 and will be participating in the September 9, Planning Commission meeting.

13. Planning Commission Items
None

There being no further business, Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:29 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)