

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 6, 2016

MEMBERS PRESENT: Erik Braun, Karen Bulman, John Herr, Galen Hoogestraat, Linda Marchand, Steve Rolinger, and Andrew Scull. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: John Brewer, Kimberly Schmidt and Jan Swank

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Sarah Hanzel, Ted Johnson, Carla Cushman 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 4 be removed from the Consent Agenda for separate consideration.

Scull requested that Items 5 and 6 be removed from the Consent Agenda for separate consideration.

Motion by Hoogestraat seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations with the exception of Items 4, 5, and 6. (7 to 0 with Braun, Bulman, Herr, Hoogestraat, Marchand, Rolinger and Scull voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 22, 2016 Planning Commission Meeting Minutes and approval of the corrected Minutes of the June 23, 2016 Planning Commission Meeting

*2. No. 16PD042 - GLM Subdivision #2
A request by Britton Engineer and Land Surveying, Inc for ARS Properties, LLC to consider an application for a **Final Planned Development Overlay to allow an automotive parts distribution and sales** for Lot 6 of GLM Subdivision #2, located in the N1/2 of the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Cabela's Drive and East Mall Drive.

Planning Commission approved the Final Planned Development Overlay to allow an automotive parts distribution and sales be approved with the following stipulations:

1. **Upon submittal of a Building Permit, the plans shall be revised to show a five foot wide property line sidewalk or an Exception shall be**

- obtained to allow a four foot wide sidewalk;
2. All future signage shall 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 or any electronic reader board signs shall require the review and approval of a Major Amendment. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for all signs; and,
 3. This Final Planned Development Overlay shall allow for an auto parts sales and distribution facility. Permitted uses within the Light Industrial 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

3. No. 16PL091 - Tyler Knue Subdivision

A request by Bill Freytag for CITCRA LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 7 of Block 5 of Tyler Knue Subdivision, legally described as a portion of the N1/2 of the NW1/4 lying outside the Rapid City Corporate Boundary of Section 24, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Kyle Street.

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

1. Prior to submittal of a Development Engineering Plan application, the construction drawings shall be revised to address redlined comments or an Exception shall be obtained to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment. A copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the Development Engineering Plan application;
2. 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 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;**
- 3. 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;**
- 4. 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;**
- 5. Upon submittal of a Development Engineering Plan application, a drainage plan and report shall be submitted for review and approval for the proposed subdivision improvements, including stormwater detention and metering, and post construction-water quality improvements. The design report shall be in conformance with the Infrastructure Design Criteria Manual and signed and sealed by a Professional Engineer. Stormwater analysis and improvements shall also include consideration of current and future stormwater quality requirements and improvements. In addition, easements shall be provided as needed;**
- 6. Upon submittal of a Development Engineering Plan application, a grading plan and 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, construction plans for Kyle Street shall be submitted for review and approval showing the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, a permanent cul-de-sac bulb shall be provided at the northern terminus of Chalkstone Drive. The construction plans shall show the cul-de-sac bulb located within a minimum 118 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering application;**
- 8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;**
- 9. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be**

- submitted for review and approval;
10. Prior to submittal of a Final Plat application, the property shall be annexed pursuant to Section 16.040.090 of the Rapid City Municipal Code;
 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).

---END OF CONSENT CALENDAR---

4. No. 16PL092 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc for DOECK, LLC to consider an application for a **Preliminary Subdivision** for proposed Lot 21 of Block 4 of Auburn Hills Subdivision, legally described as a portion of the SW1/4 of the NW1/4 less Auburn Hills Subdivision, located in the SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Chalkstone Drive.

Fisher briefly described the application stating that after meeting with the applicant, a revised plat is being submitted and as such staff is requesting that the **Preliminary Subdivision** application be continued to the November 10, 2016 Planning Commission Meeting. **(7 to 0 to with Braun, Bulman, Herr, Hoogestraat, Marchand, Rolinger and Scull voting yes and none voting no)**

Bulman moved, Marchand seconded and unanimously carried to continue the Preliminary Subdivision to the November 10, 2016 Planning Commission Meeting.

Scull stated that he would be abstaining from Items 5 through 9.

5. No. 16RZ032 - Section 35, T1N, R7E

A request by KTM Design Solutions Inc for Hagg Brothers, LLC to consider an application for a **Rezoning from General Commercial District to Office Commercial District** for the SW1/4 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest most corner of the SW1/4 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, S 89°06'47" E, a distance of 541.94'; to the point of beginning,; Thence, first course: N 00°01'10" W, a distance of 664.74';; Thence, second course: S 71°35'33" E, a distance of 48.57';; Thence, third course: curving to the left with an arc length of 129.97', with a radius of 1,550.00', with a chord bearing of S 74°52'00" E, with a chord length of 129.93';; Thence, fourth course: S 12°43'52" W, a distance of 347.42';; Thence, fifth course: S 00°15'57" E a distance of 275.44';; Thence, sixth course: S 89°18'39" W a distance of 96.01', to the said

point of beginning, more generally described as being located north of Sammis Trail.

Marchand moved, Hoogestraat seconded and unanimously carried to recommend that the rezoning from General Commercial District to Office Commercial District be approved. (6 to 0 to 1 with Braun, Bulman, Herr, Hoogestraat, Marchand and Rolinger voting yes and none voting no and Scull abstaining)

*6. No. 16UR019 - Section 11, T1N, R7E

A request by Dana Forman for KLJ to consider an application for a **Major Amendment to the Conditional Use Permit to allow expansion of the existing television station** for Tract B a portion of the NW1/4 of the NW1/4 west of Skyline Drive, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2001 Skyline Drive.

Marchand moved, Hoogestraat seconded and unanimously carried to approve the requested Major Amendment to the Conditional Use Permit to allow expansion of an existing television station be approved with the following stipulations:

- 1. Prior to issuance of a building permit, revised plans shall be submitted showing that the proposed landscaping meets all requirements of the Rapid City Landscaping Ordinance.**
- 2. Prior to issuance of a building permit, revised plans for the proposed on-site wastewater treatment system, signed and sealed by a registered professional, shall be submitted to the South Dakota Department of Environment and Natural Resources (DENR). A copy of DENR approval for the proposed treatment system shall be submitted as a part of the building permit application.**
- 3. All signage shall comply with the requirements of the Rapid City Sign Code. No Light Emitting Diode (LED) message centers are being approved as a part of the Major Amendment. Addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign.**
- 4. This Major Amendment to the Conditional Use Permit shall allow for the expansion of an existing television station and broadcasting equipment. All requirements of the General Agriculture District shall be maintained. All uses permitted in the General Agriculture District shall be permitted contingent on provision of sufficient parking and an approved building permit. All conditional uses shall require a Major Amendment to the Conditional Use Permit. (6 to 0 to 1 with Braun, Bulman, Herr, Hoogestraat, Marchand and Rolinger voting yes and none voting no and Scull abstaining)**

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 Planning &

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

---BEGINNING OF REGULAR AGENDA ITEMS---

Hanzel requested that Items 7 and 8 be heard concurrently.

7. No. 16AN004 - Section 20, T1N, R7E
A request by Wyss Associates, Inc. for Watershed Development, LLC to consider an application for a **Petition of Annexation** for the SE1/4 of the SE1/4 and the E1/2 of the NE1/4 of the SW1/4 of the SE1/4 of Section 20, T1N, R7E, located in the SE1/4 of the SE1/4 and the E1/2 of the NE1/4 of the SW1/4 of the SE1/4 of Section 20, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Poppy Trail and Dunsmore Road.
8. No. 16RZ031 - Section 20, T1N, R7E
A request by Wyss Associates, Inc. for Watershed Development, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District II** for the SE1/4 of the SE1/4 and the E1/2 of the NE1/4 of the SW1/4 of the SE1/4 of Section 20, T1N, R7E, located in the SE1/4 of the SE1/4 and the E1/2 of the NE1/4 of the SW1/4 of the SE1/4 of Section 20, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Poppy Trail and Dunsmore Road.

Hanzel presented the applications and reviewed the slides. Hanzel stated that staff had received a letter of concern regarding the anticipated increase in traffic on Dunsmore Road that this development might create. Hanzel stated that a traffic study has been completed as part of this application process and staff has no concerns identified at this time. Hanzel presented staff's recommendation that the **Petition of Annexation** and the **Rezoning from No Use District to Low Density Residential District II** be approved.

Harley Taylor, 255 Texas Street, indicated that his concern was in regards to the drainage plans for the development and asked if those issues would be addressed now or later in the process. Fisher confirmed that the drainage issue and other issues would be addressed in the platting that is anticipated to be submitted in the near future.

Andrew Scull, 2665 Cavern Road, a partner in Watershed Development LLC, stated that they have been and will continue to work closely with neighbors including Mr. Taylor as this development moves forward and offered to answer any questions.

In response to a question from Bulman regarding the extension of Poppy Trail, Fisher briefly reviewed the history of Poppy Trail and indicated no extension is anticipated at this time.

Marchand moved, Bulman seconded and unanimously carried to

recommend that the Petition for Annexation be approved; and,

That the request to rezone property from No Use District to Low Density Residential District 2 be approved. (6 to 0 to 1 with Braun, Bulman, Herr, Hoogestraat, Marchand and Rolinger voting yes and none voting no and Scull abstaining)

*9. No. 16PD043 - Original Town of Rapid City

A request by Andrew Scull for Sandra Berendes to consider an application for a **Final Planned Development Overlay to allow a single family residential development with exceptions** for the north 80 feet of Lots 25 thru 32 of Block 118 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 at 210 Columbus Street.

Lacock presented the application and reviewed the associated slides noting that three Exceptions have been requested including a reduction of lot size, a reduction of setback and to waive the requirement to abut to a public street. Lacock stated that no expansion or development is being proposed for this property, the request is to bring the single-family residence into compliance to enable the owner to transfer the property for sale. Currently the property would not meet zoning requirements. Lacock stated staff is recommending the Exceptions be granted and the **Final Planned Development Overlay to allow a single family residential development with exceptions** be approved with stipulations.

Bulman moved to approve, Rolinger seconded.

Ben Doughty, 121 and 123 Quincy Street, spoke to his concerns regarding the potential development of the property. Braun stated that the purpose of the application is to bring the property into conformity and that no new development is being proposed.

Bulman moved, Rolinger seconded and unanimously carried to approve the Final Planned Development Overlay to allow a single-family residential development with exceptions be approved with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required lot size from 3 acres to 0.36 acres;**
- 2. An Exception is hereby granted to reduce the minimum required rear yard setback from 50 feet to 19 feet;**
- 3. An Exception is hereby granted to waive the requirement that the property abut a public street for a minimum distance of 50 feet; and,**
- 5. This Final Planned Development Overlay shall allow a single-family residential development. Permitted uses within the Park Forest 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. (6**

to 0 to 1 with Braun, Bulman, Herr, Hoogestraat, Marchand and Rolinger voting yes and none voting no and Scull abstaining)

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

10. Discussion Items

Fisher informed the Planning Commission that they would be electing officers at the October 27, 2016 Planning Commission meeting and advised them to consider who they wanted to elect.

11. Staff Items

- A. Training on Conflict of Interest, Ex parte Communication and updates in state law

Cushman made a presentation on Due Process including House Bill 1214 which she believes does not actually affect the Planning Commission stating that the current method of recusing and abstaining from an item that a Planning Commission member has an interest in is the proper action. Cushman also reviewed quasi-judicial bodies stating that the Zoning Board of Adjustment operates as a quasi-judicial body, whereas the Planning Commission has appealable actions and is therefore not a quasi-judicial body. Due process concerns arise more frequently in actions taken by a quasi-judicial body.

Cushman reviewed the ex parte conversation guidelines regarding communications with public and staff outside of meetings reminding the Planning Commission to consider what they ask or discuss, noting that if any outside information is used to make their decision, that they disclose it and or recuse themselves from such items.

In response to Drew's requested Cushman stated that she believes Joel Landeen will be presenting some form of this information to the City Council.

12. Planning Commission Items

13. Committee Reports

- A. City Council Report (September 19, 2016)
The City Council concurred with the recommendations of the Planning Commission
- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

There being no further business, Rolinger moved, Scull seconded and

Planning Commission Minutes

October 6, 2016

Page 9

unanimously carried to adjourn the meeting at 7:36 a.m. (7 to 0 with Braun, Bulman, Herr, Hoogestraat, Marchand, Rolinger and Scull voting yes and none voting no)