

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 9, 2017

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Rachel Caesar, Mike Gollither, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney and Gerald Sullivan. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Steve Rolinger and Kim Schmidt

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Sarah Hanzel, Kelly Brennen, Tim Behlings, 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 2 and 3 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 7 in accordance with the staff recommendations with the exception of Items 2 and 3. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Sullivan voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the January 26, 2017 Planning Commission Meeting Minutes.
4. No. 17PL005 - Connector West Subdivision
A request by KTM Design Solutions for F and D Shultz Limited Partnership to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of the Connector West Subdivision Tract 1 of the SE1/4 of the NE1/4 less the Connector Subdivision, less Lot H1 and Les TLC Subdivision, located in Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest corner of Mount Rushmore Road and Catron Boulevard.

Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. **Upon submittal of a Development Engineering Plan application, the red line plan comments shall be addressed. In addition, the redline plan comments shall be returned with the Development Engineering Plan application;**
2. **Prior to submittal of a Development Engineering Plan application, the proposed location of Les Hollers Way, a collector street, shall be relocated to align with the City's Major Street Plan or a**

Comprehensive Plan Amendment to the Major Street Plan shall be approved relocating Les Hollers Way as shown on the proposed Preliminary Subdivision Plan. The Comprehensive Plan Amendment to the Major Street Plan application shall be signed by the applicant and an authorized agent of the Jerald Johnson Living Revocable Trust;

- 3. Upon submittal of a Development Engineering Plan application, construction plans for Les Hollers Way shall be submitted for review and approval showing the street located in a minimum 68 foot wide right-of-way with an additional 10 feet of right-of-way the first 200 feet as it extends north from Catron Boulevard. In addition, the street shall be constructed with a minimum 36 foot wide paved surface to provide 3 continuous paved lanes with curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for the service road shall be submitted for review and approval showing the street located within a minimum 70 foot wide right-of-way with an additional 10 feet of right-of-way the first 200 feet as it extends north from Catron Boulevard. In addition, the street shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 5. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the east lot line, north of the service road, shall be submitted for review and approval. In particular, the construction plans shall show the section line highway with a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the section line highway shall be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 6. Upon submittal of a Development Engineering Plan application, construction plans for Catron Boulevard shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, street light conduit and a second water main 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;**
- 7. 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;

8. 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;
9. 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;
10. 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;
11. 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;
12. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
13. 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,
14. 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).

*5. No. 17PD002 - PLM Subdivision

A request by Fisk Land Surveying and Consulting Engineer, Inc for PLM Development LLC to consider an application for a **Revocation of a Planned Development** for Lots 1 thru 33 of Block 1 of PLM Subdivision No.2 (also located in Section 13) all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of Stumer Road and Enchanted Pines Road.

Staff recommends that the Revocation of a Planned Development be continued to the February 23, 2016 Planning Commission Meeting.

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.

*6. No. 17UR002 - Dunham Estates

A request by Joel Brink to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 11 of Block 5 of Dunham Estates, located in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the Twin Peak Lane and Severson Street intersection.

Staff recommends that the Conditional Use Permit to allow an oversized garage be continued to the February 23, 2017 Planning Commission Meeting.

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.

7. 17TP001 - Acknowledge the 2016 Traffic Volume Counts Report

Staff recommends that that the 2016 Traffic Volume Counts Report be acknowledged

---END OF CONSENT CALENDAR---

Items 2 and 3 were taken concurrently

2. No. 17PL004 - Johnson Ranch Subdivision

A request by KTM Design Solutions Inc for BH Capital, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A and B of Johnson Ranch Subdivision, legally described as the N1/2 of the NW1/4 excepting therefrom Lots H5 of the NE1/4 of the NW1/4; the N1/2 of the SE1/4 of the NW1/4 excepting therefrom Lot H1; Lot AB of the NW1/4 as shown by the plat recorded in Book 12 of the Highway Plats on Page 17, located in Section 9, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast quadrant of E. St. Patrick Street and South Valley Drive intersection.

3. No. 17AN002 - Johnson Ranch Subdivision

A request by KTM Design Solutions Inc for BH Capital, LLC to consider an application for a **Petition of Annexation** for that portion of the N1/2 of the NW1/4, Less Lot 5 of the NE1/4 of the NW1/4; the N1/2 of the SE1/4 of the NW1/4 Less Lot H1 all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located in the southeast quadrant of E. St. Patrick Street and South Valley Drive intersection.

Fisher reviewed the applications and reviewed the associated slides showing the proposed development and briefly addressing the discussions between staff and the applicant to accomplish the development proposed. Fisher stated that the stipulations for the Preliminary Subdivision Plan application (17PL004) are per the Street Criteria Design Manual, noting that Exceptions have been submitting to waive some of the street improvements. Staff has subsequently approved some of these requests and denied the balance. The applicant has appealed staff's decision to the next Public Works Committee and City Council Meeting. Fisher also noted that in discussing the associated Petition of Annexation (17AN002) that would bring the proposed property into the city limits, the applicant has requested to include the South Valley Drive right-of-way, which will change the area of the annexation. Discussion followed regarding the annexation of the right-of-way of the county road including whether the applicant has the authority to annex all or half the right-of-way. Fisher clarified that the Planning Commission has the option of continuing the annexation request to their next meeting to allow this issue to be resolved or to approve the annexation with the additional right-of-way noting that the City Council can adjust their approval depending upon the applicant's authority to include the full street.

Hani Shafai, Dream Design International, spoke to the applications and that they have worked with the City over the years to provide affordable housing projects. Shafai reviewed the City requirements for the improvements to South Valley Drive stating that including curb and gutter and the resignaling of the E. St. Patrick Street and South Valley Drive intersection to accommodate the requested three lanes would be cost prohibitive. Shafai stated that in the best interest of the development, he is requesting that the applications be acted on by Planning Commission to allow the City Council to address the issues. Shafai stated that he would be willing to sign a Waiver of Right to Protest with the City so that should City decide to improve the road in the future he would agree to make the required improvements, indicating that in numerous previous projects he has worked with the City he has signed such agreements.

Regarding the Annexation (17AN002) Shafai requested that the annexation be amended to include the right-of-way of South Valley Drive from E. St. Patrick Street to Blanche Drive. Shafai discussed the abnormal cost that improving the road to City Street Standards or to County Standards would create.

In response to a question from Huss on access to the multi-family housing, Shafai stated that they would be taking access from South Valley Drive. Huss noted that the use of the road would be notable and asked for clarification on the required City Street Standards. Shafai reviewed the information from a traffic

count that he has done to date noting that the high traffic is kept to E. St. Patrick Street and South Valley Drive traffic is nominal.

In response to question from Bulman regarding the inclusion of South Valley Drive to the Annexation creating a discontinuation which could create maintenance issues, Fisher showed that the city limits extend to the edge of the annexation and does not leave discontinuous sections. Bulman noted that the City had wanted to annex this road during the previous annexation, but due to issues with unplatted portions of the property they were unable to do so at that time. Fisher confirmed that in discussion with the County they indicated they had requested that South Valley Drive be built out to a three lane road or annexed into the City Limits. Fisher clarified that platting the property requires that the street be built to City Street Standards or an Exception be obtained.

Discussion on the development of the road, the options and the issues followed.

In response to questions from Quasney regarding the potential traffic patterns and the density of use shown by the Master Plan, Fisher clarified that this Preliminary Subdivision Plan being reviewed is only for the two proposed lots. Shafai reviewed the left turn lane that currently exists stating that they anticipate full traffic movement at the intersection.

Cushman stated that staff will need to review the history of the previous annexations and platting of the property in this area to confirm that the entire road can be annexed based on the dedication of the property and associated right-of-way.

Shafai stated that he has met with Pennington County and has provided them with a Petition of Annexation for their signature and approval and anticipates that if needed this will be available by the time the Petition of Annexation goes before City Council.

Hoogestraat moved to recommend approve the Preliminary Subdivision Plan with the stipulations as outlined in the Project Report and to recommend approval of the annexation with the amended legal area.

Fisher offered clarification on the wording for the annexation revision as follows: **That the Petition of Annexation be approved amending the legal description to include the South Valley Drive right-of-way between E. Saint Patrick Street and Blanche Drive that is under the property owners control.**

Hoogestraat accepted the motion revision, Bulman seconded.

Hoogestraat moved, Bulman seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:

- 1. Upon submittal of a Development Engineering Plan application, the red line plan comments shall be addressed. In addition, the redline plan comments shall be returned with the Development Engineering**

Plan application;

- 2. Upon submittal of a Development Engineering Plan application, construction plans for East Saint Patrick Street shall be submitted for review and approval showing the street constructed with sidewalk, dual water mains in accordance with the Rapid Valley Sanitary District master plan and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for South Valley Drive shall be submitted for review and approval showing the street located within a minimum 68 foot wide right-of-way with an additional 10 feet of right-of-way the first 200 feet as it extends south from East Saint Patrick Street. In addition, the street shall be constructed with a minimum 36 foot wide paved surface to allow a three lane section with curb, gutter, sidewalk, street light conduit and water upsized in accordance with the Rapid Valley Sanitary District master plan or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception 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 and in compliance with the Rapid Valley Sanitary District master plan. 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;**
- 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 and in compliance with the Rapid Valley Sanitary District master plan 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 and the Rapid Valley Sanitary District master plan;**
- 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. Perpetual ownership and maintenance of facilities shall also be identified;**
- 7. 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;

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 into the City limits of Rapid City;
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); and

That the Petition for Annexation be approved with the amending of the legal description to include the South Valley Drive right-of-way between E. Saint Patrick Street and Blanche Drive that is under the property owner's control. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney and Sullivan voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

8. No. 16AN006 - Big Sky Subdivision
A request by City of Rapid City to consider an application for a **Resolution of Annexation** for Lots 1 - 5 of Block 1, Lots 1-6, 7R, and 8-14 of Block 2, Lots 2 - 13 of Block 3, Lots 1-9 of Block 4, Lots 1 - 12 of Block 5, Lots 1 - 23 of Block 6, Lots 1 - 6 of Block 7, Lots 1 - 3 of Block 8, Lot 1 of Block 9, Lot 1 of Block 10, Lots 1 - 15 of Block 11, Lots 1 - 15 of Block 12, Lot 1 of Block 13, Lot 1 of Block 14, Lots 1 - 11 of Block 15, and Lots 1 - 2 of Block 16, and all adjacent dedicated rights of way all located in Big Sky Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road, north of Twilight Drive, west of Reservoir Road, south of Homestead Street.

Hanzel presented the application reviewing noting this is the second phase of the application that the first phase was the Resolution of Intent to Annex which was

approved by City Council January 17, 2017. Hanzel stated that there were not changes to this item and staff had not received any calls regarding this application following City Council's approval and stated that staff recommends the Resolution of Annexation be approved.

Herr spoke to his thoughts on the recent decision on the lawsuit regarding this development and how it affects both the City's standing and this application.

Drew clarified that the City had prepared for the repair of the roads regardless of the outcome of the lawsuit.

Bulman moved, Hoogestraat seconded and carried to recommend that the Resolution of Annexation be approved. (7 to 2 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Quasney and Sullivan voting yes and Herr and Huus voting no)

9. No. 17AN001 - Section 8, T1N, R8E

A request by Sylvia Conrad to consider an application for a **Resolution for De-Annexation** for the N1/2 of the SW1/4 of the NE1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the current terminus of Sedivy Lane.

Hanzel presented the application and reviewed the associated slides noting that this property is located adjacent to an area referred to as a jurisdictional donut hole, which is property that lies within the City Limits but is itself outside of the City Limits creating a hole in the city limits. Hanzel noted that the property does not meet several criteria in the De-Annexation Policy and that staff is recommending that this resolution for DeAnnexation be denied.

In response to a question from Braun why she wished to remove the property from the city limits, Conrad stated that the property is in the flood plain which limits its uses and indicated that she would like to lease it to the adjacent owner as part of the sod farm he operates on his property which is in the county. Fisher clarified that sod farming is a permitted use in a General Agricultural District and the Flood Hazard District by City Zoning.

Bulman moved, Herr seconded and unanimously Staff recommends that the Resolution for De-Annexation be denied. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Sullivan voting yes and none voting no)

10. Discussion Items

11. Staff Items

A. A request from the Parks and Recreation Department for the Planning Commission to sponsor a Comprehensive Plan Amendment for the Robbinsdale Park Master Plan

DeSmidt reviewed the Parks Department work on this Master Plan over the last year including public meetings and working with a consultant to studying past uses to ensure that the future plans for the park are viable for the area and to ensure the continued public use and safety of the park. Desmidt requested that the Planning Commission sponsors the Master Plan as an Amendment to the Comprehensive Plan "Plan Rapid City".

Bulman moved, Hoogestraat seconded and unanimously carried to approve the Planning Commission sponsorship of the Comprehensive Plan Amendment for the Robbinsdale Master Plan. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Sullivan voting yes and none voting no)

12. Planning Commission Items

13. Committee Reports

- A. City Council Report (January 17, 2017)
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, Hoogestraat moved, Gollither seconded and unanimously carried to adjourn the meeting at 8:15 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Sullivan voting yes and none voting no)