

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
April 20, 2017

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

MEMBERS ABSENT: Mike Gollither, Kimberly Schmidt

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Kelly Brennan, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:53 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 6 and 7 be removed from the Consent Agenda for separate consideration.**

**Bulman requested that Items 8 be removed from the Consent Agenda for separate consideration.**

**Motion by Sullivan 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 Items 6, 7 and 8. (9 to 0 with Braun, Bulman, Caesar, Herr, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

1. Approval of the April 6, 2017 Planning Commission Meeting Minutes.
2. No. 17CA001 - Summary of Adoption Action for an Amendment to Rapid City Comprehensive Plan adopting the Robbinsdale Park Master Plan  
**Summary of Adoption Action** on a request by City of Rapid City Parks Department to consider an application for an **Amendment to Rapid City Comprehensive Plan adopting the Robbinsdale Park Master Plan** for Robbinsdale Park less Lot 1 of Robbinsdale Park Addition, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 626 E. Fairmont Boulevard.

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

3. No. 17RZ012 - Section 28, T2N, R8E  
A request by KTM Design Solutions, Inc for A and J Meier LLC to consider an application for a **Rezoning from Light Industrial District to General**

**Agricultural District** for a portion of the NE1/4 of the NW1/4 located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota , more fully described as follows: Commencing at the northeast corner of the NE1/4 NW/14 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; then S 00°03'17" W, a distance of 607.94' to the point of beginning; Thence, first course: S 00°03'17" W, a distance of 717.48'; Thence, second course: N 89°51'08" W, a distance of 500.00'; Thence, third course: N 00°03'17" E, a distance of 577.26'; Thence, fourth course: N 52°18'49" E a distance of 207.25'; Thence, fifth course: N 75°28'03" E a distance of 142.49'; Thence, sixth course: curving to the left with an arc length of 200.05', with a radius of 850.01', with a chord bearing of S 83°13'47" E, with a chord length of 199.58', to said point of beginning, more generally described as being located at the western terminus of Seger Drive.

**Staff recommends that Planning Commission acknowledge the applicant's withdrawal of the Rezoning request.**

4. No. 17PL026 - North 80 Subdivision  
A request by Fisk Land Surveying and Consulting Engineers, Inc for Rick Bentley of Ferdinand Dirt LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot E of Lot 5 of North 80 Subdivision, legally described as Lot 5 of North 80 Subdivision, less Lots A through D of Lot 5 and less right-of-way, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the western terminus of Bentley Lane.

**Staff recommends 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 include signature lines for both the City and State Highway/Street Authority;**
  2. **Prior to submittal of a Final Plat application, the plat document shall be revised to show Fifth Street as "5<sup>th</sup> Street"; and,**
  3. **A Final Plat shall be submitted for review and approval.**
5. No. 17PL028 - Red Rock Village Subdivision  
A request by KTM Design Solutions, Inc for DKEA, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 13 thru 14 of Block 2 and Lots 9 thru 22 of Block 3 of Red Rock Village Subdivision, legally described as Tract A less Red Rock Village Subdivision, less Red Rock Meadows Subdivision, less Red Rock Village platted lots, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Lahinch Street.

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

1. **Prior to submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan**

- application;
2. Upon submittal of a Development Engineering Plan application, construction plans for Lahinch 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 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, 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. Utility easements shall be provided as needed;
  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 Red Rock Meadows Lift Station is sized to accommodate flows from this area. A sewer master plan shall also be submitted to ensure that the proposed sewer can serve future development. The sewer design report shall be in conformance with the Infrastructure Design Criteria Manual. Utility easements shall be provided as needed;
  5. 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 plan shall address storm water quantity control and storm water quality treatment. Drainage easements shall also be provided as needed;
  6. Upon submittal of a Development Engineering Plan application, a geotechnical report including an analysis of soil corrosivity for all proposed subdivision improvements shall be submitted for review and approval;
  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. 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 associated Final Plat securing the right-of-way for Hunter Street and the eastern portion of Lahinch Street right-of-way located outside the boundary of this plat shall be recorded or this plat shall be revised to include the dedication of the right-of-way;**
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.**

**---END OF CONSENT CALENDAR---**

Fisher requested that the items be considered together.

6. No. 17RZ013 - Big Sky Business Park  
A request by Mandi Schmierer for Penny Lind to consider an application for a **Rezoning from Office Commercial District to General Commercial District** for Lot 3 of Block 4 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Neal Street and Bernice Street.
7. No. 17RZ014 - Red Rock Estates  
A request by KTM Design Solutions, Inc for DKEA, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District I** for Lot 5, Block 16 of Red Rock Estates, located in the N1/2 of the NW1/4 of Section 29, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as followed: Commencing at the Section Corner common to Sections 19, 20, 29 and 30 at a found 2" iron pipe. Thence S 00°16'56" E, a distance of 441.21 feet to the South West corner of Lot 4R, Block 16 of Red Rock Estates. Thence N 89°43'19" E, a distance of 81.34 to the South West corner of Lot 5, Block 16 of Red Rock Estates being the point of beginning, Thence N 00°18'09" W, a distance of 174.89 feet, Thence N 89°43'15" E, a distance of 110.00 feet, Thence S 00°18'09" E, a distance of 174.89 feet, Thence S 89°43'19" W, a distance of 110.00 feet to the Point of Beginning, more generally described as being located north of the intersection of Bethpage Drive and Prestwick Road.

Fisher explained that due to a publication error by the Rapid City Journal the publication requirements for these items were not met and as such staff requests that these applications be continued to the May 4, 2017 Planning Commission Meeting.

**Rolinger moved, Quasney seconded and unanimously carried that the request Rezoning from Office Commercial District to General Commercial District be continue to the May 4, 2017 Planning Commission meeting, and;**

**That the request to rezone property from General Agriculture District to Low Density Residential-I District be continued to the May 4, 2017 Planning Commission Meeting. (9 to 0 with Braun, Bulman, Caesar, Herr, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

8. 17TP005 - Acknowledge the 2014-2016 Socio-Economic Report

In response to a question from Bulman regarding the increase in multi-family residences along Mount Rushmore Road and whether staff anticipates this trend to continue, Fisher stated that discussions with contractors show that this trend is expected to continue. Brennan stated that these numbers are based on building permits and she hasn't begun to review for 2017 so she is unable to confirm or deny.

Rolinger questioned how the report can show the growth that it does while our population numbers appear to remain stagnant, Fisher stated that a number of the younger population is returning and these multi-family housing developments are meeting the needs of those. Brennan stated that there was a 1.25% increase over the last year, which is a steady growth number for this area.

**Bulman moved, Rolinger seconded and unanimously carried to acknowledge the 2014-2016 Socio- Economic Report. (9 to 0 with Braun, Bulman, Caesar, Herr, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

9. No. 16PD046 - Orchard Meadows

A request by KTM Design Solutions, Inc for Yasmeen Dream LLC to consider an application for a **Initial Planned Development Overlay to allow an apartment complex** for Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Tract H of Orchard Meadows, and the point of beginning. Thence first course: N83°21'59"E, a distance of 544.47 feet; Thence second course: N74°46'00"E, a distance of 65.61 feet; Thence third course: S00°06'17"W, a distance of 146.81 feet; Thence fourth course: S45°06'12"W, a distance of 14.14 feet; Thence fifth course: N89°53'48"W, a distance of 14.67 feet; Thence sixth course: S00°06'12"W, a distance of 52.00 feet; Thence seventh course: S89°53'48"E, a distance of 14.67 feet; Thence eighth course: S44°53'48"E, a distance of 14.14 feet; Thence ninth course: S00°06'12"W, a distance of 604.68 feet; Thence tenth course: N89°54'10"W, a distance of 625.75 feet; Thence eleventh course: N00°00'35"E, a distance of 739.61 feet; Thence twelfth course:

N83°22'14"E, a distance of 23.12 feet, to the point of beginning, more generally described as being located south of SD Highway 44 East and east of Elk Vale Road.

Lacock presented the application and reviewed the associated slides including the Master Plan showing the proposed uses including apartments. Lacock noted that there is an Exception to allow a height of three stories and 40 feet in lieu of the maximum allowed height of three stories and 35, stating that staff believes that the setbacks and design mitigate the height and supports that the Exception be granted. Lacock noted that staff does not support the Exception to reduce the minimum required rear yard setback from 25 feet to 15 feet due to the adjacent drainage issues within this area. Lacock presented staff's recommendation that the application for an **Initial Planned Development Overlay to allow an apartment complex** be approved with stipulations.

In response to a question from Herr on the detention ponds, Ted Johnson of the Engineering Department reviewed the current and proposed drainage for the area. Johnson confirmed that the leak of a neighboring pipe had been repaired but could not confirm the amount of ground water this affected.

Kyle Treloar, KTM Design Solutions, Inc., in response to the question from Herr, noted that the ground water has been notably reduced since the repair and has made the construction easier. Treloar reviewed the history of the project stating that wet lands had been identified on a portion of the property and briefly outlining how they have managed to preserve these lands. Treloar stated that the rear yard setback reduction is requested since those lands cannot be developed. Treloar stated that the applicant has requested that the stipulations number 7 and 8 be revised to include both Rapid City and Rapid Valley Sanitary District.

In response to Braun's question on the stipulation revision requested by the applicant, Fisher stated that for Stipulation #7 she would support changing from: "prior to issuance of a building permit" to "prior to the submittal of a Final Planned Development." Johnson stated that he did not support adding Rapid City as the development is located within the Rapid Valley Sanitary District and not Rapid City service district.

Regarding the proposed addition of "City of Rapid City" to Stipulation #9 Johnson reiterated that staff does not support adding the "City of Rapid City" to the stipulations again for the same reasons.

In response to Rolinger's question to the reason for adding the "City of Rapid City" to the language, Treloar reviewed the development in the area and the options presented, stating that they want to have Rapid City to possibly provide the final system. Johnson stated that the contractual requirements place it within the Rapid Valley Sanitary District and that the separation is required by those contracts and staff feels that the language of the stipulation is adequate.

Johnson confirmed that although Rapid City inspects the functionality, the

service is within Rapid Valley Sanitary District's jurisdiction and not under the control of Rapid City.

In response to a Bulman's question regarding the reasons for the denial of the setback reductions, Lacock reviewed that the layout and floodway are key factors.

Johnson reviewed the drainage and the floodway location on the property noting that the location of the proposed apartments is abutted by the floodway and drainage channel and maintenance road and staff does not believe that the buildings should be any closer than the required setbacks.

In response to Fisher's suggestion that these issues be addressed in the Final Planned Development, Treloar stated that he would rather address the issue at this stage rather than once the final construction plans have been completed for the Final Planned Development.

Discussion followed.

Huus stated that if a fence was provided along the drainage channel that he would feel more agreeable to the reduced setbacks requested.

Drew left the meeting at this time

Rolinger agreed with the suggestion of a fence and noted that he would support the language to include the "City of Rapid City" in the stipulations regarding the sanitary sewer improvements in Stipulations # 7 and # 9.

In response to Caesar's question on contractual obligation created by adding Rapid City to the stipulations, Johnson said it might imply that the City will build the improvements potentially costing \$4,000,000.

**Rolinger moved, Caesar seconded and unanimously carried to continue the meeting past the 9:00 deadline. (9 to 0 with Braun, Bulman, Caesar, Herr, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

Hoogestraat left the meeting at this time.

Fisher suggested that the items be taken separately to allow the accurate attention to the individual stipulations.

Fisher clarified language for stipulations #7 and #9.

Further discussion regarding the language and requirements created due to these changes followed.

**Rolinger moved, Herr seconded to approve the Initial Planned Development Overlay to allow an apartment complex with the following stipulations:**

1. **The Exception to reduce the minimum required rear yard setback from 25 feet to 15 feet in hereby approved contingent upon a fence being provided along the west lot line;**
2. **The Exception to allow a height of three stories and 40 feet in lieu of the maximum allowed height of three stories and 35 feet is hereby granted;**
3. **Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval;**
4. **Upon submittal of a Final Planned Development Overlay application, the applicant shall demonstrate that adequate sewer capacity will be provided;**
5. **Upon submittal of a Final Planned Development Overlay application, a Landscape Plan in compliance with Chapter 17.50.300 of the Rapid City Municipal Code shall be submitted for review and approval;**
6. **Upon submittal of a Final Planned Development Overlay application, a sign package in compliance with the Sign Code shall be submitted for review and approval. No electronic signs are being approved as a part of this Initial 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 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 also be obtained for all signs;**
7. **Prior to submittal of a Final Planned Development, the applicant shall coordinate with the Rapid Valley Sanitary District for the timing and installation of sanitary sewer and water improvements as required to serve this development and future site development. In addition, the City shall participate in the discussion;**
8. **Prior to issuance of a Building Permit for the approximate 112 units that exceed the current 140 dwelling unit sewer capacity, the applicant shall have approved construction plans for the additional sewer and water improvements;**
9. **Prior to submittal of a Certificate of Occupancy, the additional sanitary sewer improvements required to serve this portion of the entire development shall be completed and accepted by Rapid Valley Sanitary District and accepted by Rapid City, as necessary; and,**
10. **This Initial Planned Development Overlay shall allow for an apartment complex. Permitted uses within the Medium Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Braun, Bulman, Caesar, Herr, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

Items #10 and # 11 were taken concurrently.

10. No. 17PD014 - Schlottman Addition  
A request by Fisk Land Surveying and Consulting Engineerings, Inc for Waste

Connections, Inc. to consider an application for a **Initial Planned Development Overlay to allow storage in the Light Industrial District** for legally described as Lots X and Y of Tract A of Schlottman Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2510 E. Saint Patrick Street.

11. No. 17RZ010 - Schlottman Addition

A request by Fisk Land Surveying and Consulting Engineers, Inc for Waste Connections, Inc. to consider an application for a **Rezoning from General Commercial District to Light Industrial District** for Lots X and Y of Tract A of Schlottman Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2510 E. St. Patrick Street.

Rolinger left the dais at this time.

Lacock presented the application and reviewed the associated slides. Lacock noted that there are concerns with the proposed landscaping plan and stipulates that either a revised landscaping plan be submitted upon submittal of a Final Planned Development Plan or an Exception be requested to address these issues. Lacock stated that the other issues regarding access, lighting, fencing and a Developmental Lot Agreement are addressed with the stipulations. Lacock stated that if Planning Commission determines the proposed development is appropriate for the property staff recommends that the Initial Planned Development Overlay be approved in conjunction the associated Rezoning request and with stipulations and that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the Initial Planned Development Overlay.

Janelle Finck, Fisk Landscaping and Engineering, Inc., reviewed the application and the reasons for requesting both the Rezoning and the Planned Development.

In response to a question from Braun regarding what would trigger a Final Planned Development Fisher stated that the Final Planned Development would be required prior to initiation of the use on the property. Fisher reviewed the reasoning behind the request for an access agreement or a Developmental Lot Agreement.

Bulman stated that she did not support the initial request to rezone and stated her continued issues with this request. In response to a question from Bulman regarding separation of the property from the street, Finck noted that the initial proposal offers a future sidewalk and the landscaping between the street and the proposed use.

Quasney stated that he also has concerns regarding the conflict that this has with the Comprehensive Plan and spoke to his thoughts that there needs to be an effort on both businesses and the City to try and operate more in accordance with the Comprehensive Plan that has been adopted.

Caesar noted that she appreciates the work that has been put into the Planned Development, but stated that she does not believe that this is the direction that the City should be looking to develop this area based on the Comprehensive Plan.

A roll call vote was requested.

**Sullivan moved, Herr seconded to determine that the property is appropriate for industrial uses and approved the Initial Planned Development Overlay in conjunction with the associated Rezoning request and with the following stipulations:**

- 1. A Final Planned Development Overlay shall be submitted for review and approval;**
- 2. Upon submittal of a Final Planned Development Overlay application, a revised landscape plan shall be submitted in compliance with Chapter 17.50.300 of the Rapid City Municipal Code or an Exception shall be obtained to reduce the minimum required landscape points or to waive the irrigated landscape alternative requirement to extend along the side lot lines 75 feet. In addition, the landscape plan shall be revised to show that landscaping does not interfere with the existing approach;**
- 3. Upon submittal of a Final Planned Development Overlay application, a site plan shall be submitted for review and approval identifying paved vehicle circulation aisles;**
- 4. Upon submittal of a Final Planned Development Overlay application, a lighting plan shall be submitted for review and approval;**
- 5. Upon submittal of a Final Planned Development Overlay application, a fence detail shall be submitted for review and approval;**
- 6. Upon submittal of a Final Planned Development Overlay application, a copy of a recorded Developmental Lot Agreement or access easement shall be submitted for review and approval; and,**
- 7. The Initial Planned Development Overlay shall allow for a a storage area. Any change in use shall require the review and approval of a Final Planned Development Overlay; and,**

**Determined that the Initial Planned Development Overlay to allow outdoor storage is appropriate for the property recommended that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the Initial Planned Development Overlay. (4 to 3 with Braun, Herr, Huus, and Sullivan voting yes and Bulman, Caesar and Quasney, voting no)**

12. No. 17PL027 - Skyline Pines Subdivision

A request by Sperlich Consulting, Inc for Kent and Cynthia Guthrie to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1A and 1B of Block 2 of Skyline Pines Subdivision, legally described as Lot 1 of Block 2 of Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as

being located southeast of the intersection of Skyline Drive and Pevans Parkway.

Fisher presented the application noting that this item is associated with the Zoning Variance to reduce the minimum required lot size (File#17VA003) that the Zoning Board of Adjustment had denied at the Zoning Board of Adjustment Meeting held just prior to the Planning Commission Meeting. Fisher explained that obtaining that variance is one of the stipulations of approval for the Preliminary Subdivision Plan. Fisher explained that the applicant can appeal the Zoning Variance decision to Circuit Court and since that option has not been exhausted, staff recommends that the Preliminary Subdivision Plan be approved with the stipulations as noted in the Staff Report.

In response to a question from Herr, Fisher stated that Planning Commission had the option to approve with stipulations or deny.

**Herr moved, Bulman seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be denied. (7 to 0 with Braun, Bulman, Caesar, Herr, Huus, Quasney, and Sullivan voting yes and none voting no)**

13. Discussion Items  
None

14. Staff Items  
A. Due Process – Presented by Carla Cushman

Due to the extended length of the meeting, Fisher stated that this item would be addressed at an upcoming meeting.

15. Planning Commission Items  
None

**There being no further business, Herr moved, Bulman seconded and unanimously carried to adjourn the meeting at 9:51 a.m. (7 to 0 with Braun, Bulman, Caesar, Herr, Huus, Quasney, and Sullivan voting yes and none voting no)**