

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 22, 2017

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

MEMBERS ABSENT: Mike Quasney, Kimberly Schmidt and Gerald Sullivan

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Kip Harrington, Patsy Horton, Tim Behlings, Dale Tech, Ted Johnson, Carla Cushman and Rebel VanLoh.

Braun called the meeting to order at 7:02 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 no items be removed from the Consent Agenda for separate consideration.

Braun requested that Item 5 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger, seconded by Hoogestraat and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Item 5. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Huus, and Rolinger, voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 8, 2017 Planning Commission Meeting Minutes.
2. No. 12TI003 - Original Town of Rapid City
A request by City of Rapid City to consider an application for a **Resolution Dissolving Tax Increment District #73** for All of Block 95, including the alley located in Block 95, less the north 90 feet of Lots 17-21 of Block 95 in the Original Town of Rapid City, Lots 1-9 of Block 105 in the Original Town of Rapid City, all of the Sixth Street Right-of-Way lying adjacent to Blocks 94 and 95 in the Original Town of Rapid City, all of the Fifth Street Right-of-Way lying adjacent to Blocks 95 and 96 in the Original Town of Rapid City, and all of the Kansas City Street Right-of-Way lying adjacent to Blocks 95 and 105 in the Original Town of Rapid City, a portion of the alley located in Block 94 adjacent to the Lots 1-3 and Lots 30-32 of Block 94 of the Original Town of Rapid City, a portion of the alley located in Block 96 adjacent to Lots 14-16 and Lots 17-19 of Block 96 in the Original Town of Rapid City, all of the Saint Joseph Street Right-of-Way lying adjacent to Blocks 85 and 95 in the Original Town of Rapid City, all located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South

Dakota, more generally described as being located south of Saint Joseph Street, west of 5th Street, east of 6th Street and north of Quincy Street.

Planning Commission recommends that the Resolution Dissolving Tax Increment District #73 be approved.

*3. No. 17PD024 - North 80 Subdivision

A request by Slate Ridge Builders for Ferdinand Dirt, LLC to consider an application for a **Final Planned Development Overlay to allow a pet store** for , legally described as Lot E of Block 5 of North 80 Subdivision, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the terminus of Bentley Lane.

Planning Commission approved the Final Planned Development to construct a pet store with the following stipulations:

1. **Upon submittal of a building permit application, the construction plans shall be revised to provide details for the porous landscape detention pond outlet pipe and rip rap;**
2. **Upon submittal of a building permit application, the site plan shall show the turning movements for any anticipated delivery trucks;**
3. **Upon submittal of a building permit application, the property owner shall sign the erosion and sediment control plan sheet;**
4. **All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
5. **The Final Planned Development shall allow for a pet store with storage as per the applicant's operational plan. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development.**

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.

*4. No. 17PD028 - Marlin Industrial Park

A request by KTM Design Solutions, Inc for Pro-Mark Services, Inc. to consider an application for a **Final Planned Development Overlay to allow a commercial structure** for Lot 22 of Marlin Industrial Park, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast quadrant of the Creek Drive and Marlin Drive intersection.

Planning Commission approved the requested Final Planned Development with the following stipulations:

- 1. 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 this Final Planned Development. The addition of any LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;**
- 2. Prior to issuance of a building permit, a drainage easement shall be secured to accommodate the drainage to be discharged onto the lot to the north on the west side of the property. A copy of the recorded easement shall be submitted with the building permit;**
- 3. Prior to issuance of a building permit, an easement shall be secured for the fire hydrant located inside the south property line. A copy of the recorded easement shall be submitted with the building permit; and,**
- 4. The Final Planned Development shall allow the property to be used for offices with accessory storage. All requirements of the General Commercial District shall be met unless specifically authorized as a part of this Final Planned Development or Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses in the General Commercial District shall require 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.

6. No. 17PL054 - Prairiefire Subdivision

A request by Mandi Schmierer for Stuart Martin to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 11 thru 19 of Block 4: Lots 2 thru 19 of Block 5: Lots 2 thru 9 of Block 6: Lots 5 thru 9 of Block 7 of Prairiefire Subdivision, legally described as a portion of the unplatted portion of the NE1/4 of Section 26, all located in the NE1/4 of Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Winton Street and west of Anderson Road.

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

- 1. Upon submittal of a Development Engineering Plan application, the construction plans shall be revised to current City Criteria and Standard Specifications, including urban street sections. In addition, the plat document shall be revised to show the correct Certificates for a Final Plat;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Anderson Road shall be submitted for review**

and approval showing the dedication of one additional foot of right-of-way and the construction of 12 additional feet of pavement, curb, gutter and sidewalk 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 Receda Street, Albelia Street and Mondo Street shall be submitted for review and approval showing the streets located in a 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;
4. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. If required fire flows cannot be met, a 12 inch water main may be needed to be designed and installed along Anderson Road from Winton Street to Mondo Street and looped in the subdivision water system;
5. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;
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. Prior to submittal of a Final Plat application, a covenant agreement shall be provided identifying maintenance and ownership of any proposed drainage elements. In addition a Major Drainage Easement shall be dedicated for any proposed drainage improvements;
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 plat document shall be revised to show the bearings and distances for the line forming the north boundary of Lot 5, Block 7. In addition, the north lot line of Lot 8, Block 7 shall show the distance of the lot line that abuts existing right-of-way from the balance of the lot line;
 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).
7. 17TP010 - Rapid City Area Transportation Improvement Program - Draft Report

Planning Commission recommended the Rapid City Area Transportation Improvement Program - Draft Report be approved.

---END OF CONSENT CALENDAR---

5. No. 17PL053 - Market Square Subdivision
A request by Sperlich Consulting, Inc for Market Square, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 3 of Market Square Subdivision, legally described as Lot B of Lot 3 of Tract D located in the SW1/4 of the SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of E. St. Charles Street and Creek Drive.

Braun noted he would be abstaining due to a conflict of interest.

Rolinger moved, Hoogestraat seconded to recommend approval of the requested Preliminary Subdivision Plan with the following stipulations:

1. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to address redline comments. In addition, the redline plan comments shall be returned with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, a site plan which includes a parking plan, landscape plan and sign plan shall be submitted for review and approval demonstrating that the existing development on proposed Lot 2 meets all of the design standards and requirements of Chapter 17 of the Rapid City Municipal Code.

- 3. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of 10 additional feet of right-of-way along East Saint Patrick Street as it abuts the property 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 East Saint Charles Street shall be submitted for review and approval showing the installation of sidewalk along the south side of the street and street light conduit or a Variance to waive the requirement to install sidewalk and an Exception to waive the requirement to install street light conduit shall be obtained. In addition, the plat document shall be revised to show the dedication of 5 additional feet of right-of-way along East Saint Charles Street the first 200 feet as it extends west from Creek Drive or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;**
- 5. Upon submittal of a Development Engineering Plan application, construction plans for Creek Drive shall be submitted for review and approval showing the installation of 16 additional feet of pavement, curb, gutter, sidewalk, street light conduit, and extending the existing water main along the southern portion of the right-of-way shall be submitted for review and approval or an Exception request to waive the requirement must be obtained from the City Council. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way for Creek Drive or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;**
- 6. 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;**
- 7. 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;**
- 8. 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;

9. Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;
10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
12. Prior to submittal of a Final Plat application, the plat title shall be revised to show the formerly as "Lot B of Lot 3 of Tract D of SW1/4SW1/4 of Section 5, T1N, R8E Located in the...". In addition, the Certificate of Ownership shall show the owner as Market Square LLC;
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). (7 to 0 to 1 with, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus and Rolinger, voting yes and none voting no and Braun abstaining)

---BEGINNING OF REGULAR AGENDA ITEMS---

- *8. No. 17PD025 - Canyon Lake Heights Section 16
A request by Russ Johnson Construction for Daniel and Julie Martin to consider an application for a **Final Plan Development Overlay to allow an oversized garage** for Lot A Revised of Lot 2 of Block 1 of Canyon Lake Heights Section 16, located in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 4823 Cliff Drive.

Lacock presented the application and reviewed the associated slides. Lacock addressed the Exception requests for the size and height of the accessory structure.

Curt Huus requested an explanation regarding height regulations and how it is measured.

Lacock explained the definition of how to measure the height of a building and the difference between measuring a building with a peaked roof versus a building with a flat roof.

Fisher also responded to Huus' question and noted that the regulation for measuring the height of a building has always been used and is consistent with regulations in other communities as well. Fisher also stated this information can be found under the definition for height in the zoning ordinance.

Fisher noted that issues with previous oversized garage application were taken into consideration in reviewing this application and it was found that this application is substantially different due to the vegetative buffer existing on this property.

Russ Johnson, contractor, spoke and requested the Wildland Fuels Mitigation Plan stipulation be removed and asked for an explanation as to what it would include.

Tim Behlings responded explaining how the process of a Wildland Fuels Mitigation Plan works.

Julie Martin, applicant, spoke and expressed her concerns regarding the amount of brush and trees that had previously been recommended by the Fire Department for removal and also requested that the stipulation be removed.

Behlings gave an explanation as to the importance of the Wildland Fuels Mitigation process to improve fire resistance in the neighborhood. Discussion followed regarding the possibility of a compromise between trimming and complete mitigation.

Braun asked for clarification on the Wildland Fuel Mitigation Plan process and how it is implemented.

Behlings explained how long the process has been in use locally and nationwide.

Johnson asked for clarification regarding the timeframe of the stipulation regarding the Wildland Fuel Mitigation Plan.

Fisher explained the Wildland Fuel Mitigation Plan needed to be implemented before the building permit could be issued and that the timeframe for the actual mitigation would be established within that plan.

Braun asked if there is an appeal process regarding the mitigation plan.

Behlings explained the process and noted the Fire Department works in conjunction with the State and City Forrester on these types of projects.

Caesar asked for clarification on the one hundred foot buffer around structures on the property and if there is a collaborative process on deciding which vegetation will be need to be trimmed. Behlings confirmed it is collaborative.

Bulman complimented the Fire Department for the work they do in an effort to save lives and the forest in the community.

John Herr spoke about rates on homeowners insurance and the savings that a Wildland Fuel Mitigation Plan can provide.

Dan Martin spoke to a past meeting with the Fire Department regarding the fuel mitigation process and expressed his concerns with removing his trees, noting that he does want to work through this with the Fire Department because he understands the need.

Rolinger moved, Hoogestraat seconded and unanimously carried to approve the Final Planned Development Overlay to allow an oversized garage with the following stipulations:

- 1. An Exception is hereby granted to allow an oversized garage of 1,889 square feet in lieu of the maximum 1,500 square feet contingent upon the garage being located behind the residence as proposed;**
- 2. An Exception is hereby granted to allow a height of 16.5 feet for an accessory structure in lieu of the maximum allowed height of 15 feet;**
- 3. Prior to issuance of a Building Permit, the applicant shall coordinate with the Rapid City Fire Department to adopt and implement a Wildland Fuel Mitigation Plan; and,**
- 4. The Final Planned Development Overlay shall allow an oversized garage. The proposed structure shall not be used for commercial purposes or as a second residence. In addition, the garage shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District shall require a Building Permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, and Rolinger, 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

***9. No. 17PD027 - Good Samaritan Subdivision**

A request by FMG, Inc. to consider an application for a **Final Planned Development Overlay to allow an apartment development** for Lot 1R of Good Samaritan Subdivision, located in the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 201 E. Minnesota Street.

Lacock presented the application and reviewed the associated slides. Lacock addressed the Exception request to waive the landscape island requirement.

Drew asked for clarification on what defines a senior apartment complex as opposed to a regular apartment complex.

Fisher responded verifying the applicant has identified the project to be built for and utilized by seniors, eliminating a need for playground equipment.

Rolinger moved, Herr seconded and unanimously carried to approve the Final Planned Development Overlay to allow an apartment development with the following stipulations:

- 1. An Exception is hereby granted to waive the landscape island requirement contingent upon the landscaping being provided as submitted on the landscape plan;**
- 2. Upon submittal of a Building Permit, an erosion and sediment control narrative shall be submitted for review and approval;**
- 3. Upon submittal of a Building Permit, details and design of the proposed rip-rap shall be submitted for review and approval;**
- 4. Prior to issuance of a Building Permit, an access easement to the water shut-off valve shall be entered into with the City to allow the City to access the valve on private property;**
- 5. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
- 6. The Final Planned Development Overlay shall allow for a senior apartment building. 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, Gollither, Herr, Hoogestraat, Huus, and Rolinger, 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

10. Discussion Items

11. Staff Items

11. Planning Commission Items

12. Committee Reports

A. City Council Report (June 5, 2017)

The City Council concurred with the recommendations of the Planning

Commission with the exception of the following items:

Ordinance 6175 (No. 17RZ015) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Yanni Georgas for a Rezoning from General Agricultural District to Low Density Residential District II for property generally described as being located southeast of the intersection of Overview Lane and Nugget Gulch Drive. (This item was continued from the May 15, 2017 City Council meeting.) Motion was made by Doyle, second by Estes and carried to approve the rezone only without the planned development overlay.

Mayor read in item (No. 17PD015) Appeal of Planning Commission's decision on a request by KTM Design Solutions, Inc. for Yanni Georgas for an Initial Planned Development Overlay to allow a townhome development for property generally described as being located southeast of the intersection of Overview Lane and Nugget Gulch Drive. Motion was made by Modrick, second by Doyle to deny the planned development overlay. Motion carried 8-1 with Roberts voting no

There being no further business, Rolinger moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:34 a.m. (8 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Rolinger and voting yes and none voting no)