

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 7, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Galen Hoogestraat, Steve Rolinger, Kimberly Schmidt and Gerald Sullivan. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Herr, Curt Huus, Mike Quasney

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Ted Johnson, Kinsley Groote 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.

Motion by Rolinger seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 24, 2017 Planning Commission Meeting Minutes.
2. No. 17PL040 - South Terrace Subdivision
A request by KTM Design Solutions, Inc for Catron Blvd Investors, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A thru D, Lots 1 thru 20 of Block 2, Lots 1 thru 15 of Block 3, Lots 1 thru 20 of Block 4, Lots 1 thru 20 of Block 5, Lots 1 thru 37 of Block 6 , Lots 1 thru 9 of Block 7, Lots 1 thru 5 of Block 8 and Lots 1 and 2 of Block 9 of South Terrace Subdivision, legally described as the SE1/4 of the NE1/4; the E1/2 of the SE1/4; the NE1/4 of the NE1/4; and a portion of Tract A of BFS Subdivision of Section 26, all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Catron Boulevard east of Mount Rushmore Road.

Planning Commission continued the Preliminary Subdivision Plan to the September 21, 2017 Planning Commission Meeting.

3. No. 17PL090 - Orchard Meadows
A request by KTM Design Solutions, Inc for Yasmeen Dreem, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 2 thru 27 of Block 5, Lots 1R, 2-8 of Block 6 of Orchard Meadows, legally described as Lot 1A of Block 6 and Lot 1B of Block 6 of Orchard Meadows, and the S1/2 of the SW1/4 of the NE1/4, less Lot 12 of Wally Byam Addition, less railroad right-

of-way, less Orchard Meadows, Less Lot H1 and H2, less right-of-way; S1/2 of the SE1/4 of the NW1/4 less Lot H1; the unplatted balance of the NE1/4 the SW1/4 less Lot H1; the unplatted balance of the W1/2 of the SE1/4 less Lot H1, all located in Section 9, T1N, R8E, BHM, Rapid City,, more generally described as being located south of S.D. Highway 44 and east of Elk Vale Road.

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

- 1. Upon 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. 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;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Jim 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 compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code 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;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for Clementine Court and Hazelnut Lane shall be submitted for review and approval showing the streets 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 as proposed. In addition, the cul-de-sac bulb(s) shall be located in a minimum 104 foot diameter right-of-way and constructed with a minimum 84 foot diameter paved surface in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code 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;**
- 5. 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 as approved by the Rapid Valley Sanitary District. 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;
6. 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 as approved by the Rapid Valley Sanitary District 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;
 7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual shall be submitted for review and approval as required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 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. A Floodplain Development Permit shall be obtained for any development work, obstructions, or water course alteration on the property if there are Special Flood Hazard Areas located within any portion of the property boundary;
 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 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 existing 75 foot wide drainage easement extending through the property shall be vacated. In addition, the plat document shall show the recording information for the vacated easement;
 13. Prior to submittal of a Final Plat application, that portion of the property currently zoned General Agriculture District shall be rezoned to Low Density Residential District in compliance with the Future Land Use Plan;
 14. 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,
 15. 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---

---BEGINNING OF REGULAR AGENDA ITEMS---

*4. No. 17PD031 - Johnson Ranch Subdivision

A request by KTM Design Solutions, Inc for Rural American Initiatives to consider an application for an **Initial and Final Planned Development Overlay to allow a pre-school** for Lot B of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NW1/4 located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; then S 04° 20' 20" E, a distance of 426.24' to the point of beginning; Thence, first course S 89° 56' 50" E, a distance of 273.00';; Thence, second course: S 89° 56' 50" E, a distance of 193.43';; Thence, third course: S 38° 00' 42" E a distance of 273.91';; Thence, fourth course S 00° 14' 11" W, a distance of 420.32';; Thence, fifth course: N 89° 53' 57" W, a distance of 636.00';; Thence, sixth course: N 00° 14' 11" E, a distance of 635.44' to said point of beginning., more generally described as being located south of South Valley Drive and E. St. Patrick Street intersection.

Lacock presented the application and reviewed the associated slides. Lacock explained that the applicant is requesting Exceptions to allow a height of 38 feet for the proposed gym in lieu of the maximum allowed height of 35 feet for the 2nd Phase gymnasium; to reduce the minimum required parking aisle width from 26 feet to 24 feet contingent upon the parking being designated for teacher parking; and an Exception to allow two ground signs in lieu of the maximum allowed one ground sign which staff supports. Lacock indicated that staff feels that the setback of the building as well as the placement of the Phase I building between the proposed gymnasium and the street provides buffering to minimize the effect of the height exception. Lacock noted that staff recommends that the Exception allowing two signs be approved as they will provide directional assistance to the two approaches assisting with traffic from both directions and staff recommends that the Exception for the aisle width reduction be granted as the designated area is for staff parking and should not interfere with the circulation around the site.

Lacock further explained that the applicant is also requesting an Exception to allow a sign area of 98 square feet in lieu of the maximum allowed sign area of 32 square feet, but because this is a residential area staff recommends that the exception for size be denied requiring the signs to remain 32 square feet. Lacock stated that staff recommends that the Initial and Final Planned Development Overlay to allow a pre-school be approved with stipulations.

Bulman spoke to her approval and hopes for the success of the project.

Rolinger moved, Bulman seconded and unanimously carried to approve the

Initial and Final Planned Development Overlay to allow a pre-school with the following stipulations:

1. **The Exception to allow a sign area of 98 square feet in lieu of the maximum allowed sign area of 32 square feet is hereby denied. A maximum of 32 square feet of signage per sign shall be allowed. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;**
2. **An Exception to allow two ground signs in lieu of the maximum allowed one ground sign is hereby granted;**
3. **An Exception is hereby granted to allow a height of 38 feet for the proposed gym in lieu of the maximum allowed height of 35 feet;**
4. **An Exception is hereby granted to reduce the minimum required parking aisle width from 26 feet to 24 feet contingent upon the parking being designated for teacher parking; and,**
5. **This Initial and Final Planned Development Overlay shall allow a pre-school. Any expansion to the pre-school shall be in compliance with Chapter 17.50.050 of the Rapid City Municipal Code. Any change in use that is a permitted use in the Medium Density Residential District in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Rolinger, Schmidt and Sullivan 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.

5. No. 17RZ024 - Potts Subdivision

A request by KTM Design Solutions for Dakota Hills Trailer Sales, LLC to consider an application for a **Rezoning from Park Forest to Low Density Residential** for Lot 2 of Potts Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6061 Covenant Drive.

Lacock presented the application and reviewed the associated slides and indicated that this item had previously been continued to allow additional information to be provided. Lacock reviewed the concerns that staff had in regards to the provision of infrastructure for this property noting that the applicant's consultant has provided a preliminary street alignment showing that the needs can be met and as such staff recommends approval.

Rolinger moved, Schmidt seconded and unanimously carried to recommend that the Rezoning from Park Forest to Low Density Residential be approved. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Rolinger, Schmidt and Sullivan voting yes and none voting no)

*6. No. 17UR018 - Harter Subdivision

A request by Justin Christman for The Man Salon to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon** for Tract A of Harter Subdivision, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2335 West Main Street, Suite 220.

Lacock presented the application and reviewed the associated slides noting that this is an existing business located in a General Commercial District that is requesting the option to provide beer and wine to their customers. Lacock stated that staff recommends the application for a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon be approved with stipulations.

Schmidt moved, Sullivan seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon with the following stipulation(s):

- 1. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; and,**
- 2. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a salon for the applicant. Any expansion to the on-sale use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Rolinger, Schmidt and Sullivan 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.

*7. No. 17UR019 - RCLD Addition

A request by Shane Boyum for Dakota Slice, LLC to consider an application for a **Major Amendment to a Conditional Use Permit to allow on-sale liquor in**

conjunction with a restaurant for legally described as Lot 1 Revised Revised of Tract C less Lot H1 (also located in Section 3, T1N) of RCLD Addition, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 515 Mountain View Road.

Lacock presented the application and reviewed the associated slides noting that the restaurant located in a commercial corridor among other restaurants, a strip mall and other businesses. Lacock discussed how this business is a redevelopment of a property that had previously been a fast food restaurant which had closed and been torn down to allow the construction of this new building and restaurant. He noted that this is a second location for this restaurant franchise. Lacock stated that the on sale liquor use will include the patio which is located to the west of the building. Lacock presented staff's recommendation that the application for a Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant be approved with stipulations.

Rolinger praised the creative architecture of the building stating that it is nice to see something other than a box as it gives the area a little character.

In response to Bulman's question if the other location has an on-sale liquor use, Lacock confirmed that it does and that it is for beer and wine.

Rolinger moved, Caesar seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant with the following stipulation:

- 1. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; and,**
- 2. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a restaurant. Any expansion to the on-sale use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Rolinger, Schmidt and Sullivan 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.

8. No. 17VR006 - Pine Hills Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Northwestern Engineering to consider an application for a **Vacation of Right of Way** for adjoining portions of Lot 80 and 81 of Pine Hills Subdivision, located in the NW1/4 of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1130 Pine Hills Drive.

Lacock presented the application indicating that a corner of the existing garage encroaches into the right-of-way, but noted that the Vacation of Right-of-Way would not correct the non-conforming setback problems existing on this property, clarifying that if the building is ever damaged a minimum 20 foot front yard setback is required. Lacock explained how even with the Vacation of Right-of-Way being granted the issue regarding rebuilding does not go away and also that any future improvements to Pine Hills Drive may require the removal of the structure or a portion of the structure. Lacock stated based on these findings, staff is recommending that the application for Vacation of Right of Way be denied.

Fisher clarified that staff is providing the applicant an alternative option which is an Encroachment Agreement that would allow the building to remain as is but that if the building was ever damaged or destroyed it could not be built back in its current location and that if the City should need to place utilities within the right-of-way in the future, that that portion of the building would have to be removed.

In response to Caesar's question why the applicant is requesting to vacate the right-of-way when the building already exists, Fisher clarified that the request is to clear issues with the title associated with the sale of the property; however, she noted that the non-conforming setback will still exist.

Johnson stated that it is anticipated that there will be future improvements to Pine Hills Drive that will require the use of the right-of-way for street and utility improvements. Johnson also clarified that the right-of-way has not changed and that the building was built in a non-conforming state.

In response to a question from Hoogestraat to what would happen if nothing is done and the right-of-way is needed, Groote stated that in a worst case scenario, the City might have to sue to remove the building; however, she stated that they would rather work towards the Encroachment Agreement.

Rolinger moved, Caesar seconded and unanimously carried to recommend that the Vacation of Right-of-Way be denied. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Rolinger, Schmidt and Sullivan voting yes and none voting no)

9. Discussion Items

None

10. Staff Items

Fisher provided an update on Commissioner Rolinger's question

regarding the Disk Golf Park that is located on Omaha street stating that it has been disrupted due to the construction of a drainage project in the area, but that the park should be open once that project is completed.

Fisher reminded the Planning Commission that if they are not able to attend the City Council Meeting when they have liaison duty that they are responsible to locate a replacement or to let staff know so we can assist or at least be aware that there will not be a liaison present.

11. Planning Commission Items
None

There being no further business, Rolinger moved, Hoogestraat seconded and unanimously carried to adjourn the meeting at 7:40 a.m. (8 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Rolinger, Schmidt and Sullivan voting yes and none voting no)