

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 22, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Curt Huus, Kimberly Schmidt and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Herr, Galen Hoogestraat, Mike Quasney and Justin Vangraefschepe

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Patsy Horton, Sarah Hanzel, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:00 a.m.

Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Items 4 be removed from the Consent Agenda for separate consideration.

Motion by Bulman seconded by Golliher and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations with the exception of Items 4. (7 to 0 with Braun, Bulman, Caesar, Golliher, Huus Schmidt and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 9, 2017 Planning Commission Meeting Minutes.
2. No. 17PL106 - Clemmons Addition
A request by Britton Engineering and Land Surveying Inc for Hewey Clemmons to consider an application for a **Preliminary Subdivision Plan** for proposed Lots C, D, E, F, G and H of Clemmons Addition, legally described as Lot 3 and the S1/2 of the SW1/4 less part of Lot 1 of Trask Subdivision, less Clemmons Addition and less Lot H1 of Section 14, T1N, R8E and the NE1/4 of the NW1/4 less Green Valley Estates Subdivision; the NW1/4 of the NW1/4 less Tracts 1 and 2 of Section 23, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Highway 44.

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

1. **Upon submittal of a Development Engineering Plan application, construction plans for the section line highway shall be submitted for review and approval showing the construction of a street with a minimum 26 foot wide paved surface, curb, gutter, 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;
2. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted providing a sidewalk along all streets or a Variance shall be obtained from the City Council waiving the requirement;
 3. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval if subdivision improvements are required. The drainage plan shall address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. In addition, the plat document shall be revised to provide drainage easements as necessary;
 4. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required;
 5. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;
 6. 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;
 7. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 8. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures;
 9. Prior to submittal of a Final Plat application, the following note shall be placed on the plat: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction.

Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations”;

10. **Prior to submittal of a Final Plat application, the existing shed located on proposed Lot D shall be relocated outside of the section line highway in compliance with the land area regulations identified within the Pennington County Zoning Ordinance or the section line highway shall be vacated;**
11. **Prior to submittal of a Final Plat application, the applicant shall enter into an agreement with Green Valley Sanitary District to ensure water and/or sewer connections to the Green Valley Sanitary District are secured when services are available to serve the property;**
12. **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,**
13. **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).**

3. No. 17PL110 - Anamosa Crossing Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc for Cory Brown of Redline Automotive, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1A and 1B of Anamosa Crossing Subdivision, legally described as Lot 1 of Anamosa Crossing Subdivision, located in the NW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Lando Lane and Camden Drive.

Planning Commission recommended 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 address redline comments; and,**
2. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of 5 feet of additional right-of-way for Camden Drive the first 200 feet extending west from East North Street.**

*5. No. 17UR023 - Airport Addition

A request by Judy Domalewski for Black Hills Works, Inc. to consider an application for a **Conditional Use Permit to allow a group home** for Block 18 of Airport Addition, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 314 Wright Street.

Planning Commission approved the Conditional Use Permit to allow a group home with the following stipulations:

- 1 Upon submittal of a Building Permit, the site plan shall be revised to address redlined comments;**
- 2 Upon submittal of a Building Permit, a drainage report shall be submitted for review and approval;**
- 3 Prior to issuance of a Building Permit, the applicant shall coordinate the removal of dead or diseased trees and limbs with Rapid City Code Enforcement;**
- 4 Any proposed signage shall meet the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for all signs;**
- 5 A minimum of 8 parking spaces shall be provided. In addition, one of the parking spaces shall be ADA van accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 6 A minimum of 19,044 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,**
- 7 The Conditional Use Permit shall allow for a group home operated in compliance with the applicant's operational plan. Any expansion of the 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 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.**

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.

---END OF CONSENT CALENDAR---

Fisher requested that items # 4 and 11 be heard together.

4. No. 17PL118 - Brielle Subdivision

A request by Sperlich Consulting, Inc for Tony Marshall to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 5 thru 19 of Brielle Subdivision, legally described as Lot 3 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Fairmont Boulevard and Tower Road.

Fisher presented the applications and reviewed the associated slides clarifying that the Vacation of Right-of-Way (17VR008) is for a portion of Fairmont Boulevard that is dedicated but not yet constructed that abuts the property being proposed for platting with the Preliminary Subdivision Plan (17PL118). Fisher noted that the right-of-way was secured to Tower Road at the time the property to the west was platted. However, a Subdivision Variance to not improve the street was obtained by that applicant at that time requiring that the applicant sign a Waiver of Right to Protest. Fisher stated that this applicant is requesting that this section of Fairmont Boulevard be vacated. Fisher reviewed the Preliminary Subdivision Plan indicating that it shows the 15 northern lots being platted in Phase One with the seven southern lots being part of Phase Two. Fisher noted that Morning Glory Drive right-of-way needs to be included all the way to Tower Road even though the southern lots are not included in this phase. Fisher said that the development is identified as a townhome development with the possibility for one or two single family homes. Fisher further noted that the drainage and grading for these lots must be reviewed as this goes forward to ensure sufficient building envelopes. Fisher reviewed the terrain stating that it is anticipated that a bridge will need to be built to complete the construction of Fairmont Boulevard. Fisher noted that the State Department of Transportation projects that the current bridge on Tower Road should go away sometime in the future as the State no longer supports these types of bridges.

Fisher stated that due to the current number of proposed lots for residential lots on a cul-de-sac street, it is required that the residences be fire sprinkler protected or that the number of the lots be reduced to 20 lots. Fisher noted that a stipulation addressing this issue has been added to the stipulations of approval. Fisher stated that staff acknowledges it will be costly to build Fairmont Boulevard but knowing that the street connection will be needed and with the knowledge that the current bridge on Tower Boulevard may be removed in the future, staff is unable to support the Vacation of Right-of-Way request and recommends that that Vacation-of Right-of-Way request be denied. Fisher reviewed the applicant's options stating that staff would recommend that an Exception be submitted not to improve Fairmont Boulevard at this time to allow additional discussions prior to the completion Fairmont Boulevard.

Kale MaNaboe, Sperlich Consulting, Inc., reviewed the Vacation of Right-of-way and the proposed option for the completion of Fairmont Boulevard showing the potential bridge to cross the ravine. He said that the estimated construction costs are roughly \$6 to \$8 million dollars noting that it is extremely cost prohibitive.

Tony Marshall 1108 East Oakland, stated that he enjoys the challenge of creating infill developments acknowledging there are reasons they are more difficult. Marshall noted that he is not able to cover the cost of the construction of the bridge and does not believe it is fiscally possible or responsible for the City to require it as it is not a portion of the street network as it is more of a residential street. Marshall believes that the anticipated removal of the Tower Road Bridge in approximately 15 years allows for time to discussion options.

Braun agreed that the cost for the completion of Fairmont Boulevard including construction of the proposed bridge is very high and asked if there were any options. Fisher stated that the stipulations for the Preliminary Subdivision Plan require the completion of the road or that the Exception be obtained.

Bulman stated that it is important to keep options open and supported the option to request an Exception.

Fisher recommended that separate motions be made for the individual items.

Schmidt moved, Caesar seconded and the Planning Commission unanimously recommended that the Preliminary Subdivision Plan be approved with the following 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 Mount Rushmore Road shall be submitted for review and approval showing the street constructed with a dual water main, curb, gutter, sidewalk and street light conduit 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 Fairmont Boulevard shall be submitted for review and approval showing the street 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 right-of-way shall be vacated. 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 Morning Glory Court shall be submitted for review and approval showing the street located in a minimum 52 foot wide right-of-way with a minimum 26 foot wide paved surface, burb, gutter, sidewalk, street light conduit, sewer and water. In addition, the cul-de-sac bulb shall be located in a minimum 104 diameter right-of-**

way with a minimum 84 foot diameter paved surface 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;

6. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to include that portion of Morning Glory Court located in proposed Phase Two of the development in order to provide legal access to Phase One of the development;
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. In addition, easements shall be provided as needed;
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. In addition, easements shall be provided as needed;
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, 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 plat document shall be revised to show the Certificate of Ownership as "The John and Lenore de Lorimier Family Trust";
13. Prior to submittal of a Final Plat application, a note shall be added to the plat document securing a 6 foot wide maintenance easement along the common lot line for the proposed townhome lots;
14. Prior to submittal of a Final Plat application, a different street name for Morning Glory Court shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;
15. 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,
16. **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).**
 17. **Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures or the plat document shall be revised eliminating two of the lots creating no more than 20 lots on a cul-de-sac street. (7 to 0 with Braun, Bulman, Caesar, Gollither, Huus, Schmidt and Vidal voting yes and none voting no)**
11. No. 17VR008 - Brielle Subdivision
A request by Sperlich Consulting, Inc for Tony Marshall to consider an application for a **Vacation of Right-of-Way** for Lots 5 thru 19 of Brielle Subdivision, legally described as the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Fairmont Boulevard and Tower Road.

Bulman moved, Huus seconded and the Planning Commission unanimously recommended that the Vacation of Right-of-Way be denied. (7 to 0 with Braun, Bulman, Caesar, Gollither, Huus, Schmidt and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

- *6. No. 17PD051 - Rypkema Subdivision and Poplar Subdivision
A request by Fisk Land Surveying and Consulting Engineers, Inc for Brian Wagner of Industrial Leasing and Rentals LLC to consider an application for a **Final Planned Development Overlay to allow an industrial equipment sales and repair establishment** for Tract E of Rypkema Subdivision and the S1/2 of adjacent vacated East St. Louis Street; and Lot 2 of Poplar Subdivision, all located in Section 6, T1N, R8E, and Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1002 E. Omaha Street.

Lacock presented the application and reviewed the associated slides noting that this property was previously approved to be rezoned from General Commercial District to Light Industrial District (17RZ003) with a Planned Development Designation and this application is the Final Planned Development for the property. Lacock noted that staff recommends the Exception to reduce the minimum required rear yard setback from 25 feet to 2.2 feet for the existing structure be approved. Lacock noted that any redevelopment or new

development on the property shall comply with the minimum required 25 foot rear yard setback. Lacock stated that the applicant is requesting a 44 square foot reader board sign that will be located on Omaha Street noting that Omaha Street is not identified as an Entrance Corridor and therefore if the Planning Commission deems it appropriate, staff recommends the sign be approved. Lacock noted that staff recommends that the Final Planned Development Overlay to allow an industrial equipment sales and repair establishment be approved with stipulations.

Fisher commended the applicant and their consultant for the work they did on this project.

Bulman moved, Schmidt seconded and the Planning Commission unanimously approved the Final Planned Development Overlay with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required rear yard setback from 25 feet to 2.2 feet for the existing structure. Any redevelopment or new development on the property shall comply with the minimum required 25 foot rear yard setback;**
- 2. Hereby acknowledge the previously granted Variance to reduce the minimum required landscaping to 30,000 points. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 3. Upon submittal of a Building Permit for Phase II, a site plan shall be submitted identifying truck turning movements and paved circulation aisles. All storage for wheeled vehicles or trailers shall be paved;**
- 4. If the Planning Commission determines that the proposed 44 square foot reader board sign is appropriate at this location, then a Sign Permit shall be submitted for review and approval. All proposed signage shall meet the requirements of the Rapid City Sign Code. An electronic or Light Emitting Diode (LED) sign measuring 44 square feet in size is being approved as a part of this Final Planned Development Overlay. The expansion of or addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for all signs;**
- 5. A minimum of 57 parking spaces shall be provided. In addition, three of the parking spaces shall be ADA accessible. One of the ADA spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 6. The Final Planned Development Overlay shall allow for the sales and repair of industrial equipment. Any change in use that is a permitted use in the Light Industrial District in compliance with the Parking Ordinance shall require a building permit. Any change in use that is a Conditional Use in the Light Industrial District shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 with Braun, Bulman, Caesar, Golliher, Huus, Schmidt and Vidal 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. 17PD052 - Schlottman Addition

A request by Fisk Land Surveying and Consulting Engineers, Inc for Waste Connections of South Dakota, Inc. to consider an application for a **Final Planned Development Overlay to allow an outdoor storage area** 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. Saint Patrick Street.

Lacock presented the application and reviewed the associated slides noting that this item had been rezoned from General Commercial District to Light Industrial District in conjunction with a Planned Development Designation and that this is a Final Planned Development. Lacock noted that the proposed storage yard is for an existing business to expand. Lacock stated that staff recommends that the Final Planned Development Overlay to allow an outdoor storage area be approved with stipulations.

In response to a question from Huus, Janelle Fink of Fisk Land Surveying and Consulting Engineers, Inc, consultant for the application, clarified that the area would be used to store the large containers. Fisher clarified that the applicant's business plan identifies the uses and potential items to be stored.

In response to a question from Bulman if there were alternatives to the fence slats, Fink reviewed discussions she had with her customer regarding fence options stating that the commercial slats were the best option and that the landscaping will assist in screening.

In response to a question on the sidewalk and bike lane adjacent to the property staff clarified that the bike lane is not required to be installed by the applicant and that the sidewalk on the connecting property is not required at this time. Staff notated that upon a request for a building permit, installation of the sidewalk would then be required.

In response to a comment from Caesar regarding concerns of allowing barbed wire on a fence in this area which is identified as a revitalization corridor and if the applicant would consider removing the barbed wire, Fink stated that there is a security issue and therefore the feature is important to the applicant.

Schmidt moved, Gollither seconded and the Planning Commission unanimously approved the Final Planned Development Overlay with the following stipulations:

- 1. An Air Quality Permit shall be obtained for any disturbed area one acre or larger in size. In addition, if the unpaved storage area exceeds one**

- acre is size, a Parking / Storage Area Permit shall be obtained and renewed every three years;
2. Prior to submittal of a Building Permit, the applicant shall coordinate with the Rapid City Urban Forester to use appropriate landscaping for this area. A non-irrigated landscape buffer shall be installed in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 3. Upon submittal of a Building Permit, a drainage report shall be submitted for review and approval addressing storm water quality treatment for impervious areas;
 4. Upon submittal of a Building Permit, the site plan shall be revised to address redline comments;
 5. Upon submittal of a Building Permit, a site plan shall be submitted for review and approval showing truck circulation and identifying paved vehicle circulation aisles;
 6. Prior to initiation of the use, the existing approach to Lot X of Lot A shall be removed and replaced with curb and gutter;
 7. Upon submittal of a Building Permit, a copy of a recorded Developmental Lot Agreement shall be submitted; and,
 8. The Final Planned Development Overlay shall allow for a storage area. Any change in use shall require the review and approval of a Major Amendment to the Planned Development Overlay. (7 to 0 with Braun, Bulman, Caesar, Gollhofer, Huus, Schmidt and Vidal 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. 17PL117 - Belle Vista Estates
A request by KTM Design Solutions, Inc for Dakota Hills Trailer Sales, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 18 of Bella Vista Estates, legally described as 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.

Fisher presented the application and reviewed the associated slides noting that the property was recently rezoned to Low Density Residential District and this Preliminary Subdivision Plan shows the proposed connection of roads for the area. Fisher stated that the road currently shown on the existing plat is actually an easement that must be retained or an option provided for access to the adjacent lot. Fisher stated that the property owner of the property to the east is not in agreement with the proposed street alignment and one of the stipulations of approval for this Preliminary Subdivision Plan is that the applicant works with this property owner to achieve an agreeable access. Fisher presented staff's

recommendation that the Preliminary Stipulations Plan be approved with the stipulations.

Caesar moved, Schmidt seconded and the Planning Commission unanimously recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

- 1. Prior to submittal of a Development Engineering Plan application, the applicant shall coordinate with the property owner(s) of Lot 1, Potts Subdivision to relocate the existing "Temporary turnaround and Future Right-of-way Easement" that currently serves as access to Lot 1, Potts Subdivision or the plat shall be revised retaining the existing easement and reconfiguring the proposed lots accordingly. Written documentation indicating concurrence from the property owners of Lot 1, Potts Subdivision shall be submitted with the Development Engineering Plan application if the easement is relocated or modified;**
- 2. 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;**
- 3. 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;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for the "Temporary Turnaround and Future Right-of-way Easement" shall be submitted for review and approval showing the easement constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. In addition, the cul-de-sac bulb shall be constructed with a minimum 84 foot diameter paved surface 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, construction plans for Haugo Drive 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 document shall be submitted with the Development Engineering Plan application;**
- 5. Upon submittal of a Development Engineering Plan application,**

construction plans for Covenant Drive shall be submitted for review and approval showing the street located in a minimum 52 foot wide right-of-way with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. In addition, the cul-de-sac bulb shall be located in a minimum 104 foot diameter right-of-way with a minimum 84 foot diameter paved surface 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;

6. Upon submittal of a Development Engineering Plan application, the construction plans for Covenant Drive shall provide a turnaround every 600 feet as per Section 2.13.2 of the Infrastructure Design Criteria Manual or prior to submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures;
7. Upon submittal of a Development Engineering Plan application, construction plans for Catron Boulevard shall be submitted for review and approval showing the construction of curb, gutter, sidewalk, street light conduit, sewer 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;
8. 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;
9. 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;
10. 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;
11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all

- public improvements;
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. Prior to submittal of a Final Plat application, the plat document shall be revised to show the recording information for the previously vacated section line highway located along the south lot line of the property;
 14. Upon submittal of a Final Plat application, a maintenance and perpetual ownership agreement shall be submitted for review and approval for any drainage structures and other related surface or underground drainage improvements. In addition, the approved agreement shall be recorded at the Register of Deed's Office with the Final Plat;
 15. 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,
 16. 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 with Braun, Bulman, Caesar, Gollither, Huus, Schmidt and Vidal voting yes and none voting no)
9. No. 17RZ030 - Section 29, T1N, R7E
A request by KTM Design Solutions, Inc for Storage Place, Inc. to consider an application for a **Rezoning from No Use District to Office Commercial District** for that portion of E1/2NE1/4SE1/4 less LOT H1, less row and less that part lying in Rapid City boundaries located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the NW Corner of that part of W1/2NE1/4SE1/4 located N of Portrush Rd Less Red Rock Estates And Less ROW, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence S01°53'49"W, a distance of 220.31 feet; thence N80°34'53"E, a distance of 227.23 feet; thence curving to the left with an arc length of 137.68 feet, with a radius of 337.92 feet, with a chord bearing of N68°54'35"E, with a chord length of 136.73 feet; thence curving to the right with an arc length of 281.44 feet, with a radius of 461.88 feet, with a chord bearing of N74°41'40"E, with a chord length of 277.11 feet; thence S87°52'08"E, a distance of 45.55 feet, to the point of beginning; Thence first course: S87°52'08"E, a distance of 28.16 feet; Thence second course: S02°11'28"W, a distance of 110.04 feet; Thence third course: S87°51'39"E, a distance of 380.55 feet; Thence fourth course: N02°10'58"E, a distance of 109.97 feet; Thence fifth course: S87°51'49"E, a distance of 207.24 feet; Thence sixth course: S42°38'25"E, a distance of 14.22 feet; Thence seventh course: S01°51'07"W, a distance of 505.79 feet; Thence eighth course: N88°03'11"W, a distance of 625.90 feet; Thence ninth course: N01°51'05"E, a distance of 518.04 feet, to the point of beginning, more generally described as being located southwest of the intersection of Dunsmore Road and Portrush

Road.

Hanzel presented the application and reviewed the associated slides noting that this rezoning is in association with a recent annexation of the property. Hanzel stated that based on the future land use which identifies this as mixed use commercial with an Activity Center Designation making this a commercial hub surrounded by low density residential. Hanzel noted that this rezoning request is adjacent to another rezoning request for property that was also annexed at the time this property was annexed and will be presented directly following this application. Hanzel presented staff's recommendation to approve the Rezoning from No Use District to Office Commercial District request.

Barbara Horton, 7185 Prestwick Road, addressed to her concerns regarding the rezoning to Office Commercial District. She indicated that the potential for future development could include apartments in a family oriented residential neighborhood. She noted that the traffic on Dunsmore Road is high as the residents use it as the main route for access and that the increase of homes and other development within this development will only increase the traffic issues.

Carolyn Johnson, 4513 Portrush Road, spoke to her concerns with the potential loss of privacy should the Office Commercial District zoning allow a parking lot to be built within yards of her backdoor.

Alan Dietrich, 6943 Ainsdale Court, indicated that he would be speaking both as an individual owner and as a member of the Red Rock Townhome Association, stating he is concerned with the increase of traffic on the road that is used as the singular access to the Red Rock area. Dietrich asked about the long term plans for access to the Red Rock area.

Mark Kempfe 6817 Dunsmore Road, spoke his concerns to the ingress and egress to the Red Rock development. He also spoke to his concern regarding the impact the apartments would have on a single family development.

Bruce Bedard, 4451 Portrush, said he supports the rezoning and hopes that the developer takes the surrounding properties into consideration when developing the property.

Kyle Trelor, KTM Design Solutions, Inc, stated that they have worked closely with staff in the development of this property noting that after discussion with staff, they revised the rezoning of the adjacent property that was also annexed from Medium Density Residential District to Low Density Residential II to better maintain the development in accord with the surrounding areas.

Caesar reviewed why she feels Office Commercial District is a good fit for the area.

In response to a question from Huus whether Dunsmore Road is constructed to standards of a minor arterial, Johnson stated that it is not built to the standards for a minor arterial as there is not adequate right-of-way. In response to his

question on the density restrictions Johnson stated it does not qualify as a one access restriction as Muirfield Drive and Dunsmore Road both serve as access, so the single access limitations do not apply.

Behlings stated that the emergency access meets requirements.

Bulman stated that she believe the zoning is appropriate for this area, but asked if a Planned Development Designation could be requested in conjunction with the rezoning.

Discussion followed on the future street development in this area. Trelor indicated that the platting of this property includes the dedication of the required right-of-way to bring Dunsmore Road into arterial. Johnson said that there are no short range plans for street development.

Horton referenced the study that had been done regarding the connection of Sheridan Lake Road to Highway 44 noting that although the study was acknowledged no alignment is approved to date and that an additional study will be needed in the near future.

Bulman moved, Vidal second and the Planning Commission unanimously recommended that the request to Rezone Property from No Use District to Office Commercial District be approved in conjunction with a Planned Development Designation. (7 to 0 with Braun, Bulman, Caesar, Gollither, Huus, Schmidt and Vidal voting yes and none voting no)

10. No. 17RZ034 - Section 29, T1N, R7E

A request by KTM Design Solutions, Inc for Dean Hamm Trust to consider an application for a **Rezoning from No Use District to Low Density Residential District II** for that portion of W1/2NE1/4SE1/4 of Portrush Road; less Red Rock Estates less row; all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the NW Corner of that part of W1/2NE1/4SE1/4 located N of Portrush Rd Less Red Rock Estates And Less ROW, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; thence S01°53'49"W, a distance of 220.31 feet, to the point of beginning; Thence first course: N80°34'53"E, a distance of 227.23 feet; Thence second course: on a curve turning to the left with an arc length of 137.68 feet, with a radius of 337.92 feet, with a chord bearing of N68°54'35"E, with a chord length of 136.73 feet; Thence third course: on a curve turning to the right with an arc length of 281.44 feet, with a radius of 461.88 feet, with a chord bearing of N74°41'40"E, with a chord length of 277.11 feet; Thence fourth course: S87°52'08"E, a distance of 45.55 feet; Thence fifth course: S01°51'05"W, a distance of 518.04 feet; Thence sixth course: N88°03'11"W, a distance of 601.69 feet; Thence seventh course: N09°23'33"W, a distance of 342.51 feet; Thence eighth course: N80°34'53"E, a distance of 9.57 feet, to the point of beginning, more generally described as being located southeast of the intersection of Muirfield Drive and Portrush Road.

Hanzel presented the application and reviewed the associated slides. Hanzel

indicated that this property is located directly west of the previous application, noting that it was originally requested to be rezoned to Medium Density Residential District but that that application (17RZ029) has since been withdrawn replaced with this application requesting to rezone to Low Density Residential II District which better suits the adjoining properties. Hanzel presented staff's recommendation to approve the request Rezoning from No Use District to Low Density Residential District II.

Alan Dietrich, 6943 Ainsdale Court, stated he was pleased to see the change from Medium Density Residential District to Low Density Residential II District, but said he still had some concerns with the types of homes that could be constructed and asked that a Planned Development Designation be included in the approval of this request.

In response to a question from Braun, Hanzel confirmed that the type of houses would have to meet the Low Density Residential II District requirements.

Barbara Horton, 7185 Prestwick Road, stated that she is also happy to see the revised rezoning.

Mark Kampfe, 6817 Dunsmore Road, asked if there would be potential for a signal at the intersection of Muirfield Drive and Sheridan Lake Road to help shift traffic off of Dunsmore Road or to allow temporary speed bumps along Dunsmore Road to moderate the speed.

In response to the question of the second signal at Muirfield Drive and Sheridan Lake Road, Johnson confirmed that the State Department of Transportation would have input and stated that spacing would be a concern. Johnson did state that an analysis is underway for the Sheridan Lake Corridor that may provide more insight when completed.

In response the question of speed bumps Johnson stated that would be a question for the Traffic Engineer.

Bruce Bedard, 4451 Portrush Road, offered suggestions including redesigning Sheridan Lake Road going towards Rapid City, changing the speed limit in that area and providing an access at the back the Red Rock development.

Caroline Johnson, 4513 Portrush Drive, stated she also agrees with the change of zoning from Medium Density Residential District to Low Density Residential District II but noted that the speed limits of both Portrush Drive and Dunsmore Road is not observed creating a racetrack effect on both roads.

Caesar moved, Schmidt seconded and the Planning Commission unanimously recommended that the request to rezone property from No Use District to Low Density Residential District II be approved. (7 to 0 with Braun, Bulman, Caesar, Gollhofer, Huus, Schmidt and Vidal voting yes and none voting no)

12. Discussion Items
 - A. Revised Building Access Hours

Wolff informed the Planning Commission that due to security issues the City School Administration building front doors will be locked until 7:30 a.m. on regular business days and on days when Zoning Board of Adjustment and Planning Commission meetings are held will open at 6:45 a.m.

13. Staff Items

14. Planning Commission Items

There being no further business, Golliher moved, Caesar seconded to adjourn the meeting at 8:49 a.m. (7 to 0 with Braun, Bulman, Caesar, Golliher, Huus, Schmidt and Vidal voting yes and none voting no)