

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
November 10, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, John Herr, Galen Hoogestraat, Linda Marchand and Andrew Scull. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Steve Rolinger and Kim Schmidt

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Tim Behlings, Dale Tech, Ted Johnson, Carla Cushman and Andrea Wolff.

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

1. No. 16VA005 - Boulevard Addition

A request by Mandi Schmierer for All Around Construction to consider an application for a **Variance to reduce the minimum required side yard setback that abuts a street from 25 feet to "0" feet as per Chapter 17.12.050(A)3 of the Rapid City Municipal Code** for the S1/2 of Lot 12 and all of Lot 13 of Block 22, Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1017 West Boulevard.

Lacock presented the application and reviewed the associated slides. Lacock explained that the variance that is being requested is to replace an existing stoop that has deteriorated over time. Lacock noted that the property is identified as a small lot which is less than 6,500 square feet, and a corner lot with two street frontages. The property is also located in the West Boulevard Historic District and has obtained approval from Historic Preservation. Lacock presented staff's recommendation that the **Variance to reduce the minimum required side yard setback that abuts a street from 25 feet to "0" feet as per Chapter 17.12.050(A)3 of the Rapid City Municipal Code be approved** with the stipulation a surveyed site plan be submitted with the Building Permit.

Bulman moved to approve the variance request for just the stoop based on the small lot status and double frontage with stipulation.

**Bulman moved, Brewer seconded to approved the Variance to reduce the minimum required side yard setback that abuts a street from 25 feet to "0" feet as per Chapter 17.12.050(A)3 of the Rapid City Municipal Code be approved based on the unique condition that the property abuts two streets to the south and east with the following condition;**

1. **Upon submittal of a Building Permit, the applicant shall submit a surveyed site plan showing that the proposed stoop does not encroach into the public right-of-way. (7 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Marchand and Scull voting yes and none voting no)**

2. Discussion Items

None

3. Staff Items  
None

4. Zoning Board of Adjustment Items  
None

**There being no further business, Brewer moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:06 a.m. (7 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Marchand and Scull voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
November 10, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, John Herr, Galen Hoogestraat, Linda Marchand and Andrew Scull. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Steve Rolinger, Kimberly Schmidt

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Sarah Hanzel, Tim Behlings, Dale Tech, 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 2 be removed from the Consent Agenda for separate consideration.**

**Scull requested that Item 3 be removed from the Consent Agenda for separate consideration.**

**Motion by Marchand, seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Items 2 and 3. (7 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Marchand and Scull voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the October 27, 2016 Planning Commission Meeting Minutes.

\*4. No. 16PD046 - Orchard Meadows

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

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

**Planning Commission continued the Initial Planned Development to allow an apartment complex to the November 23, 2016 Planning Commission meeting at the applicant's request.**

***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. 16PD047 - Section 28, T2N, R8E

A request by KTM Design Solutions, Inc for Rapid Center, LLC to consider an application for a **Initial Planned Development Overlay to allow General Commercial and Light Industrial Development** for East Mall Drive Commercial Park, legally described as Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Lot 1 less Lot H-13 of Forefather Flats, and the point of beginning Thence first course: S89°58'03"W, a distance of 1,919.18 feet; Thence second course: S00°08'30"E, a distance of 678.69 feet; Thence third course: S67°14'25"E, a distance of 333.47 feet; Thence fourth course: S67°14'20"E, a distance of 280.68 feet; Thence fifth course: S89°50'05"E, a distance of 298.83 feet; Thence sixth course: S89°50'04"E, a distance of 1,187.54 feet; Thence seventh course: N00°00'00"W, a distance of 457.63 feet; Thence eighth course: N90°00'00"W, a distance of 10.01 feet; Thence ninth course: N00°00'05"E, a distance of 282.04 feet; Thence tenth course: N90°00'00"W, a distance of 125.18 feet; Thence eleventh course: N00°00'00"E, a distance of 182.00 feet, to the point of beginning, more generally described as being located southeast of the intersection of East Mall Drive and Dyess Avenue.

**Planning Commission continued the Initial Planned Development Overlay to allow General Commercial and Light Industrial development to the November 23, 2016 Planning Commission meeting at the applicant's request.**

***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. 16PL101 - Gibson Subdivision

A request by Renner Associates LLC for Brant Grote to consider an application for a **Preliminary Subdivision Plan** for proposed Lot LG of Gibson Subdivision, legally described as a portion of the SE1/4 of the NW1/4, located in Section 13, T1N, R7E, BHM, Pennington County, South Dakota, more generally described

as being located at 3964 Red Rock Canyon Road.

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

1. Upon submittal of a Final Plat application, water testing data for proposed Lot LG demonstrating that potable water is present shall be submitted for review and approval;
2. Prior to submittal of a Final Plat application, the proposed access easement located across the unplatted balance of the S1/2S1/2SW1/4NE1/4 of Section 17, T1N, R7E to serve as access to the unplatted balance located north of proposed Lot LG shall be recorded. In addition, a recorded copy of the easement shall be submitted with the Final Plat application; and,
3. Prior to submittal of a Final Plat application, the applicant shall coordinate with the Register of Deed's Office to determine if the proposed Lot should be labeled "Lot 5" or "Lot 2" in lieu of "Lot LG".

7. No. 16PL104 - Homestead Subdivision

A request by Sperlich Consulting, Inc for SODAK Development Company to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 8 thru 11 of Block 6, Lots 9 thru 14 of Block 9 and Lots 1 thru 6 of Block 10 of Homestead Subdivision, legally described as a portion of the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Haakon Street and Darian Street.

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

1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed. In addition, the redlined comments shall be returned with the Development Engineering Plan application;
2. Prior to submittal of a Development Engineering Plan application, the proposed 20 foot by 52-foot utility easement shall be recorded as a miscellaneous document. In addition, a copy of the recorded easement shall be submitted as a part of a Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, utility concurrence letters shall be submitted for all existing utility easements proposed for vacation as a part of this plat;
4. Upon submittal of a Development Engineering Plan application, construction plans showing Haakon Street constructed within a minimum 52 feet of right-of-way and 26 feet of paved surface, with curb, gutter, water, sewer, sidewalk, and street light conduit shall be submitted for review and approval; or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted as a part of the Development Engineering Plan application;
5. Upon submittal of a Development Engineering Plan application,

- construction plans showing Braelynn Lane constructed within a minimum 52 feet of right-of-way and 26 feet of paved surface, with curb, gutter, water, sewer, sidewalk, and street light conduit shall be submitted for review and approval; or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted as a part of 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 shall be submitted for review and approval for all subdivision improvements. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code;
  9. Upon submittal of a Development Engineering Plan application, a grading plan and an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval;
  10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  11. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required 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;
  12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements as applicable;
  13. Prior to submittal of a Final Plat application, recording information for

all previously recorded easements shall be shown on the plat document;

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; and,
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---

2. No. 16PL092 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc for DOECK, LLC to consider an application for a **Preliminary Subdivision** for proposed Lot 21 of Block 4 of Auburn Hills Subdivision, legally described as a portion of the SW1/4 of the NW1/4 less Auburn Hills Subdivision, located in the SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Chalkstone Drive.

Fisher briefly reviewed the application noting that the applicant has requested that the application be continued to finalize details and as such staff is requesting that the application be continued to the November 23, Planning Commission

**Brewer moved, Bulman seconded and unanimously carried to continue the Preliminary Subdivision to the November 23, 2016 Planning Commission Meeting. (7 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Marchand and Scull voting yes and none voting no)**

3. No. 16PL096 - Moon Meadows

A request by KTM Design Solutions for Hagg Brothers LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 3 of Block 1 and Lots 1 thru 13 of Block 2 of Moon Meadows, legally described as that portion of the SW1/4 of the NW1/4 Less Lot H1, Lot H2 and Less right-of-way, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and that portion of the SE1/4 of the NE1/4 east of Highway 16, located in Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Mt. Rushmore Road and north of Sammis Trail.

Scull stated that he would be abstaining from this item due to a conflict of interest and left the dais at this time.

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

1. The proposed plat shall be allowed as a phased development with all

subdivision improvements needed to support a particular phase included in the construction plans for that phase;

2. Prior to submittal of a Final Plat, Moon Meadows Drive shall be secured within a minimum 100 foot wide right-of-way with 10 additional feet the first 200 feet as it extends east from Mount Rushmore Road or the plat document shall include the dedication of the right-of-way for Moon Meadows Drive;
3. Upon submittal of a Development Engineering Plan application, construction plans for Sammis Trail shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. 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 Healing Way located north of Moon Meadows Drive shall be submitted for review and approval showing the street located in a minimum 68 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from Moon Meadows Drive and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street or 30 foot wide paved surface to allow parking on one side of the street or 24 foot wide paved surface and posted with no parking signs on both sides of the street and with curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
5. Upon submittal of a Development Engineering Plan application, construction plans for Healing Way located south of Moon Meadows Drive shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends south from Moon Meadows Drive 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;
6. Upon submittal of a Development Engineering Plan application, construction plans for the access and utility easement located along the east lot line shall be submitted for review and approval showing the easement with a minimum width of 70 feet with 10 additional feet the first 200 feet as it extends north from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the easement shall be vacated as proposed. If an Exception is obtained, a copy of the approved Exception shall be

submitted with the Development Engineering Plan application. If the utility easement is vacated, the Final Plat shall show the recording information vacating the document;

7. Upon submittal of a Development Engineering Plan application, construction plans for the 100 foot wide access and utility easement extending through proposed Lots 1 and 2 of Block 2 shall be submitted for review and approval showing the easement with a minimum width of 70 feet with 10 additional feet of right-of-way the first 200 feet as it extends south from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the easement shall be vacated as proposed. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If the utility easement is vacated, the Final Plat shall show the recording information vacating the document;
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 shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;
11. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required 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;
12. 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;**

- 13. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show U.S. Highway 16 as Mount Rushmore Road. In addition, upon submittal of a Final Plat application, the plat shall show the street as Mount Rushmore Road;**
- 14. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
- 15. Prior to submittal of a Final Plat application, the subdivision name shall be changed from "Moon Meadows" to "Moon Meadow Overlook" or "Moon Meadow Estates #2";**
- 16. Upon submittal of a Final Plat application, all necessary easements shall be dedicated including drainage easements, shared access easements and utility easements;**
- 17. 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,**
- 18. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (6 to 0 to 1 with Braun, Brewer, Bulman, Herr, Hoogestraat and Marchand voting yes and none voting no and Scull abstaining)**

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

- \*8. No. 16PD044 - Section 7, T1N, R7E  
A request by KTM Design Solutions for Hagg Brothers LLC to consider an application for an **Initial and Final Planned Development Overlay to allow an apartment complex for Moon Meadows**, legally described as located in the SW1/4 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest most corner of the SW1/4 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, S 89°05'27" E, a distance of 534.40'; to the point of beginning,; Thence, first course: N 00°01'10" W, a distance of 479.98';; Thence, second course: N 17°32'09" E, a distance of 177.77';; Thence, third course: curving to the left with an arc length of 457.89, with a radius of 1,550.00', with a chord bearing of S 80°55'38" E, with a chord length of 456.23';; Thence, fourth course: S 89°23'24" E, a distance of 142.54';; Thence, fifth course: S 00°01'10" E, a distance of 568.25';; Thence, sixth course: S 89°18'39" W a distance of 646.64, to the said point of beginning, more generally described as being located east of Mt. Rushmore Road and north of Sammis Trail.

Lacock presented the application and reviewed the associated slides. Lacock briefly reviewed the associated applications including the recent rezoning application for a portion of this property. Lacock stated that the Exception to allow height of 3 stories and 40 feet in lieu of the maximum allowed height of 35

feet and 3 stories is being mitigated by the setbacks, the adjacent uses and the buffer this provides between higher intensity commercial uses to the west and the residential uses to the east and south and that staff recommends the Exception be granted. Lacock pointed out a recent change to the associated Preliminary Plan for this property to adjust one of the property lines to allow access to the neighboring property to the west. Lacock stated that a site plan will be required for the ground sign upon submittal of the sign permit to ensure the sign will not encroach into any access easement in the future. Lacock also noted that once Moon Meadows right-of-way is dedicated there will be access easements that will need to be vacated prior building permits being issued. Lacock stated that staff recommends that the **Initial and Final Planned Development Overlay to allow an apartment complex for Moon Meadows** be approved with stipulations.

In response to a question from Herr on a second access to the property, Lacock stated that based on the fire sprinkling of the buildings the Fire Department has stated the second access is not required.

Braun stated that Scull will be abstaining from this item due to a conflict of interest.

**Planning Commission approved the Initial and Final Planned Development Overlay to allow an apartment complex be approved with the following stipulations:**

1. **An Exception is hereby granted to allow a height of three stories and 40 feet in lieu of the maximum allowed height of three stories and 35 feet;**
3. **Upon submittal of a Building Permit, a revised site plan shall be submitted for review and approval addressing redlined comments. The redlined plans shall be returned to Community Planning and Development Services;**
4. **Upon submittal of a Building Permit, construction plans for the proposed off-site drainage and storm water quality improvements shall be submitted for review and approval. In addition, prior to issuance of a Certificate of Occupancy, the drainage improvements shall be constructed;**
5. **Prior to issuance of a Building Permit, right-of-way shall be dedicated for Moon Meadows Drive. In addition, prior to issuance of a Building Permit, the Utility and Access Easement across the subject property shall be vacated;**
6. **Prior to issuance of a Building Permit, the owner shall dedicate a utility access easement to the City to allow access to the water shut-off valve;**
7. **Prior to issuance of a Building Permit, the Access and Utility Easement identified on the Master Plan which crosses the property shall be vacated. Right-of-way for Moon Meadows Drive shall be dedicated prior to vacating the Access and Utility Easement;**
8. **Prior to issuance of a Building Permit, the associated Rezoning**

- request from General Commercial District to Office Commercial District shall be approved;
9. Upon submittal of a Sign Permit, a site plan shall be submitted for review and approval demonstrating that the proposed monument sign does not interfere with any access easements. 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 Initial and Final Planned Development Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development Overlay. A sign permit is required for any new signs;
  10. The Initial and Final Planned Development Overlay shall allow for a 160-unit apartment complex with eight apartment structures and a leasing office / amenity center. Any change in use that is a permitted use in the Office Commercial District and in compliance with the Parking Ordinance shall require the review and approval of a Minimal Amendment. All conditional uses in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (6 to 0 to 1 with Braun, Brewer, Bulman, Herr, Hoogestraat and Marchand voting yes and none voting no and Scull abstaining)

***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. 16PD045 - Holiday Subdivision

A request by FMG, Inc for Holiday Stationstores, Inc. to consider an application for a **Final Planned Development to allow a car wash in conjunction with a convenience store with gas sales** for , legally described as Lots 1 thru 6 of Lot D of Wood Subdivision less Lot H1 of Lot 6, the east 88 feet of Lot D less Lot H1 of the NE1/2 of the NW1/4 of Section 9, T1N, R8E, Lot C of Johnson School Subdivision, Lot X of Lot B of Johnson School Subdivision less Lot H2 and the vacated School Drive, all located in the NE1/4 of the NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of E. SD Highway 44 and Elk Vale Drive.

Laroco presented the application and reviewed the associated slides. Laroco reviewed the previous associated applications including the Rezone and Vacation of Right-of-way application. Lacock stated that the applicant has requested an Exception to the height of the pole sign from 45 to 46.25 feet. Laroco did note that the applicant had reduced this request from the initial request for a 54 foot pole sign. The applicant is also requesting a two sided 25 foot tall Light Emitting Diode message board sign. Laroco reviewed the sign package noting that the applicant is directing this sign to Elk Vale Road traffic. Laroco referred to the Comprehensive Plan which advises that both pole and

Light Emitting Diode signs be avoided in Entrance Corridors and as such staff cannot support the pole sign. Laroco further noted that the Light Emitting Diode is allowed in the zoning district and that a 45 foot pole sign would also be allowed if the property was not located along an entry corridor. Laroco stated that staff recommends that should the Planning Commission determine that the pole sign and Light Emitting Diode message board be appropriate, then staff recommends that the **Final Planned Development to allow a car wash in conjunction with a convenience store with gas sales** be approved with stipulations.

In response to a question from Brewer regarding the access, Laroco reviewed the accesses from both East S.D. Highway 44 and Elk Vale Road and the visibility the additional height of the sign provides.

Bulman stated that she does not like the location of the sign as she believes it interferes with the directional signs in the area in addition to not supporting the height of the sign. Bulman asked if the applicant could consider moving the sign.

Laroco noted that in the interest of Ex Parta Communications staff wanted to inform the Planning Commission that staff has had conversations with numerous City Council and Planning Commission regarding the size and location of this sign.

**Hoogestraat moved to deny the Exception and approve the balance of the stipulations, Brewer seconded.**

Bulman stated that this applicant has worked with the City and compromised on previous applications. Bulman wished that they would have done so on this application and reiterated that unless the sign was moved, she does not support this application and would be voting against the application.

**A roll call vote was done with Braun, Brewer, Hoogestraat and Marchand voting yes, Bulman and Herr voting no and Scull abstaining.**

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

- 1. The Planning Commission determined that the proposed signage is not appropriate for the neighborhood, and denied the Exception to increase the maximum permitted height of the pole sign from 45 feet to 46.25 feet.**
- 2. If the Planning Commission should determine that the proposed two-sided, 54.86 square foot LED message center is appropriate for the neighborhood, then the requested LED message center shall be permitted. No additional LED signage is being approved as a part of this Final Planned Development. All additional and/or future signage shall comply with the requirements of the Rapid City Sign Code. The addition of any future LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign.**

3. **Prior to issuance of a building permit, the property shall be Final Platted to secure a building envelope and utility services for the site.**
4. **This Final Planned Development shall allow for a car wash to be operated in conjunction with a convenience store with gas sales on the property. All requirements of the General Commercial District shall be maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (4 to 2 to 1 with Braun, Brewer, Hoogestraat and Marchand voting yes, Bulman and Herr voting no and Scull abstaining)**

***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  
None

11. Staff Items

- A. Drainage 101 – Dale Tech

Tech presented a review of drainage planning and the need for planning to mitigate the impact of stormwater flow. Tech noted that initially this planning was done in a reactive manner rather than a proactive manner, which allowed for damage and injury to properties. Tech reviewed some of the instances of flood in the areas and the resulting drainage control as a significant component of the infrastructure system and the design regulations that came from these events including the Drainage Criteria Manual. Tech reviewed the goals of the studies for drainage, how these goals are identified and how those studies are then used to design regional drainage plans. Tech noted that to date there have been 26 drainage plans adopted and the Box Elder Drainage Basin would be 27. Tech reviewed the specifics and requirements of a drainage basin design plan.

Scull returned to the dais at this time.

Herr left the meeting at this time.

- B. Box Elder Drainage Basin Open House update

Hanzel clarified that this item should include both the update to Box Elder

Drainage Basin Open House and staff's request for Planning Commission to sponsor the Comprehensive Plan Amendment to adopt the Box Elder Drainage Basin Design Plan.

Hanzel gave the Planning Commission an update on the Box Elder Drainage Basin Open House that was held October 20, 2016 stating that there was a good turn out and good discussions.

Hanzel formally requested that the Planning Commission sponsor the Comprehensive Plan Amendment to adopt the Box Elder Drainage Basin Design Plan.

**Bulman moved, Hoogestraat seconded and unanimously carried to approve Planning Commission sponsorship of the Comprehensive Plan Amendment to adopt the Box Elder Drainage Basin Design Plan. (6 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand and Scull voting yes and none voting no)**

12. Planning Commission Items

Braun noted that the next Planning Commission meeting is November 23, 2016 which is the day before Thanksgiving and asked that the Planning Commissioners let staff know their plans on attendance as soon as possible.

13. Committee Reports

- A. City Council Report (October 17, 2016)  
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

**There being no further business, Hoogestraat moved, Marchand seconded and unanimously carried to adjourn the meeting at 8:14 a.m. (6 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand and Scull voting yes and none voting no)**