

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
August 9, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney, Justin Vangraefschepe and Vince Vidal. Jason Salamun, Council Liaison was also present.

MEMBERS ABSENT: Eric Ottenbacher

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Tim Behlings, Todd Peckosh, Ted Johnson, Wade Nyberg and Rebel VanLoh.

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

1. Approval of July 26, 2018 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Hoogestraat seconded and the Zoning Board of Adjustment unanimously approved the July 26, 2018 Zoning Board of Adjustment Meeting Minutes.

2. No. 18VA007 - North Rapid Addition

A request by Gary Black to consider an application for a **Variance to reduce a side yard setback abutting a street from 35 feet to 15 feet** for Lots 31 and 32 of Block 4 of North Rapid Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 830 Lemmon Avenue.

Lacock presented the application noting that this item had been continued from the July 26, 2018 meeting to allow the applicant and staff time to contact Montana Dakota Utilities (MDU) to determine the possibility of moving a gas line. Lacock reviewed the slides associated to the application and presented a statement from MDU regarding the gas line. The statement from MDU said they would prefer the gas line to remain at its current location due to the elevation difference between the structures on the property. Lacock stated that staff would still recommend approving a minimum 20 foot side yard setback that abuts a street in lieu of 35 feet.

Virginia McLead, 830 Lemmon Avenue, spoke regarding the MDU gas line indicating that it is not a viable option to move the gas line. She presented a photograph showing the distance between the sidewalk and a pickup parked in front of the space where the garage is to be built.

John Roberts, 840 N Spruce Street, spoke in favor of approving the Variance request of reducing the setback from 35 feet to 15 feet.

Discussion followed regarding setbacks to clarify the difference between a curbside sidewalk and a property line sidewalk.

Hoogestraat motioned, Quasney seconded and the Zoning Board of Adjustment unanimously carried to approve a Variance to allow a minimum 15 foot side yard setback that abuts a street in lieu of 35 feet.

3. Discussion Items
4. Staff Items
5. Zoning Board of Adjustment Items

There being no further business, Caesar moved, Hoogestraat seconded and unanimously carried to adjourn the meeting at 7:18 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Ottenbacher, Quasney and Vangraefschepe yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 9, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney, Justin Vangraefschepe and Vince Vidal. Jason Salamun, Council Liaison was also present.

MEMBERS ABSENT: Eric Ottenbacher

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Tim Behlings, Todd Peckosh, Ted Johnson, Wade Nyberg and Rebel VanLoh.

Braun called the meeting to order at 7:18 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, 3, 5, 6 and 7 be removed from the Consent Agenda for separate consideration.

Motion by Hoogestraat, seconded by Quasney and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Items 2, 3, 5, 6 and 7. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 26, 2018 Planning Commission Meeting Minutes.
4. No. 18PL062 - Harney Peak View Addition
A request by KTM Design Solutions, Inc for Bradley Nible to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 2C and 2D of Block 6 of Harney Peak View Addition, legally described as Lot 2A of Block 6 of Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located approximately 600 feet west of the intersection of Jolly Lane and School Drive.

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 School Drive shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface or a minimum 20 foot wide paved surface with no-parking signs if approved by the County, curb, gutter, and sidewalk or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**

2. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval to address storm water detention if subdivision improvements are required;
3. 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. 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;
4. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
5. 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;
6. Prior to submittal of a Final Plat application, the plat document shall be revised to include an ownership certificate for Carl Schauer;
7. 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,
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

8. No. 18VR002 - Original Townsite of Rapid City

A request by FMG Engineering for Llavres LLC to consider an application for a **Vacation of Right-of-Way** for a portion of Fourth Street right-of-way between Blocks 76 and 77 of Original Townsite of Rapid City, Pennington County, South Dakota located in the NE1/4 NW1/4 of Section 1, T1N, R7E, BHM, commencing at the 5/8" rebar with cap LS 1771 marking the northwest corner of Lots 3-5 of block 76 of Original Town site of Rapid City, Thence on a line bearing S77°19'58"E a distance 49.14' to a point; Thence on a line bearing S12°16'21"W a distance 132.45' to the Point of Beginning; Thence on a line bearing S77°20'56"E a distance 59.00' to a point; Thence on a line bearing S12°16'52"W a distance 8.00' to a point; Thence on a line bearing N77°20'56"W a distance 59.00' to a point; Thence on a line bearing N12°16'21"E a distance 8.00' to the Point of Beginning, more generally described as being located the northern terminus of 4th Street.

Planning Commission recommended that the Vacation of Right-of-Way be approved.

---END OF CONSENT CALENDAR---

2. No. 18RZ021 - Boulevard Addition

A request by Brandon Powles of Copper Canyon Homes to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** for the west 78 feet of Lot 22 thru 23 and the east

1/2 of vacated alley adjacent thereto; the west 45 feet of Lot 24 thru 25 and the east 1/2 of vacated alley adjacent thereto; all located in Block 38 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 816 1/2 Saint James Street.

Green presented the application and reviewed the associated slides noting that staff recommends to approve the application to Rezone from General Commercial District to Medium Density Residential District.

Fisher mentioned that the applicants were encouraged to rezone this property as they have plans of eventually building one new single family home or refurbishing one single family home already on the property, and while not supported by the current zoning, this would be supported by the Future Land Use Plan for the City.

Susan Jones, 1315 Mt Rushmore Road, spoke regarding concerns with parking issues and traffic for businesses on Mt. Rushmore Road.

Discussion was had regarding alley access and parking. Fisher noted that parking concerns related to the State construction project on Mt. Rushmore Road are a separate issue from the Rezone application.

Hoogestraat motioned, Bulman seconded and Planning Commission recommended that the Rezoning from General Commercial District to Medium Density Residential District be approved.

3. No. 18PL061 - Stoney Creek Reserve

A request by KTM Design Solutions, Inc for Zeus Land Holdings, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1, 2A thru 4B, 11A thru 14B, 15 thru 19, 20A thru 26B of Block 1 of Stoney Creek Reserve, legally described as Lot 2 of Stoney Creek South No. 2 Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Overview Road and Nugget Gulch Road.

Fisher presented the application and reviewed the associated slides noting this application is the next stage in the master plan presented by the developer when the townhomes along Nugget Gulch were previously approved at City Council. Fisher stated it has been noted to the developer that as the project goes forward stipulations will require sidewalks to be provided for the townhomes along the eastern side of Nugget Gulch and before Development Engineering Plans can be submitted, drainage issues will have to be addressed for a couple of the lots in the Preliminary Subdivision Plan. Fisher stated staff is recommending the Preliminary Subdivision Plan be approved with seventeen stipulations of approval.

Discussion was had regarding topology concerns and fire protection.

Fisher and Behlings confirmed fire sprinkler protection will be required. Fisher stated that geotech analysis will be required in the next stage of development to address any topology issues.

Floyd Simonak - Bella Vista, LLC (Developer) addressed topography concerns and verified that the topography of the land is going to be changed greatly in an effort to make the property better suited for building homes.

Discussion continued on the topography issues and the dirt moving that will be required to develop the property along with discussion about drainage and storm water concerns.

Fisher noted that the stipulations of approval are extensive and all of the issues that are being discussed are addressed in the seventeen stipulations for the Preliminary Subdivision Plan. Fisher also noted that these issues are thoroughly vetted as part of the Development Engineering Plans.

Caesar motioned, Huus seconded and Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

- 1. 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**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Overview Lane 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 addition, the cul-de-sac bulb(s) shall be located in a minimum 118 foot diameter right-of-way and constructed with a minimum 96 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;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Stoney Creek Court shall be submitted for review and approval showing the street located in a minimum 50 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. 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 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, 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;
5. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval showing the proposed 8 inch diameter water main being looped to Covenant Drive located in the Bella Vista Estates Subdivision;
 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 shall be submitted for review and approval;
 7. 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;
 8. Upon submittal of the 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 if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction;
 9. Upon submittal of a Development Engineering Plan application, a site plan shall be submitted for review and approval identifying a building envelope on proposed Lots 26A and 26B or the plat document shall be revised accordingly;
 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 approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 12. Prior to submittal of a Final Plat application, the plat document shall show the recording information for the previously vacated section line highway located along the south lot line of the property;
 13. Prior to submittal of a Final Plat application, an alternate street name for "Stoney Creek Court" shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the approved street name shall be shown on the plat document;
 14. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing maintenance and ownership of any proposed drainage elements;
 15. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording ensuring that a residential fire suppression system be install in all residential structures;
 16. 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,

17. **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).**

5. No. 18PL064 - Diamond Ridge Subdivision

A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A and B of Diamond Ridge Subdivision, legally described as the SW1/4 of the NW1/4 less right-of-way; the NW1/4 of the SW1/4 less Lot A and less right-of-way, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Valley Drive and west of Copperfield Vista.

Hoogestraat motioned, Bulman seconded and Planning Commission unanimously approved that the Preliminary Subdivision Plan be continued to the September 6, 2018 Planning Commission meeting:

1. **Prior to approval of a Development Engineering Plan application, an Engineering Report per Chapter 1.15 of the Infrastructure Design Criteria Manual shall be submitted for review and approval. 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;**
2. **Upon submittal of a Development Engineering Plan application, a sewer design report shall be submitted for review and approval that demonstrates that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. The design report shall be in conformance with the Infrastructure Design Criteria Manual, and signed and sealed by a professional engineer;**
3. **Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow 93 dwelling units with one point of access in lieu of the maximum 40 dwelling units allowed pursuant to Section 2.6 of the Infrastructure Design Criteria Manual or a second point of access shall be provided;**
4. **Upon submittal of a Development Engineering Plan application, construction plans for Valley Drive shall be submitted for review and approval showing the street constructed with a minimum 24-foot wide paved surface with no on-street parking, 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;**
5. **Upon submittal of a Final Plat application, the plat document shall identify the dedication of 34 feet of right-of-way, one-half of the 68 feet of right-of-way required for Valley Drive, or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Final Plat application;**
6. **Upon submittal of a Development Engineering Plan application, a drainage plan and report shall be submitted for review and approval**

that demonstrates stormwater detention at historic rates and provides stormwater quality control. In addition, drainage easements shall be provided as necessary;

7. Upon submittal of a Development Engineering Plan application, water plans and analysis shall be submitted for review and approval that shows that the water service to the lots is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Design reports shall be in conformance with the Infrastructure Design Criteria Manual and signed and sealed by a professional engineer;
8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements
10. Upon submittal of a Final Plat application, the plat document shall show all easements as necessary, including drainage easements and utility easements;
11. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing maintenance and ownership of any proposed drainage elements;
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).

6. No. 18RZ022 - Diamond Ridge Subdivision

A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a **Rezoning from General Agricultural District to Medium Density Residential District** for the SW1/4NW1/4 Less row; NW1/4SW1/4 Less Lot A and Less row, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northeast corner of East ½ of Lot 8 of the Marshall Subdivision, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; S29°58'20.42"E, a distance of 126.139 feet to the point of beginning; Thence first course: S87°54'4.05"E, a distance of 152.615 feet; Thence second course: on a curve turning to the left with an arc length of 192.837 feet, with a radius of 644.00 feet, with a chord bearing of N83°31'14"E, with a chord length of 192.12 feet; Thence third course: S87°50'12.01"E, a distance of 9.958 feet; Thence fourth course: S2°9'47.99"W, a distance of 179.045 feet; Thence fifth course: S2°9'47.99"W, a distance of 866.016 feet; Thence sixth course: on a curve turning to the left with an arc length of 48.562 feet, with a radius of 462.00 feet, with a chord bearing of S45°1'26"W, with a chord length of 48.54 feet; Thence seventh course: S41°45'29.09"W, a distance of 104.824 feet; Thence eighth course: on a curve turning to the right with an arc length of 152.701 feet, with a radius of 174.00 feet, with a chord bearing of S66°53'57"W, with a chord length of 147.85 feet; Thence ninth course: N87°57'34.61"W, a distance of 118.810 feet; Thence tenth course:

N2°9'19.06"E, a distance of 1195.726 feet, to the point of beginning, more generally described as being located east of Valley Drive and west of Copperfield Vista.

Fisher requested that items number 5 and 6 be heard concurrently.

Fisher stated due to an error on the applications submitted with the location of the property, the publication and notification requirements were not met and would have to be re-published with the corrected location. Because of the publication and notification requirements, both items will need to be continued to the September 6, 2018 Planning Commission meeting so those requirements can be met.

Hoogestraat motioned, Bulman seconded and Planning Commission unanimously approved that the request for Rezoning from General Agricultural District to Medium Density Residential District be continued to the September 6, 2018 Planning Commission meeting.

7. No. 18PL065 - proposed East Mall Business Center Subdivision

A request by John Van Beek of Ferber Engineering Company for Hay Land LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Block 2 of East Mall Business Center Subdivision, legally described as that portion of the NE1/4 lying north of 1-90, less East Mall Business Center Subdivision, less Marshall Heights Subdivision No. 2, less Lots H2, H3, H4 and H5, that portion of the NW1/4, less lots AR, B and C, less the E1/2 of the NW1/4 of the NE1/4 of the NW1/4, less East Mall Business Center Subdivision, less part of Lot H2, part of Lot H4, Lots H5, H6, H7, H8 and the right-of-way; a portion of Lot 1 of the NW1/4 of the SE1/4, less Lot H1 and Lot A in a portion of Lot H1 of the N1/2 of the SE1/4, all located in Section 30 and 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of 1-90, south of E. Mall Drive.

Fisher noted that stipulation number 3 has been revised to address access to two land locked parcels. Fisher stated staff recommends the Preliminary Subdivision Plan be approved with the revised stipulations of approval.

Bulman motioned, Hoogestraat seconded and Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following revised stipulations:

1. **Prior to submittal of a Final Plat application, written documentation from all of the affected utility companies shall be submitted indicating concurrence with the proposed vacation of section line highway. In addition, utility easements shall be secured as needed;**
2. **Prior to submittal of a Final Plat application, the plat title shall be revised addressing comments from the Register of Deed's Office; and,**
3. **Prior to submittal of a Final Plat application, ~~an access easement shall be recorded at the Register of Deed's Office securing access to an unplatted balance created as a result of this plat. In addition, a copy of the recorded access easement shall be submitted with the Final Plat application~~ access to the unplatted parcels shall be**

secured.

---BEGINNING OF REGULAR AGENDA ITEMS---

*9. No. 18PD025 - Menard Subdivision

A request by FMG Engineering for First Interstate Bank to consider an application for a **Final Planned Development Overlay to allow a bank** for a portion of the NE 1/4 and NW 1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, commencing at the southeast corner of Lot C of Menard Subdivision, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 4225", the point of beginning; Thence S24°20'49"W, a distance of 99.94 feet to a point; Thence N65°40'27"W, a distance of 20.03 feet, to a point along a line between Lot B of Menard Subdivision and Camden Drive, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 4225"; Thence N65°40'27"W along a line between Lot B of Menard Subdivision and Camden Drive, a distance of 35.30 feet, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 4225"; Thence N50°38'12"W along a line between Lot B of Menard Subdivision and Camden Drive, a distance of 99.43 feet, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 4225"; Thence N50°41'29"W along a line between Lot B of Menard Subdivision and Camden Drive, a distance of 60.66 feet, to a point, said point being the northwest corner of Lot B of Menard Subdivision; Thence along a curve to the left, said curve having a chord bearing of N39°32'46"E, a chord distance of 80.00 feet, a delta of 01°31'13", a radius of 3014.79 feet and a length of 80.00 feet to a point, said point being the southwest corner of Lot C of Menard Subdivision; Thence along a curve to the left between Lot C of Menard Subdivision and E. North Street, said curve having a chord bearing of N38°15'45"E, a chord distance of 55.10 feet, a delta of 01°02'51", a radius of 3014.79 feet and a length of 55.10 feet to a point; Thence S65°36'23"E, a distance of 175.80 feet to a point along a line between Lot C of Menard Subdivision and N. Creek Drive; Thence S24°23'37"W, a distance of 72.00 feet to the point of beginning, more generally described as being located between E. North Street and N. Creek Drive east of Anamosa Street.

Lacock presented the application and reviewed the associated slides noting the Exception request to reduce the minimum separation between ground signs from 100 feet to 50 feet. Lacock commented that in the stipulations of approval, the vacation of Camden Drive right-of-way must be completed through a Final Plat prior to the issuance of a building permit and noted that Camden Drive has been removed from the Major Street Plan with a Comprehensive Plan Amendment approved by City Council. Lacock stated that staff recommends to grant the Exception and approve the Final Planned Development Overlay with the stipulations in the project report.

Discussion regarding Camden Drive followed with Fisher confirming the removal of Camden Drive from the Major Street Plan as a Collector Street through a Comprehensive Plan Amendment approved by City Council.

Harrington presented a graphic showing the changes to the Major Street Plan and the relocation of the Collector Street to the north of the subject property.

Golliher motioned, Caesar seconded and Planning Commission unanimously approved the Final Planned Development Overlay to allow a bank with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required separation between ground signs from 100 feet to 50 feet;**
- 2. Upon submittal of a Building Permit, the plans shall be revised to address red-lined comments;**
- 3. Prior to issuance of a Building Permit, Camden Drive right-of-way shall be vacated;**
- 4. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
- 5. The Final Planned Development Overlay shall allow a bank with a drive-thru. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development.**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.

*10. No. 18UR007 - Laws Tract and Section 34, T2N, R7E

A request by Fisk Land Surveying and Consulting Engineers, Inc for Todd Ossenfort to consider an application for a **Conditional Use Permit to allow a car wash in the General Commercial District** for Lot 3 less the east 95 feet of the SE1/4 of the SW1/4 of the SE1/4 of Section 34, T3N, R7E, BHM and Lot L of Law's Tract Less Lot H-1 in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2308 West Main Street.

Lacock presented the application and reviewed the associated slides noting the request for an electronic reader board sign and commented on a fencing issue in which the applicant must demonstrate that the fencing shown in the site plan is either removable or will not be present in the sewer easement on the west property line. Lacock mentioned the applicant should be aware of a traffic study for West Main Street which identifies the placement of medians on West Main Street in the area with future construction. Lacock stated that if the Planning Commission finds the request for the use of the electronic reader board sign is appropriate, staff recommends the Conditional Use Permit be approved with stipulations.

Discussion was had regarding the fencing and the electronic reader board sign.

Todd Ossenfort, applicant, confirmed that the fence and dumpster enclosure

would be removable and that all city ordinances would be followed regarding the electronic reader board sign.

Huus asked Engineering to confirm if the sewer easement will be used and if the fence will be an issue in the future.

Peckosh replied stating that the sewer easement may be used in future development but the removable fence will not be a problem as it is on the edge of the property line.

Hoogestraat motioned, Caesar seconded and Planning Commission unanimously approved the Conditional Use Permit to allow a car wash with the following stipulation(s):

- 1. Upon submittal of a Building Permit, the plans shall be revised to remove the fencing or detail drawings shall be submitted for the proposed fence and dumpster enclosure that demonstrates that they can be removed and are not permanent structures located in a public sewer easement;**
- 2. Upon submittal of a Building Permit, the plans shall be revised to address redline comments;**
- 3. If the Planning Commission determines that this is an appropriate location for an electronic reader board sign, then an electronic reader board sign measuring 60 square feet in size shall be allowed. All signage shall comply with the requirements of the Rapid City Sign Code. An increase in size or any new electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for any new signs; and,**
- 4. The Conditional Use Permit shall allow for a carwash. Any expansion of the carwash shall require a Major Amendment to the Conditional Use Permit. All uses permitted in the General Commercial District shall be permitted, contingent upon sufficient parking being provided and an approved 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

11. No. 18RZ023 - Rushmore Regional Industrial Park
A request by Fisk Land Surveying and Consulting Engineers, Inc for Dr. Dale Anderson to consider an application for a **Rezoning from Light Industrial District to Office Commercial District** for Lots 3R and 4RC1 in Block 2 of Rushmore Regional Industrial Park located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1622 and 1636 Concourse Court.
- *12. No. 18UR008 - Rushmore Regional Industrial Park

A request by Fisk Land Surveying and Consulting Engineers, Inc for Dr. Dale Anderson to consider an application for a **Conditional Use Permit to allow a church and an elementary/middle school in the Office Commercial District** for Lots 3R and 4RC1 in Block 2 of Rushmore Regional Industrial Park located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1622 and 1636 Concourse Court.

Lacock requested that items 11 and 12 be heard concurrently.

Lacock presented the application and reviewed the associated slides commenting that on July 18, 2018 staff was invited to take a tour of the property. Lacock noted that while currently, the Future Land Use is listed as Employment Center, staff will be bringing forward a Comprehensive Plan Amendment soon to bring the Future Land Use into concurrence with the current development of the property and the current zoning of the property of Light Industrial District. Lacock stated that while a church is a Conditional Use in the Light Industrial District, a school would be in direct conflict with the Conditional Use Permit requirements in the Light Industrial District, noting that Rezoning one parcel in the middle of a two hundred plus acre Light Industrial park goes against the intent of the zoning ordinance and Comprehensive Plan to promote compatible development with surrounding neighborhoods. Lacock pointed out multiple industrial buildings surrounding the property and that while there is a child care center in the area, it has a Conditional Use Permit to provide child care services primarily to employees who work within the Light Industrial District area. Lacock stated staff recommends that the Rezoning from Light Industrial District to Office Commercial District be denied and that the Conditional Use Permit for the elementary/middle school be denied but the Conditional Use Permit for a church be approved with the stipulations noted in a project report.

Hoogestraat asked for clarification on the Rezoning application. Lacock verified that the reason the application for Rezoning was submitted was for the use of the school.

Brad Saathoff, 3650 Range Road, CEO for Black Hills Works, spoke in support of the Rezoning and Conditional Use Permit request for the church and the school noting that because of changes in federal regulations Black Hills Works no longer is able to use the building for their purposes and would like to sell the property as they must relocate.

Janelle Finck, Fisk Land Surveying, presented materials for the applications. Finck noted that as the school is the primary focus, if the Conditional Use Permit for a church is approved and the school is not, they will withdraw the applications as it would not serve their purpose to have the church without the school. Finck commented that the Light Industrial District is not always an intense use and is often used for office space as well, noting some of the other surrounding properties which contain offices along with warehouse space. Finck commented on the differences between a traditional school and a parochial school and how the needs of each type of school differ in ways that they believe would make it possible for a parochial school to operate in busier types of locations such as this area. Finck spoke about Black Hills Works and the number of people who operate in the building daily which she stated to be a total of 126. Finck then

noted the need for the church to expand its school and the number of students who would be in attendance while at a max could possibly be 75, is expected to be 40 when initially opened at this location if approved, making the total number of people operating in the building daily to be 46. Finck talked about the function of the building and how they believe this building to be uniquely suited for their purposes. Finck discussed seventeen summary points reviewing the information given in the presentation.

Huus stated that he will be abstaining from this vote due to a conflict of interest.

Discussion followed regarding concerns about Rezoning the property and what that will mean in the future and traffic issues that may be a concern for a school being approved for the area.

Fisher verified that Rezoning the entire area to Office Commercial to avoid spot zoning would not be a beneficial option for the area as while there are numerous buildings with office space, a lot of those buildings also have warehouse doors and uses which need to remain in the Light Industrial District. Fisher also stated the question of amending the ordinance for the Light Industrial District to allow a school as a Conditional Use is not feasible from a planning perspective.

Finck verified that there is not a turning lane on Concourse Drive but stated that as they are anticipating less traffic than Black Hills Works produced daily it should not affect the way the traffic operates for the school and church if approved.

Discussion continued regarding zoning and traffic issues with Bulman stating that Rushmore Regional Industrial Park was created to ensure there would be an area for Light Industrial Uses for the future growth of Rapid City. Finck verified how the traffic would flow in the same way it is already being used by Black Hills Works.

Hoogestraat motioned, Vangraefschepe seconded to approve Rezoning from Light Industrial District to Office Commercial District and to approve the Conditional Use Permit to allow an elementary / middle school and the Conditional Use Permit to allow a church. Motion failed (6-2 with Braun, Bulman, Caesar, Gollhofer, Herr, and Quasney voting no and Vangraefschepe and Hoogestraat voting yes with Huus abstaining.)

Young commented that there is a strong need for industrial properties and that maintaining these areas as industrial is important for the future for Rapid City. While the building may be suited for this use at the moment, the area needs to be available for growth in the future and could potentially end up being a very busy area that would not be suitable for this use.

Discussion followed about the adjacent child care center. Young confirmed that the Conditional Use Permit for the daycare was intended to provide child care services primarily to employees who work within the Light Industrial District area.

Discussion followed about the Rushmore Regional Industrial Park. Finck commented that numerous lots are vacant and that the park is nowhere near to being full. Quasney and Bulman reiterated the importance of keeping the

industrial area intact for future growth.

Bulman motioned, Quasney seconded and the Planning Commission denied the Rezoning from Light Industrial District to Office Commercial District, and denied the Conditional Use Permit to allow an elementary / middle school and approved the Conditional Use Permit to allow a church with the following stipulation(s): (6-2 with Braun, Bulman, Caesar, Gollhofer, Herr, and Quasney voting yes and Vangraefschepe and Hoogestraat voting no with Huus abstaining)

- 1. No church services, classes, or youth classes shall be allowed Monday through Friday between 7:00 a.m. to 5:00 p.m.;**
- 2. 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;**
- 3. The proposed church shall operate in compliance with the submitted operations plan and all approved plans; and,**
- 4. The Conditional Use Permit shall allow a church in the Light Industrial District. Any expansion of the church shall require a Major Amendment to the Conditional Use Permit. Permitted uses within the Light Industrial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

13. Discussion Items

14. Staff Items

15. Planning Commission Items

Planning Commission Liaison for the August 20, 2018 City Council Meeting will be Justin Vangraefschepe.

There being no further business, Caesar moved, Hoogestraat seconded and unanimously carried to adjourn the meeting at 9:04 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney, and Vangraefschepe voting yes and none voting no)