

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
September 6, 2018

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

MEMBERS ABSENT: None

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Kelly Brennan, Patsy Horton, Sarah Hanzel, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. Approval of August 23, 2018 Zoning Board of Adjustment Meeting Minutes.

**Hoogestraat moved, Bulman seconded and the Zoning Board of Adjustment unanimously approved the August 23, 2018 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

2. No. 18VA008 - Canyon View Tract

A request by Terry Johnson for Agnes A. Jensen to consider an application for a **Variance to reduce side yard setback from 8 feet to 3 feet** for Lot 27 of Block 6 of Canyon View Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 913 Anamosa Street.

Lacock presented the application and reviewed the associated slides stating that the applicant is requesting to build a 24 foot by 16 foot garage and that the 3 foot setback is to narrow the angle of the garage to allow easier access for the homeowner, who is disabled. Lacock noted that the separation from the overhang and the garage has been identified as an issue regarding drainage and the lack of separation between structures is a concern for the Fire Department in regards to fire protection. Lacock stated that the disability status of the applicant could be considered as a reason for the Variance but staff believes that the property has room to accommodate the minimum setback and as such staff recommends that the Variance to allow a 3 foot setback be denied. However, Fisher further stated that should the Zoning Board of Adjustment find they could support a lesser Variance, staff would support a 5 foot setback with the stipulations that the garage roof overhang be no less than 3 feet from the property line.

In response to a question from Braun, Fisher clarified that the set back of a detached garage is 5 feet if the garage is 90 feet from the front property, but that is not possible on this property. However, Fisher stated that there is room for a 5

foot setback and staff believes this is a better option.

Hoogestraat stated that he feels the five foot setback is a feasible option. Bulman agreed.

Tim Behlings requested that a stipulation be added that the west wall of the structure be built with non-combustible materials.

In response to Quasney's question on drainage, Fisher reviewed that the stipulation that the roofline be at least 3 feet from the property line is to accommodate anticipated drainage between the structures.

**Quasney moved, Hoogestraat seconded and the Zoning Board of Adjustment approve the Variance to allow a 5 foot side yard setback, based on the Criteria 2 special circumstances exist due to the disability of the applicant and Criteria 1, granting of the Variance will not be contrary to the public interest, with the following stipulations;**

1. Upon submittal of a Building Permit, the applicant shall demonstrate that water from the garage roof will not drain onto the adjacent property. The roof overhang shall not be located closer than 3 feet to the property line; and,
2. Upon Submittal of a Building Permit the applicant shall demonstrate that the west wall of the structure be built with non-combustible materials.

3 Discussion Items

4. Staff Items

5. Zoning Board of Adjustment Items

**There being no further business, Caesar moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:14 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
September 6, 2018

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

MEMBERS ABSENT: None

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Kelly Brennan, Sarah Hanzel, Patsy Horton, Tim Behlings, Todd Pecko3sh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:14 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, 4 and 5 be removed from the Consent Agenda for separate consideration.**

**Herr requested that Items 7 and 9 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 10 in accordance with the staff recommendations with the exception of Items 2, 3, 4 5, 7 and 9. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

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

1. Approval of the August 23, 2018 Planning Commission Meeting Minutes.
6. No. 18PL074 - Big Sky Business Park  
A request by KTM Design Solutions, Inc for Dakota Heartland, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 4 thru 6 of Block 5 and Lots 1 thru 2 of Block 6 of Big Sky Business Park, legally described as the S1/2 of Government Lot 3, less Big Sky, less Big Sky Business Park and less right-of-way; the S1/2 of Government Lot 4, less Big Sky Business Park less Lot H1, H2 and right-of-way, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying north of the terminus of Degest Drive.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with stipulations as noted below**

1. **Prior to submittal of a Development Engineering Plan, the**

construction drawings and the Master Plan shall be revised to address redline comments or an Exception to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the revised construction plans;

2. Upon submittal of a Development Engineering Plan application, construction plans for Degeest Drive shall be submitted for review and approval showing the street located within a minimum 68-foot wide right-of-way and constructed with a minimum 34-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;
3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. The water plan and analysis shall demonstrate that water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easements shall be secured as needed;
4. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In particular, the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, utility easements shall also be secured as needed;
5. Upon submittal of a Development Engineering Plan application, geotechnical analysis signed and stamped by a Professional Engineer for public improvements shall be submitted for review and approval. In addition, geotechnical analysis shall be submitted for pavement design or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided;
6. 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 shall be submitted for review and approval;
7. 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. The drainage plan shall demonstrate that stormwater is being detained to pre-developed/historic rates and provides stormwater quality. In addition, drainage easements shall be secured as needed;

8. 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. The utility plans shall also be reviewed and approved by the South Dakota Department of Environment and Natural Resources. The private utility layout plan shall also be submitted to the respective utility companies. All final engineering reports shall be signed and sealed by a Professional Engineer;
9. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
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 Final Plat application, documentation shall be submitted for review and approval idenTax Increment Districting maintenance and ownership of the proposed drainage elements. In addition, the plat document shall show the dedication of a Major Drainage easement for the drainage improvements;
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.

8. 18TP026 - 2019-2022 Transportation Improvement Program – Final Report

**Planning Commission recommended approval of the 2019-2022 Transportation Improvement Program – Final Report.**

10. 18TP029- Authorize Staff to adverTraffic Impact Studye the Requests for Proposals

**Planning Commission recommended authorization to adverTraffic Impact Studye a Request for Proposals for the Meade County Corridor Study from Erickson Ranch Road to 143<sup>rd</sup> Avenue.**

**---END OF CONSENT CALENDAR---**

Hanzel requested that Items 2 and 3 be heard together:

2. No. 18AN005 - Section 20, T2N, R8E  
A request by City of Rapid City to consider an application for a **Resolution of Annexation of Prairie Acres South Mobile Home Park** for the W1/2 of the E1/2 of the SE1/4 of the SW1/4 Less Tract 1 of Vetsch Subdivision; the E1/2 of

the W1/2 of the SE1/4 of the SW1/4; all of the section line right-of-way and dedicated right-of-way lying north of Seger Drive including plat of Lot H1 and dedicated right of way in the W1/2 of the E1/2 of the SE1/4 of the SW1/4 and the E1/2 of the W1/2 SE1/4 of the SW1/4 less Tract 1 Vetch's Subdivision; plat of Lot H1 in the E1/2 of the E1/2 of the SE1/4 of the SW1/4; plat of Lot H1 in the SE1/4 less lots A, B, C and D; all of the dedicated right-of-way in Lot D of the Golden Eagle Subdivision in the SW1/4 of the SE1/4; plat of Lot H1 in Lot B in the SW1/4 of the SE1/4; plat of Lot H1 in W400' of Lot A in the S1/2 of the SE1/4; and plat of Lot H2 in Lot A Less W400' in the S1/2 of the SE1/4, all located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Seger Drive, east of 143rd Avenue, west of Dyess avenue.

Hanzel explained that this annexation requires approval by the Pennington County Commission. Due to the Pennington County Commissioner's tie vote at the September 5, 2018 Pennington County Planning Commission Meeting the item was continued to the September 18, 2018 Pennington County Planning Commission meeting. Staff is requesting that these be continued to allow the County Planning Commission to take action as required prior to the City moving forward. Hanzel requested that Resolution of Annexation (18AN005) be continued to the September 20, 2018 Planning Commission Meeting and that the Rezoning request from No Use District to Medium Density Residential District (18RZ024) be continued to the October 25, 2018 Planning Commission meeting.

Fisher clarified that due to the recent change to notification requirements for continued hearing items, the Rezoning application, which requires two consecutive publications is different than the Annexation, which does not require publication.

In response to Hoogestraat's question why Pennington County needed to approve the Annexation, Hanzel explained that State Law requires that an involuntary annexation of unplatted land, as this one is, requires that the County approve the Annexation.

In response to a question from Hoogestraat regarding what meeting which to continue the Annexation, Hanzel explained that there is a time limitation requirement between Intent to Annex and the actual Annexation. As such staff would like to keep this timeline tight. Fisher further clarified that a specific date must be defined for a continuation and the September 20, 2018 Planning Commission is the best option.

**Bulman moved, Quasney seconded and the Planning Commission unanimously carried to continue the Resolution of Annexation to the September 20, 2018 Planning Commission Meeting. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefscheppe voting yes and none voting no)**

3. No. 18RZ024 - Section 20, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning**

**request from No Use District to Medium Density Residential District** for The W1/2E1/2SE1/4SW1/4 less Tract 1 of Vetsch Subdivision less lot H1 and less Seger Drive; E1/2W1/2SE1/4SW1/4 less lot H1 and less Seger Drive located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Seger Drive, east of 143rd Avenue, west of Dyess Avenue.

**Bulman moved, Quasney seconded and the Planning Commission continued the Request to rezone property from No Use District to Medium Density Residential District contingent upon the approval of the Resolution of Annexation to the October 25, 2018 Planning Commission Meeting. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vangraefscheppe voting yes and none voting no)**

Green requested that Items 4 and 5 be heard together:

4. 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.

Green presented the applications and reviewed the associated slides explaining that the plat will divide the current single plat into two separate plats and that it is part of Phased Master Plan for proposed residential development. Green stated that staff recommends the approval of the applications with stipulations.

Fisher clarified that the Preliminary Subdivision is a “what if” or first step in the platting process which provides stipulations that show what needs to be addressed for the platting process to move forward. Fisher stated that there are numerous stipulations of approval for this Preliminary Subdivision Plan, one of which addresses improvements to Valley Drive, will be required to be addressed at the time the Development Engineering Plan Application is submitted or that an Exception be requested from the Engineering Division. Additionally Fisher noted that should the property be developed as Medium Density Residential to allow multi-family development that meets or exceeds 150 dwelling units, a Traffic Impact Study will be required.

Larry Kane, 1049 Valley Drive spoke to his concerns regarding the development of the area including lack of city services, higher taxes and increased traffic on the street which is not constructed to handle the proposed increase in density. Kane said he fears that the type of proposed housing will attract a category of persons that will create additional problems.

Ron Reub, 839 Glenside Street, spoke to his concerns regarding the traffic and speed issues on North Valley Drive and the condition of the road. He stated that

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the number of vehicles on the road will increase substantially and could create safety issues. He asked who would be responsible to construct the road should it continue through to Anamosa Street. Rube spoke to his dislike of large apartment complexes within an area of single family homes and asked why the developer could not build single family homes instead.

In response to a question from Quasney, Fisher reviewed the master plan which indicates that the anticipated development is apartments. Fisher noted the 40 dwelling units are allowed on a single access road, noting dwelling units in addition to the 40 dwelling units would require an Exception to this requirement and that that Exception would be reviewed and approved by City Council.

In response to a question regarding the road issue, Harrington reviewed the major street plan which shows the proposed connection of Cadillac Street and Homestead Street. Quasney spoke to his concern that road development is being addressed after the fact rather than as the need is created, thus creating traffic issues.

Peckosh noted that an Exception to not require the widening of and the construction of curb and gutter to Valley Drive was granted by City Council at the September 4, 2018 City Council Meeting.

Huss spoke to his understanding of the neighbor's concerns, noting that although he does understand this development is being processed accordingly and falls within the Future Land Use and the Comprehensive Plan. He then advised that they continue to voice their concerns but that the Planning Commission is not able to deny applications that meet the requirements.

In response to a question from Caesar, Peckosh confirmed that the Exception granted by the City Council was only for the expansion of the width of Valley Drive and placement of curb and gutter and stated that he believes that should the multi-family homes be build that a second access should be addressed.

In response to a question from Herr, Peckosh stated that improvements to Valley Drive are not on the five-year plan.

Discussion followed.

In response to a question from Bulman if the Exception to not improve Valley Drive would be overruled by need should the Traffic Impact Study or number of dwellings show need, Fisher confirmed that if validated, yes, prior to issuance of a building permit improvements could be required to serve the development.

In response to questions on stipulating height limits or other limitations to the development, Fisher clarified that stipulations cannot be added to a Rezoning request, but if a Planned Development was placed on the property it would allow more specific review of the development of the property.

City Council liaison Jason Solomon spoke to the City Council concerns and

actions.

In response to a question from Ottenbacher, that should the developer develop in small increments that does not trigger the 150 dwelling units requirement for a Traffic Impact Study, rather than as an overall development, could a Traffic Impact Study be requested, Fisher stated that they could not request a Traffic Impact Study, but clarified that the requirement outlined in the Infrastructure Criteria Manual is based on the Master Plan and not the individual phases.

Discussion followed.

Fisher stated that that staff would discuss the issues regarding speed and traffic on Valley Drive to the appropriate departments and encourage them to address the issues regardless of the action taken on the applications today.

**Vangreaschepe moved, Huus seconded and Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

- 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 CerTax Increment Districtication Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
- 2. 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;**
- 3. 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;**
- 4. Upon submittal of a Final Plat application, the plat document shall idenTax Increment Districty 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;**
- 5. 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;

6. 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;
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). (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)

5. 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, 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.

**Vangreaschepe moved, Huus seconded and Planning Commission recommended that the Rezoning request be approved in conjunction with the associated Preliminary Subdivision Plan application. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

\*7. No. 18UR009 - Red Rock Estates

A request by Larry Riddle to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 1 of Block 11 of Red Rock Estates, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6374 Muirfield Drive.

In response to Herr's request, Lacock reviewed the required setbacks and reviewed the layout plan for the proposed garage, noting that the applicant has been before their neighborhood association group and have received approval.

**Hoogestraat moved, Bulman seconded and the Planning Commission approved the Conditional Use Permit to allow an over-sized garage with the following stipulation:**

1. **An Exception is hereby granted to allow an over-sized garage 2,042 square feet in size, in lieu of the maximum allowed 1,500 square feet;**
2. **Upon submittal of a Building Permit, the site plan shall be revised to show a 20 foot wide driveway approach or an Exception from the Infrastructure Design Criteria Manual shall be obtained;**
3. **Prior to issuance of a Building Permit, the applicant shall coordinate with the Rapid City Fire Department to address any concerns with fire flows;**
4. **All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
5. **The proposed over-sized accessory structure shall be constructed**

with the same character as shown on the applicant's submitted elevations. Any change to the colors or character of the garage shall require a Major Amendment to the Conditional Use Permit; and,

6. The Conditional Use Permit shall allow for an over-sized garage on the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the structure shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District shall require a Building Permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.*

9. 18TP027 - Rapid City Railroad Quiet Zone – Final Report

In response to a question from Herr whether Planning Commission had received the report for review, Fisher confirmed that the Final Report, as well as the Draft Report of the Rapid City Railroad Quiet Zone was received by the Planning Commission as an attachment to the Agenda. Fisher further clarified that the Agendas for the Zoning Board of Adjustment and the Planning Commission are emailed with a link to the on-line agenda the Friday prior to the Zoning Board of Adjustment and the Planning Commission meeting.

**Caesar moved, Gollhofer seconded and the Planning Commission recommended approval of the Rapid City Railroad Quiet Zone – Final Report. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

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

- \*11. No. 18UR010 - Feigels Subdivision No.1 - Section 31, T2N, R8E  
A request by KTM Design Solutions, Inc for David Spiker to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant** for a parcel of land 80 feet X 131 feet located in Tract K of the S1/2 of the NE1/4 of the SE1/4, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1001 E. North Street.

Green presented the application and reviewed the associated slides, noting that one of the stipulations of approval will require a parking agreement with the adjacent shopping center prior to the on-sale use. Green reviewed the sign

package for the restaurant noting that they will be utilizing the existing non-confirming post sign located on the property. Green noted that staff recommends approval of the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant with stipulations.

**Hoogestraat moved, Caesar seconded and the Planning Commission carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant with the following stipulation(s):**

- 1. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit;**
- 2. Prior to initiation of on-sale liquor use, an approved Parking and Access Agreement shall be recorded securing shared access and parking between the subject property and the surrounding properties located directly south of the subject property;**
- 3. Prior to initiation of on-sale liquor use, a fire protection and suppression system for the restaurant shall be provided in coordination with the Rapid City Fire Department; and,**
- 4. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a restaurant for the applicant. On-sale use shall be limited to the sit-down food service within the restaurant and shall not extend to any operations associated with the drive through food service for the restaurant. Any expansion to the on-sale use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Braun, Bulman, Caesar, Golliver, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.***

12. No. 18TI001 - Prairie Meadows South

A request by Sperlich Consulting, Inc for Freeland Meadows, LLC to consider an application for a **Resolution to Create Prairie Meadows South Tax Increment District and Approve Project Plan** for "Government" Lot 4 Less Prairie Meadows Subdivision and Dedicated Country Road right-of-way, the unplatted balance of the SE ¼ of the SW ¼, including all of the adjacent 33' statutory right-of-way of Section 18, T2N, R8E, B.H.M., Rapid City, Pennington County, South

Dakota; Lots 16 through 19 of Block 1 and adjacent Eli Drive right-of-way, Lots 32 through 34 of Block 1 and adjacent Marino Drive right-of-way, Lot 14 and Lot 15 of Block 2 and adjacent East Bengal Drive right-of-way, Lots 3 through 18 of Block 3 and adjacent Giants Drive right-of-way, Lots 8 through 13 of Block 4 and adjacent East Bengal Drive and adjacent Eli Drive right-of-way, and Lots 16 through 26 of Block 4 and adjacent Giants Drive and Marino Drive right-of-ways, all in Prairie Meadows Subdivision, Located in "Government" Lot 4, Section 18, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota; Lot 1 of Mailloux Subdivision and the adjacent 33' statutory right-of-way all located in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota; The NE ¼ of the NW ¼ including the 33' statutory right-of-way, all located in the NE ¼ of the NW ¼ of Section 19, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota, more generally described as being located south of Country Road, east of Haines Avenue, west of 143 Avenue.

Bulman stepped down for the dais at this time.

Horton presented the application and reviewed the associated slides and graphics. Horton briefly reviewed the Tax Increment District process and the affordable housing classifications, associated affect to Tax Increment District, qualification and how that affects this specific application as the applicant is identifying it as an Affordable Housing Tax Increment District. Horton reviewed the proposed improvements which include the expanding of residential housing with 101 single family homes and 4 apartment lots, a regional detention pond, mass grading and the associated stock pile to be use for future construction and non-reimbursable costs associated with the extension of LaCrosse Street. Horton noted that issues have been identified with the proposed extension of LaCrosse Street as a section of the road lies outside of the city limits and therefore is not eligible for Tax Increment District funding. Horton did note that as LaCrosse Street is a crucial connection for the community steps could be taken to obtain and annex the right-of-way needed to add this to the Tax Increment District. Additionally it was noted that a portion of the property where the storm detention pond is proposed is outside of the proposed district Horton reviewed the Tax Increment District improvements and costs and the criteria to meet Tax Increment Financing. Horton stated that the application identified the slope of the property as blight criteria for Tax Increment Financing. She then reviewed blight as defined by Tax Increment District Criteria noting that although the slope does create some development challenges it should not qualify as blight, noting that much of the topography throughout the city is sloped and hilly and development has been proven viable. Horton also noted that the qualification of expansive soil issues is not outside of the general development in the city as expansive soils are common in the area. Horton noted that the costs have to be adjusted to reflect the removal of improvements outside of the city limits as Tax Increment District guidelines do not allow for funding outside of the city limits. Horton discussed the need to certify each individual lot for expansive soil that will be required prior to acquire building permits.

Kale McNabae, Sperlich Consulting, Inc., reviewed the topography of the area

indicating that the property has a slopes from 5% to 10% on average with some with 15% slope noting that an 8% slope is generally considered the maximum slope for development, thus the extensive grading costs. McNaboe acknowledged that there is a portion of the proposed regional detention located outside of the Tax Increment District Boundary and City Limit. McNaboe stated that they have revised their costs accordingly, noting that portion would be completed at the owner's expense.

Vangraefschepe left the meeting at this time.

**Hoogestraat moved, Huss seconded and the Planning Commission carried to continue the meeting past 9:00 a.m.**

Tony Crawford, PO Box 4398, spoke to his opposition to the Tax Increment District primarily regarding the issues with LaCrosse Street extension stating that the location of the extension has changed numerous times and is still in question and that the actual location and thus the right-of-way should be defined prior to approval. Crawford also spoke to his disagreement to defining the slope of the land as blight. Crawford read a letter from Alice Basinger, the property owner of the land adjacent to the south of the property noting that she has not been contacted by anyone regarding the proposed Tax Increment District and that the area indicated for the H-lot identified on the Tax Increment District is the location of her well and she has no intention to grant permission, grant an easement, or sell any of her property. Crawford provided the letter to staff for inclusion in the file. Crawford also spoke to his disagreement with requesting the Tax Increment District prior to addressing the ground work such as right-of-way and addressing the issue with the easement.

Horton confirmed that no negotiations have been initiated to date on the right-of-way or that she is aware of by the applicant for the easement for the detention pond. She also confirmed that the location of LaCrosse Street has not been defined.

Brett Estes, 7820 Norseman Lane, stated he is a member of this application and that they are looking to bring work force housing to Rapid City rather than let it go to Summerset and Box Elder

Vidal moved to deny per staff application, Hoogestraat seconded.

Hoogestraat stated that there are too many unknowns and he does not feel he can support the request.

Caesar stated that she feels Tax Increment Districts can be a good tool, but that the criteria of the slop and soil type, which is a general soil in the area, do not justify the Tax Increment Financing in her mind.

**Vidal moved, Hoogestraat seconded and the Planning Commission denied the application to create a tax incremental district as it does not meet the statutory requirements for SDCL 11-9 or the criteria related to the local Tax**

**Increment District Policy requirements. (7 to 1 to 1 with Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vidal voting yes and Braun voting no and Bulman abstaining.)**

13. Discussion Items

14. Staff Items

15. Planning Commission Items

Planning Commission Liaison for the September 17, 2018 City Council Meeting will be Eric Ottenbacher.

**There being no further business, Caesar moved, Golliher seconded and unanimously carried to adjourn the meeting at 9:10 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vidal voting yes and none voting no)**