

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
October 4, 2018

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

MEMBERS ABSENT: Curt Huus, Mike Quasney,

STAFF PRESENT: Vicki Fisher, John Green, Patsy Horton, Todd Peckosh, Ted Johnson, Carla Cushman and Andrea Wolff.

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

1. Approval of September 6, 2018 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Caesar seconded and the Zoning Board of Adjustment unanimously carried to approve the September 6, 2019 Zoning Board of Adjustment Minutes. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)

2. No. 18VA009 - Original Town of Rapid City

A request by Jarred Carda, for Co-op Architecture to consider an application for a **Variance to allow 18 square feet of pedestrian oriented signage in lieu of a maximum of 8 square feet** for Lot 17 thru 18 (also Section 2, T1N, R7E) of Block 72 of Original Town of Rapid City, located in Section 35, T12, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 830 Main Street.

Fisher presented the application and reviewed the associated slides. Fisher explained that a pedestrian sign is mounted perpendicular to the building to which it is attached, thus extending out over the pedestrian or right-of-way. Fisher noted that the front portion of the property is located in the Downtown Historic District and has received Historic Preservation Committee approval but that the section of the building where the proposed sign is located is outside of the District itself and does not require Historic Preservation Committee approval. Fisher acknowledged the applicant's desire to use the already existing sign, but since it does not meet the Sign Code criteria and there is the option to install as a flush mount sign, staff recommends that the Variance to allow 18 square feet of pedestrian oriented signage in lieu of a maximum of 8 square feet.

Jared Cards, 810 Main Street, architect for the project, stated that they believe the sign size will help in identifying the business location. Carda indicated that since the property is located at the end of the block of a one-way street, the sign size would enable people to identify the business earlier and avoid by-passing the actual location.

Diana Saathoff, Executive Director of the Mount Rushmore Society, stated that the sign is to help acclimate people to the new use of the building and to improve the ease of locating the building from a distance to avoid people missing the building.

In response to a question from Caesar regarding the sign's dimensions, Jared stated the sign is 4 feet by 4.5 feet making it overall 18 square feet of signage.

Bulman discussed the reasons she believed the variance should be denied including that the sign could still be used if flush mounted and that the public will learn the location in time eliminating the need for such a large perpendicular sign.

Hoogestraat also stated that he feels the sign could be flush-mounted to the building regardless of size and still serve its purpose so he cannot support the Variance request.

Bulman moved, Vidal seconded and the Zoning Board of Adjustment unanimously carried to Deny the Variance to allow 18 square feet of pedestrian oriented signage in lieu of a maximum of 8 square feet based on Criteria #2 that no special circumstances or conditions exist that do not apply in the District. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Ottenbacher, Vangraefschep and Vidal voting yes and none voting no)

3 Discussion Items
None

4. Staff Items
None

5. Zoning Board of Adjustment Items
None

There being no further business, Caesar moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:143a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Ottenbacher, Vangraefschep and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 4, 2018

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

MEMBERS ABSENT: Curt Huus, Mike Quasney

STAFF PRESENT: Vicki Fisher, John Green, Patsy Horton, Todd Peckosh, Ted Johnson, Carla Cushman and Andrea Wolff.

Bulman called the meeting to order at 7:13 a.m.

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

Motion by Caesar seconded by Golliher and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 23, 2018 Planning Commission Meeting Minutes.
2. No. 18PL076 - Fountain View Subdivision
A request by KTM Design Solutions, Inc for Joseph Simpson to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 6A, 6B, 7A, 7B of Fountain View Subdivision, located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, more generally described as being located on the north side of Harmony Heights Lane.

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 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 showing the installation of one intermediate**

turnaround for fire access no more than 600-feet from the terminus of Harmony Heights Lane shall be submitted for review and approval, 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 showing the installation of one fire hydrant at an interval not to exceed 450-feet from existing fire hydrants serving the property shall be submitted for review and approval, 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 shall be submitted for review and approval that demonstrate 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;
5. 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;
6. Upon submittal of a Development Engineering Plan application, drainage plans and reports demonstrating stormwater detention at historic rates and stormwater quality management for the proposed lots shall be submitted for review and approval. Additionally, all drainage easements shall be provided as necessary;
7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
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. Upon submittal of a Final Plat application, the plat document shall show all easements as necessary, including drainage easements and utility easements;
10. Upon submittal of a Final Plat application, an agreement showing ownership and maintenance of proposed drainage elements shall be submitted for recording;
11. 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,
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In

addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

3. No. 18PL085 - 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 Lot 3A, 3B, 3C of Block 1; Lot 1A and Lot 1B of Block 4; Lot 1 of Block 6 of Big Sky Business Park, legally described as S1/2 of Government Lot 3, less Big Sky Subdivision, less Big Sky Business Park and less dedicated right-of-way; S1/2 of Government Lot 4, less Big Sky Business Park, less Lot H1, H2, and dedicated right-of-way; W1/2 of the SW1/4 of the NW1/4, less Big Sky Business Park, less Lot H2 and less dedicated right-of-way, all located in Section 30, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and west of Neel Street.

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

1. **Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
2. **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;**
3. **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;**
4. **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 analysis and proposed improvements shall be in compliance with the approved Racetrack Draw Drainage Basin Plan and the Infrastructure Design Criteria Manual, including drainage areas, stormwater generation criteria, design components, detention, stormwater**

metering and discharge. The Stormwater analysis and improvements shall also include consideration of current and future stormwater quality requirements and improvements. In addition, easements shall be provided as needed;

5. 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;
6. Upon submittal of a Development Engineering Plan application, construction plans for Homestead Street shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed with a minimum 34-foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water 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;
7. Upon submittal of a Development Engineering Plan application, construction plans for Timmons Boulevard located south of Homestead Street shall be submitted for review and approval showing the street constructed with a minimum 26-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with a minimum 96-foot diameter paved cul-de-sac bulb 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;
8. Upon submittal of a Development Engineering Plan application, construction plans for Timmons Boulevard located north of Homestead Street shall be submitted for review and approval showing the dedication of 9 additional feet of right of way along Lots 3A and 3B of Block 1 and along Lots 1A and 1B of Block 4 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;
9. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted showing the existing easements located on proposed Lot 1 of Block 6. In addition, construction plans for the access and utility easement(s) shall be submitted for review and approval showing the access easement constructed 26-foot wide paved surface, curb, gutter, sidewalk, streetlight 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;
10. 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;
11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted

for review and approval;

12. Upon submittal of a Final Plat application, an agreement securing maintenance and ownership of the proposed drainage elements shall be submitted for recording. In addition the plat document shall dedicate Major Drainage Easement(s) for the drainage improvements;
13. 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,
14. 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).

*4. No. 18PD028 - Boulevard Addition

A request by Patrick and Marlene Sheely to consider an application for a **Major Amendment to a Planned Development Overlay to allow a professional office with a caretaker's unit** for the west 40 feet of Lot 1 thru 4 of Block 4 of the Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1113 Saint Joseph Street.

Planning Commission approved the Major Amendment to a Planned Development Overlay to allow a professional office with a caretaker's unit with the following stipulations:

1. An exception is hereby granted to allow a reduced west side yard setback for a residence of 8.7 feet in lieu of 25 feet;
2. An exception is hereby granted to allow a reduced east side yard setback for a residence of 6.5 feet in lieu of 25 feet;
3. An exception is hereby granted to allow a reduced east side yard setback for a detached garage of 7.3 feet in lieu of 25 feet;
An exception is hereby granted to allow a lot density of 37.8% in lieu of 35%;
4. The previously granted exception is hereby acknowledged to allow a reduced minimum front yard setback of 16.1 feet in lieu of 25 feet;
5. The previously granted exception is hereby acknowledged to allow a reduced off-street parking requirement of 2 spaces in lieu of 8 spaces; and,
6. The Major Amendment to a Planned Development Overlay shall allow for a professional office and a caretaker's unit for the applicant. A maximum of two employees and an intern shall be employed at any one time. Any expansion to the office use or to the number of employees shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use in the Office Commercial District in compliance with the minimum requirements of the Zoning Ordinance shall require the review and approval of a Minimal Amendment. All conditional uses or uses that do not comply with the minimum requirements of the Zoning Ordinance 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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *5. No. 18PD027 - Autumn Hills Plaza Subdivision
A request by Upper Deck Architecture, Inc for Security First Bank to consider an application for a **Major Amendment to the Planned Development to revise an expand existing bank** for Lot 4 of Autumn Hills Plaza Subdivision, located in the NW1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5430 Sheridan Lake Road.

Fisher presented the application and reviewed the associated slides. Fisher stated that the proposed expansion removes three drive-thru lanes, expands the building from approximately 2,000 square feet to 4,500 square feet while remaining a single story structure. Fisher noted that the applicant is requesting an Exception to waive the requirement to construct a six-foot high opaque screening fence along the east property line between the commercial use and the neighboring residential use. Fisher pointed out that there is an existing drainage lot of significant width with both a 4 foot retaining wall and significant foliage located in the drainage lot that creates the desired buffer. Fisher stated that staff requests the Exception be granted and the Major Amendment to the Planned Development to revise an expand existing bank be approved with the stipulations outlined in the Staff Report.

Bulman moved, Golliher seconded and the Planning Commission unanimously carried to approve the Major Amendment to a Planned Development to revise and expand an existing bank with the following stipulations:

- 1. An Exception is hereby granted to waive the requirement to construct a six-foot high opaque screening fence along the east property line;**
- 2. Prior to issuance of a Building Permit, the applicant shall obtain an easement from the adjacent property owner to allow the circulation aisle to be located on the property to the north;**
- 3. 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 Major Amendment to a Planned Development. 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,**

4. **The Major Amendment to a Planned Development 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. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)**

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

6. Discussion Items

- A. Joint Planning Commission and City Council Work Session on Proposed Tax Increment Finance Policy

Horton informed the Planning Commission that a Joint Working Session has been scheduled for Wednesday, October 24, 2018 from 6:30 p.m. to 8:00 p.m. in the Third Floor West Conference room. Horton stated that members of Sioux Falls Planning Department have been invited to discuss how they address Tax Increment District Financing. Horton stated that they would also be reviewing proposed changes to the Tax Increment Finance Policy and she encourages everyone to attend.

7. Staff Items

None

8. Planning Commission Items

- A. Planning Commission Liaison for the October 15, 2018 City Council Meeting will be Galen Hoogestraat.

In response to a question from Braun regarding the Accessory Dwelling Unit Ordinance (18OA011) that was tabled at the October 1, 2018 City Council Meeting by City Council and the proposed working session that was discussed at that same City Council Meeting, Fisher confirmed that there will be a joint working session to allow discussion on accessory dwelling units and hopes that they will be able to work together to reach a more cohesive management of the issue.

There being no further business, Caesar moved, Gollither seconded and unanimously carried to adjourn the meeting at 7:22 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)