

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
October 25, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Galen Hoogestraat, Curt Huus, Eric Ottenbacher, Justin Vangraefschepe and Vince Vidal. Richie Nordstrom, sitting in as Council Liaison was also present.

MEMBERS ABSENT: John Herr, Mike Quasney,

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. Approval of October 4, 2018 Zoning Board of Adjustment Meeting Minutes.

Bulman moved Caesar seconded and the Zoning Board of Adjustment approved the October 4, 2018 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)

2. No. 18VA010 - Section 6, T1N, R8E

A request by FMG Engineering for Goldenview Properties, LLC to consider an application for a **Variance to reduce the minimum required front setback from 35 feet to 5 feet for an above ground water meter enclosure** for , Lot 2 of the W1/2 of the SE1/4; Lot 3 of the W1/2 of the SE1/4; vacated St. Andrew Street adjacent to said Lots 2 and 3; the W1/2 of vacated Cherry Avenue adjacent to said Lot 2 located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1010 E. Saint Patrick Street.

Green presented the application and reviewed the associated slides. Green noted that the request is to replace the existing underground water meter vault with an above ground meter facility. Green noted that the sight triangle exhibits presented by the applicant show the proposed vault does not create sight triangle issues. Green presented staff's recommendation that the Variance to reduce the minimum required front setback from 35 feet to 5 feet for an above ground water meter enclosure be granted based on the public good.

Bulman moved, Vidal seconded and the Zoning Board of Adjustment approved the Variance to reduce the minimum required front setback from 35 feet to 5 feet for an above ground water meter enclosure based on Criteria #4. That the variance being in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, or detrimental to the public welfare. (9 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)

3. No. 18VA011 - West Boulevard Addition

A request by Tim Aylward to consider an application for a **Variance to reduce front yard setback abutting a street from 20 feet to 8 feet and to reduce a side yard setback from 12 feet to 6 feet for the existing residence; and to reduce the front yard setback for a proposed deck from 14 feet to 4 feet** for the north 83 feet of the W1/2 of Lot 14 and the the north 83 feet of Lot 15 of Block 2 of West Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 831 Saint James Street.

Green presented the application identifying that the request is for three separate variance requests on the property, stating that two of the three Variances are to correct errors to Variances that were granted in 1999. Green explained that an inaccurate site plan submitted with the 1999 Variance request did not show actual setbacks of the structure This created the need for the additional Variances in order to bring the existing structure into compliance and staff recommends that the Variance to reduce front yard setback abutting a street from 20 feet to 8 feet and to reduce a side yard setback from 12 feet to 6 feet for the existing residence variances be approved.

Green addressed the third Variance request separately, noting that this request is for a variance in addition to the Variance that was previously granted in 1999, for a 10 foot front yard setback. Green noted that the deck which was built without the required building permit encroaches 2 feet into that 10 foot setback and the stairs encroach to 4 feet off the lot line. Green noted that the property is located in the West Boulevard Historic District and will have to be reviewed by that Committee also. Green stated that the deck replaces a previous landing and stairs which was failing, but indicated that staff has identified that the deck could be reduced by two feet and fall within the existing setback and as such staff recommends that the Variance to reduce the front yard setback for a proposed deck from 14 feet to 4 feet be denied.

Fisher noted that the two variances which are corrections to meet the actual dimensions should be addressed separately citing that the existing structure and the original Variance.

Hoogestraat moved, and Caesar seconded to approve the Variance to reduce front yard setback abutting a street from 20 feet to 8 feet and to reduce a side yard setback from 12 feet to 6 feet for the existing residence based on the intent of the Variance granted in 1999. (9 to 0 with Braun, Bulman, Caesar, Gollither, Hoogestraat, Huus, Ottenbacher, Vangraefschep and Vidal voting yes and none voting no)

Tim Aylward, 831 St. James Street, spoke to their reasons for building the deck including the need to replace the deteriorated landing and stairs that were previously used as access. Aylward also noted that due to the lack of space on the lot they planned to use the enclosed deck area as a safe area for their children to play, noting that the traffic in the area.

In response to a question from Caesar whether the stairs could be angled to reduce the encroachment discussion followed regarding the restrictions created by both the lot and the construction of the actual structure including the egress windows located to the front of the house underneath the deck.

In response to a question from Huus regarding the current size of the deck, staff confirmed that the removal of 2 feet of the deck would place the deck within allotted setbacks and that such would have been identified had a building permit been acquired prior to starting construction of the deck.

Fisher clarified that the West Boulevard Historic District has already identified that the materials used for the deck would not meet standards.

Bulman stated that she had driven by the property to get an idea of the overall project and she noted that the actual structure looks out of place and that the stairs come out well into setback almost to the sidewalk. She asked if there was any way to modify the deck and stairs.

Discussion followed regarding the constraints of the property in regards to building access, deck or stairs.

Vangraefschepe stated that due to the unique design of the house and the lot layout the options are limited.

In response to Braun's questions Fisher reviewed the possibilities to remodel the deck and stairs.

Braun requested roll call vote.

Richie Nordstrom, spoke as a liaison for the Historic Preservation Committee stating that the restructured Historical District Preservation Committee will work with the property owners.

In response to a question from Bulman regarding staff's recommendation to reduce the deck by two feet and adjust the stair design, Fisher stated that if the applicant had applied for the required building permit the current design would not be before the Zoning Board Of Adjustment, but as the applicant did not it has thus created the issue and this Variance will enable them to complete their deck.

Hoogestraat moved, Vangraefschepe seconded and the Zoning Board of Adjustment approved the Variance request to reduce a front yard setback from 14 feet to 4 feet, solely for the construction the deck based on Criteria #2 that there are special circumstances or conditions not generally in the district (exception narrowness). (6 to 3 with Braun, Caesar, Gollither, Hoogestraat, Vangraefschepe and Vidal voting yes and Bulman, Huus and Ottenbacher voting no)

- 4 Discussion Items
None

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5. Staff Items
 None

6. Zoning Board of Adjustment Items
 None

There being no further business, Huus moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:43 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 25, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, Galen Hoogestraat, Curt Huus, Eric Ottenbacher, Justin Vangraefschepe and Vince Vidal. Richie Nordstrom, sitting in as Council Liaison was also present.

MEMBERS ABSENT: John Herr and Mike Quasney

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:43 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 3 be removed from the Consent Agenda for separate consideration.

Motion by Caesar seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 14 in accordance with the staff recommendations with the exception of Item 3. (9 to 0 with Braun, Bulman, Caesar, Gollither, Hoogestraat, Huus, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 4, 2018 Planning Commission Meeting Minutes.
2. 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.

Planning Commission recommended that the Rezoning request from No Use District to Medium Density Residential District be approved.

4. No. 18PL092 - Horst Subdivision
A request by Ferber Engineering Company for Horst Properties, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 6 and Drainage Lot of Horst Subdivision, legally described as Lot A of the NW1/4 of the NE1/4, less Lots H1 and H2 of Section 34, T2N, R7E, located in Section

34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Rand Road, south of Commerce Drive.

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

1. 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.
2. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval for the extension of a sewer main in Rand Road to provide service to proposed Lots 3 and 4;
3. Upon submittal of a Development Engineering Plan application, a structural site plan shall be submitted for review and approval demonstrating that the existing structure located on proposed Lot 2 meets the setback requirements to the new lot lines. In addition, a parking plan shall be submitted for review and approval demonstrating that sufficient parking for the existing use is being provided on the proposed lot or the lot lines shall be adjusted accordingly;
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;
6. 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,
7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

5. No. 18PL093 - Dyess Subdivision

A request by KTM Design Solutions, Inc for Boomshockalocka LLC to consider an application for a **Preliminary Subdivision** for proposed Lots 1 thru 7 of Block 1 and Lots 1 thru 6 of Block 2 of Dyess Subdivision, legally described as the NW1/4 of the SW1/4 less the north 925 feet and less Lot H1; the north 926.1 feet of the SW1/4 of the SW1/4 of Section 21, T2N, R8E, located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Dyess Avenue, north of Seger Drive.

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

- 1. Prior to submittal of a Development Engineering Plan, the construction drawings 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;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Dyess Avenue shall be submitted for review and approval showing the dedication of 50-feet of right-of-way located east of the center line of the section line highway and the construction of a minimum 36-foot wide paved surface, curb, gutter, and street light conduit or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Dyess Avenue or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Boom Boulevard shall be submitted for review showing the street located within a minimum 60-foot wide right-of-way with 10 additional feet the first 200-feet as it extends east from Dyess Avenue and constructed with a minimum 26-foot wide paved surface, curb, gutter, street light conduit, water and sewer or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Boom Boulevard or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents 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 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;**
- 5. 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, a master sanitary sewer plan shall be submitted for review and approval demonstrating the ability to gravity sewer the eastern portion of the property to either the Elk Vale Lift Station or an existing sewer main. Utility easements shall also be secured as needed;**

6. 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;
 7. 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;
 8. 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;
 9. 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;
 10. Upon submittal of a Development Engineering Plan application, a cost estimate for any 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;
 12. Upon submittal of a Final Plat application, the plat document shall identify and label the WBI gas pipeline easement that extends through the property;
 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.
6. No. 18PL094 - Freeland #2 Subdivision
A request by KTM Design Solutions, Inc for Hagg-Gomez LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Block 1 of Freeland #2 Subdivision, legally described as the SW1/4 less Freeland Subdivision, less Prairie Hills Subdivision and less 1 acre tract in the SE1/4 of the SW1/4 of Section 19, T2N, R8E, located in Section 19, T2N, R8E, BHM,

Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Seger Drive and Mall 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 Seger Drive shall be submitted for showing dedication of 2 additional feet of right-of-way and the construction of street light conduit and sewer or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Seger Drive or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;**
- 2. Upon submittal of a Development Engineering Plan application, access to the proposed lot shall be identified and a shared access easement shall be secured if needed from the adjacent property owner;**
- 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, a master sewer plan shall be submitted for review and approval clarifying sewer service to the property north and west of the proposed lot. Utility easements shall also be secured as needed;**
- 5. 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;**
- 6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual and the Box Elder Drainage Basin Plan 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 and the impact of the development on the Box Elder Drainage Basin. The drainage plan shall address on-site detention versus regional pond drainage. In addition, drainage**

- easements shall be secured as needed;
7. 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;
 8. Upon submittal of a Development Engineering Plan application, a cost estimate for any 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 location of the existing power lines in the southern area of the property shall be identified and a utility easement dedicated as needed on the plat document;
 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.

7. No. 18CA003 - Freeland #2 Subdivision

A request by KTM Design Solutions, Inc for Hagg-Gomez LLC to consider an application for a **Comprehensive Plan Amendment to Amend the Future Land Use Plan from Low Density Neighborhood to Urban Neighborhood** for a portion of the SW1/4SW1/4, Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeast corner of Lot 2 of Prairie Hills Subdivision, located in Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, also the point of beginning; Thence first course: N00°00'52"E, a distance of 321.78 feet; Thence second course: S41°37'12"E, a distance of 173.45 feet; Thence third course: S41°37'12"E, a distance of 262.28 feet; Thence fourth course: N89°52'42"W, a distance of 272.98 feet; Thence fifth course: N78°26'33"W, a distance of 16.85 feet, to the point of beginning, more generally described as being located north of the intersection of Seger Drive and Mall Drive.

Planning Commission recommended that the Comprehensive Plan Amendment to Amend the Future Land Use Plan from Low Density Neighborhood to Urban Neighborhood be approved.

8. No. 18RZ026 - Freeland #2 Subdivision

A request by KTM Design Solutions, Inc for Hagg-Gomez LLC to consider an

application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for a portion of the SW1/4SW1/4, Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeast corner of Lot 2 of Prairie Hills Subdivision, located in Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, also the point of beginning; Thence first course: N00°00'52"E, a distance of 321.78 feet; Thence second course: S41°37'12"E, a distance of 173.45 feet; Thence third course: S41°37'12"E, a distance of 262.28 feet; Thence fourth course: N89°52'42"W, a distance of 272.98 feet; Thence fifth course: N78°26'33"W, a distance of 16.85 feet, to the point of beginning, more generally described as being located north of the intersection of Seger Drive and Mall Drive.

Planning Commission recommended that the Rezoning request from General Agricultural District to Medium Density Residential District be approved.

9. No. 18PL095 - Chalkstone Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Saxe Development LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 4 of Chalkstone Subdivision, legally described as Lot 21 of Block 14 of Auburn Hills Subdivision, located in the SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Chalkstone Drive.

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

1. **Prior to submittal of a Development Engineering Plan, the construction drawings 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. The plat document shall also be revised to address redline comments;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for Haines Avenue shall be submitted for review and approval showing the street constructed with a minimum 36-foot wide paved surface, curb, gutter, street light conduit and sewer or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Haines Avenue or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for Chalkstone Court 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, street light conduit, water and sewer. In addition, the cul-de-sac bulb 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. The construction plans shall also show the construction of a sidewalk along Chalkstone Court or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;

4. Upon submittal of a Development Engineering Plan application, construction plans for Coal Bank Court shall be submitted for review and approval verifying the location of a manhole at the northern terminus of the street or showing the construction of a manhole at this location;
5. 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;
6. 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;
7. 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;
8. 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;
9. 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;
10. 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;
 11. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
 12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 13. Upon submittal of a Final Plat application, the plat document shall be revised labeling the 20 foot wide drainage easement located along the common lot line of proposed Lots 12 and 13;
 14. Upon submittal of a Final Plat application, the plat document shall continue to show the dedication of 1.5 additional feet of right-of-way along Coal Bank Court;
 15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
10. No. 18PL096 - Pleasant View Subdivision
A request by D. C. Scott Surveyors, Inc for Carlos Colon to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 12A and Lot 12B of Pleasant Valley Subdivision, legally described as Lot 12 of the S1/2 of the SE1/4 of Pleasant View Subdivision, located in Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Crane Drive, north of Long View Road.

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

1. Upon submittal of a Development Engineering Plan, the plat document shall be revised to address reline comments;
2. Upon submittal of a Development Engineering Plan application, soils data for the proposed lots shall be submitted for review and approval demonstrating that the soils are suitable for on-site wastewater systems;
3. Upon submittal of a Final Plat application, the plat document shall be revised to include the following statement: "Prior to obtaining a

permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations.”; and,

4. **Upon submittal of a Final Plat application, the plat document shall continue to show the dedication of one additional foot of right-of-way along Crane Drive.**

11. No. 18RZ027 - Section 23, T1N, R7E
A request by KW Commercial for Samuelson Development, LLC to consider an application for a **Rezoning request from General Agricultural District to Office Commercial District** for the western most 400 feet of Tract 1 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road.

Planning Commission recommended that the Rezoning request be continued to the November 8, 2018 Planning Commission Meeting to be heard in conjunction with an Initial Panned Development application (File# 18PD029).

12. No. 18RZ028 - Section 23, T1N, R7E
A request by KW Commercial for Samuelson Development, LLC to consider an application for a **Rezoning request from General Commercial District to Office Commercial District** for Tract 1, exclusive of the western most 400 feet of the SW1/4 of the NW1/4 and Lots D thru E of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road.

Planning Commission recommended that the Rezoning request be continued to the November 8, 2018 Planning Commission Meeting to be heard in conjunction with an Initial Panned Development application (File# 18PD029).

13. 18TP033 - 2019 Unified Planning Work Program – Final Report

Planning Commission recommended approval of the 2019 Unified Planning Work Program – Final Report.

14. 18TP034 - Agreement between the City of Rapid City and the South Dakota Department of Transportation for accomplishing the Rapid City Area Transportation Planning Process in the amount of \$972,117

Planning Commission recommended approval of the Agreement between the City of Rapid City and the South Dakota Department of Transportation for accomplishing the Rapid City Area Transportation Planning Process as identified in the 2019 Unified Planning Work Program in the amount of \$972,117.

---END OF CONSENT CALENDAR---

3. No. 18RZ025 - Providence Addition
A request by Joe Avvampato for Avvampato Construction Company, Inc. to consider an application for a **Rezoning request from General Commercial District to Medium Density Residential District** for Lots 9 thru 15 of Block 19 of Providence Addition, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2821 West Rapid Street and 410 National Street.

Fisher stated that due to an error in the legal publication and letters of notification, the Rezoning request must be continued to the November 21, 2018 Planning Commission meeting to allow the title to be corrected and the required notifications completed reflecting the corrected rezoning request.

Golliher moved, Hoogestraat seconded to continue the item to the November 21, 2018 Planning Commission meeting to allow the correction to the application showing the Rezoning request from General Commercial District to Medium Density Residential District be approved. (9 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

- *15. No. 18PD030 - CD Rounds Subdivision
A request by Scull Construction for Pink Cabin, LLC to consider an application for a **Major Amendment to Planned Development Overlay to allow a childcare center** for Lot 9 thru 24 of Block 11 of CD Rounds Subdivision, located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3645 Sturgis Road.

Green presented the application and reviewed the associated slides, noting this is Phase II of the Final Planned Development of which Phase I (18PD004) was approved in March of 2018 with the stipulation that any additional development would require a Major Amendment to the Planned Development. Green stated the Major Amendment is to allow a second child care and that the applicant has requested an Exception to allow 70 parking spaces in lieu of 85 spaces. Green noted that the operation plan indicates varied hours of operation for each tenant which will assist in staggering the drop off and pick up for the child care centers

and the use of the parking and as such staff recommends that the Exception be granted.

Green presented staff recommendation to approve the Major Amendment to Planned Development Overlay to allow a childcare center with stipulations.

Andy Scull, of Pink Cabin LLC and Scull Construction, stated he would be available to answer any questions.

Vangraefschepe stated he would be abstaining from this item due to a conflict of interest.

Planning Commission approved the Major Amendment to a Planned Development Overlay to allow a childcare center with the following stipulations:

- 1. An exception is hereby granted to allow 70 parking spaces in lieu of 85 spaces;**
- 2. All landscaping along the adjacent street right(s)-of-way shall be maintained so that sight triangles are not obstructed;**
- 3. The previously granted exception is hereby acknowledged to allow a reduced minimum required landscape total of 13,350 points in lieu of 36,000 points for Phase I;**
- 4. The previously granted exception is hereby acknowledged to allow 32 parking stalls adjacent to back into the Sturgis Road right-of-way;**
- 5. The previously granted exception is hereby acknowledged to waive the screening fence requirement contingent upon an evergreen screening consisting of shrubs and trees being provided between property line on the west side of the lot; and,**
- 6. The proposed childcare center shall operate in compliance with the submitted operation plan and approved site plan. Any expansion of use or change in use shall require a Major Amendment to the Planned Development. (8 to 0 to 1 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, Ottenbacher, and Vidal voting yes and none voting no and Vangraefschepe abstaining)**

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

16. Discussion Items

Ken Young thanked those that were able to attend the Joint Work Session. Young stated that the discussion regarding Sioux Falls processes was both interesting and informative but due to the thorough discussion they did not get to discuss the proposed revisions to the Tax Increment Finance Policy for Rapid City. Therefore, Young said that they will be adding the item to the November 8, 2018 Planning Commission

meeting to allow a presentation to briefly overview.

Braun and Vidal thanked the Sioux Falls representatives.

In response to Huus comment that he would like to have a pre-meeting review such as Sioux Falls mentioned, Bulman agreed that the idea is sound, but noted that it would be important that no decisions be made or for it to appear that decision making comments be made outside of public view. Huus stated that the meetings would be public and noticed.

In response to a request from Caesar, Young noted that the Power Point presentation that was provided at the meeting would be made available.

Mike Cooper, Director of Planning and Development Services for Sioux Falls, spoke to the Planning Commissioners briefly overviewing the general focus and procedures that Sioux Falls follows in the reviewed administration of Tax Increment Financing.

Fisher reminded the Commissioners that the November 21, 2018 Zoning Board of Adjustment/ Planning Commission meeting is the Wednesday prior to the Thanksgiving holiday and requested they keep that in mind as they make their plans and be sure to respond to the email requesting quorum confirmation.

17. Staff Items
None

18. Planning Commission Items
None

There being no further business, Vidal moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:05 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)