

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 23, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Galen Hoogestraat, Curt Huus, Mike Quasney, Justin Vangraefschepe and. Richie Nordstrom, Council Liaison was also present.

MEMBERS ABSENT: Mike Gollither, John Herr, Eric Ottenbacher, Vince Vidal

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

Braun called the meeting to order at 7:06 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.

Motion by Caesar seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 10 in accordance with the staff recommendations. (7 to 0 with Braun, Bulman, Caesar, Hoogestraat, Huus, Quasney, and Vangraefschepe voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 9, 2019 Planning Commission Meeting Minutes.
2. No. 19OA002 - Ordinance to Update the Tax Increment Financing District Review Process by Amending Chapter 3.26 of Rapid City Municipal Code
A request by City of Rapid City to consider an application for an **Ordinance to Update the Tax Increment Financing District Review Process by Amending Chapter 3.26 of Rapid City Municipal.**
3. Resolution Adopting the Rapid City Tax Increment Financing Policy
A request by City of Rapid City to consider an application for a **Resolution Adopting the Rapid City Tax Increment Financing Policy.**
- *4. No. 19PD015 - Big Sky Business Park Subdivision
A request by KTM Design Solutions, Inc for Abbott House Inc. to consider an application for a **Final Planned Development Overlay to allow a group home** for Lot 3 of Block 5 of Big Sky Business Park Subdivision, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Bernice Street and Neel Street.

Planning Commission approved the Final Planned Development Overlay to allow a group home with the following stipulations:

1. **Prior to issuance of a Building Permit, the site plan shall be revised to address all redlined comments;**

2. Prior to issuance of a Building Permit, the site plan shall be revised to show a minimum 26-foot wide parking aisle;
3. Prior to issuance of a Building Permit for the proposed 4-unit apartment complex, a Major Amendment to the Planned Development Overlay shall be submitted for review and approval;
4. Prior to issuance of a Certificate of Occupancy, Detention Facility No.2 of the Racetrack Draw Drainage Basin Design Plan shall be retrofitted for water quality;
5. Prior to issuance of a Certificate of Occupancy, Neel Street public improvements shall be accepted by the City;
6. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,
7. The Final Planned Development Overlay shall allow a group home in the Office Commercial District. All requirements of the office Commercial District shall be maintained unless specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the Office Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the Office Commercial District or uses which increase the required amount of parking on the site shall require 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.

5. No. 19PL035 - Orchard Meadows

A request by KTM Design Solutions Inc for Yasmeeen Dream, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1A thru 20B of Block 1 and Lot 1A thru 20B of Block 2 of Orchard Meadows, legally described as Tract L of Orchard Meadows, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elderberry Boulevard.

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

1. Upon submittal of a Development Engineering Plan application, the

redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application.

- 2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to provide a minimum 4,000-square foot lot size for each of the proposed townhome lots or a Final Planned Development application shall be submitted, reviewed and approved granting lot size Exception(s) for 14 of the proposed lots;**
- 3. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for Jerusalem Boulevard, Road A, Road B and Road C shall be submitted for review and approval showing the street(s) located in a minimum 52-foot wide right-of-way and constructed with a minimum 26-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The plans shall also include a turnaround on Road C in conformance with the Infrastructure Design Criteria Manual. In addition, the horizontal curves on Road B as it intersects with Jerusalem Boulevard and Road A shall meet AASHTO minimum horizontal curve radii lengths or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
- 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 as approved by the Rapid Valley Sanitary District. 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. In addition, easements shall be provided as needed;**
- 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and as approved by the Rapid Valley Sanitary District 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. In addition, the construction plans for a lift station, force main and related appurtenances shall be submitted to the Rapid Valley Sanitary District for review and approval. Easements shall also be provided as needed;**
- 7. Upon submittal of a Development Engineering Plan application, a**

drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, the drainage plan shall confirm that there will be no inter-basin transfer of stormwater between the Perrine Drainage Basin and the Unnamed Tributary Drainage Basin. Easements shall also be dedicated as needed;

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 if subdivision improvements are required;
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. Prior to submittal of a Final Plat application, street names for Road A, B and C shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
12. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed 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.

6. No. 19PL036 - Johnson Ranch Subdivision

A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 19 thru 26 and 29 thru 37 of Block 2 of Johnson Ranch Subdivision, legally described as a portion of the N1/2 of the NW1/4 less Lot H5 of the NE1/4 of the NW1/4 less Johnson Ranch Subdivision, the N1/2 of the SE1/4 of the NW1/4 less Lot H1; Lot 7R of the SW1/4 of the NW1/4 less Johnson Ranch, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Johnson Ranch Road east of Providers Boulevard.

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

1. Prior to submittal of a Development Engineering Plan application, all redlined comments shall be addressed;
2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show Lots 29 through 36 a

- minimum of 4,922 square feet in size or a Final Planned Development Overlay application shall be submitted for review and approval granting a lot size Exception;
3. Upon submittal of a Development Engineering Plan application, construction plans for Johnson Ranch Road shall be submitted for review and approval showing the street located in a minimum of 52 feet of right-of-way and constructed with 26 feet of pavement, 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 document shall be submitted with the Development Engineering Plan application;
 4. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the street located in a minimum 100 feet of right-of-way and constructed with 36 feet of pavement, curb, gutter, sidewalk, street light conduit, dual water, and sewer, or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
 5. Upon submittal of a Development Engineering Plan application, water plans and analysis shall be submitted for review and approval demonstrating adequate service to meet proposed domestic and fire flows. Construction plans shall be in conformance with Infrastructure Design Criteria Manual and shall be signed and sealed by a Professional Engineer. In addition, all utility 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 demonstrating service is adequate to meet proposed domestic flows. Construction plans shall be in conformance with the Infrastructure Design Criteria Manual and shall be signed and sealed by a Professional Engineer. In addition, utility easements shall be provided as necessary;
 7. Upon submittal of a Development Engineering Plan application, a drainage plan and report shall be submitted for review and approval demonstrating adequate on-site stormwater detention and stormwater quality management in conformance with the Infrastructure Design Criteria Manual. In addition, all Major Drainage easements shall be provided as necessary;
 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 a Development Engineering Plan application, submitted engineering reports required for construction 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;
10. Prior to approval of a Development Engineering Plan application, a development agreement shall be entered into with the City for all public improvements;
 11. Prior to submittal of a Final Plat application, the plat document shall be revised to address all red lined comments;
 12. Prior to submittal of a Final Plat application, the portion of the property zoned General Agricultural District shall be rezoned to Medium Density Residential District;
 13. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing maintenance and ownership of any proposed drainage easements as necessary;
 14. Upon submittal of a Final Plat application, the plat documents shall show all easements as necessary, including drainage and utility easements;
 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. In addition, any utilities and drainage outside the proposed right of way shall be secured within easement(s).

7. No. 19RZ013 - Johnson Ranch Subdivision

A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for a **Rezoning from General Agricultural District to Medium Density Residential District** for a portion of the N1/2 of the SE1/4 of the NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Northwest 1/16th corner of Section 9, T1N, R8E, BHM., the point of beginning; Thence, first course: with the north line of the N1/2 of the SE1/4 of the NW1/4 of said Section 9, S 89°45'59" E, a distance of 153.42 feet to a point on the westerly right of way of Elk Vale Road On/Off Ramp; Thence, second course: with said westerly right of way, on a curve turning to the left with an arc length of 79.48 feet, with a radius of 409.03 feet, with a chord bearing of S 00°18'57" E, with a chord length of 79.36 feet; Thence, third course: continuing with said right of way, S 05°52'28" E, a distance of 435.26 feet; Thence, fourth course: continuing with said right of way, S 00°58'39" E, a distance of 147.75 feet; Thence, fifth course: with the south line of the N1/2 of the SE1/4 of the NW1/4 of aforementioned Section 9, N 89°59'13" W, a distance of 202.81 feet; Thence, sixth course: with the west line of the N1/2 of the SE1/4 of the NW1/4 of said Section 9, N 00°09'47" E, a distance of 659.48 feet, to the point of beginning, more generally described as being located on Johnson Ranch Road east of Providers Boulevard.

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

8. No. 19PL038 - Shepherd Hills West Subdivision

A request by KTM Design Solutions, Inc for BH Capital 4, LLC and BH Capital 6, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed

Lot 1 of Block 1, Lot 2 of Block 2 of Shepherd Hills West Subdivision, legally described as a portion of the NE1/4 of the SW1/4 less Menard Subdivision less right-of-way and the E1/2 of the SE1/4 of the SW1/4 of Section 32, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the current terminus of E. Philadelphia Street.

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

- 1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;**
- 2. 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 pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for E. Philadelphia Street, a collector street, shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or an Exception shall be obtained. If any portion of E. Philadelphia Street is proposed to be within an access easement, then an Exception shall be obtained to allow an access easement to serve more than four lots. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for Viewfield Avenue, a local street, shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
- 5. Upon submittal of a Development Engineering Plan application, construction plans for Mickelson Drive, a minor arterial street, shall be submitted for review and approval showing the street located in a minimum 100-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual 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;**

6. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, easements shall be provided as needed;
 7. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, the construction plans for a lift station, force main and related appurtenances shall be submitted to the Rapid Valley Sanitary District for review and approval. Easements shall also be provided as needed
 8. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed
 9. 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 if subdivision improvements are required;
 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, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed 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.
9. No. 19RZ016 - Shepherd Hills West Subdivision
A request by KTM Design Solutions, Inc for BH Capital 4, LLC and BH Capital 6, LLC to consider an application for a **Rezoning from Light Industrial District to Medium Density Residential District** for a portion of the NE1/4SW1/4 Less Menard Subdivision and Less Right-of-Way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows:

Commencing at the Southwest Corner of Lot 5 of the Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence first course: S87°55'15"E, a distance of 298.14 feet; Thence second course: N47°13'55"E, a distance of 302.02 feet; Thence third course: S01°53'15"W, a distance of 740.41 feet; Thence fourth course: N87°55'11"W, a distance of 515.14 feet; Thence a fifth course: N02°07'21"E, a distance of 527.40 feet to the point of beginning, more generally described as being located east and north of the current terminus of E. Philadelphia Street.

Planning Commission recommended that the Rezoning from Light Industrial District to Medium Density Residential District be approved.

10. No. 19RZ017 - Shepherd Hills West Subdivision

A request by KTM Design Solutions BH Capital 6, LLC to consider an application for a **Rezoning from General Commercial District to Mobile Home Residential District** for the E1/2 of the SE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and south of the current terminus of E. Philadelphia Street.

Planning Commission recommended that the Rezoning from General Commercial District to Mobile Home Residential District be approved.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*11. No. 19PD016 - Johnson Ranch Subdivision

A request by KTM Design Solutions Inc for Yasmeen Dream, LLC to consider an application for a **Major Amendment to Planned Development Overlay to allow a group home** for Lot 57 of Block 2 of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Hutt Court and Provider Boulevard.

Green presented the application and reviewed the associated slides. Green noted that the applicant is requesting an Exception to allow a maximum lot coverage of 41% in lieu of 30% allowed. Green stated that Public Works staff has determined that the additional lot coverage, which is due to the single story design, will not create a detriment to drainage and as such staff recommends the Exception be granted and the Major Amendment to Planned Development Overlay to allow a group home be approved with stipulations.

Bulman moved, Huus seconded and the Planning Commission carried to approve the Major Amendment to the Planned Development Overlay to allow a group home with the following stipulations:

- 1. An Exception is hereby granted to allow a maximum lot coverage of 41% in lieu of 30% allowed;**
- 2. Prior to issuance of a Building Permit, the site plan shall be revised to address all redlined comments;**
- 3. All signage shall continually conform to the Sign Code. No electronic**

signs are being approved as a part of this Major Amendment to the Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,

4. The Major Amendment to the Planned Development Overlay shall allow a group home in the Medium Density Residential District pursuant to the applicant's operational plan. All requirements of the Medium Density Residential District shall be maintained unless specifically authorized as a stipulation of this Major Amendment to the Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the Medium Density Residential District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the Medium Density Residential District or uses which increase the required amount of parking on the site shall require a Major Amendment to the Planned Development. (7 to 0 with Braun, Bulman, Caesar, 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.

Lacock requested that Items # 12, #13, #14, and # 15 be taken together.

*12. No. 19PD017 - Legacy Subdivision

A request by KTM Design Solutions, Inc for Legacy Land Company to consider an application for an **Initial Planned Development Overlay to allow a duplex development** for a portion of Block 1 of Legacy Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northeast corner of Block 1, Legacy Subdivision, being common with the northwest corner of Lot 1, Block 6, The Meadows Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being the point of beginning; Thence first course: with the westerly boundary of said The Meadows Subdivision, S 21°12'01" E, a distance of 81.45 feet; Thence second course: continuing with said westerly boundary, S 21°09'25" E, a distance of 81.68 feet; Thence third course: continuing with said westerly boundary, S 21°05'47" E, a distance of 97.37 feet; Thence fourth course: continuing with said westerly boundary, S 20°48'11" E, a distance of 97.77 feet; Thence fifth course: continuing with said westerly boundary, S 21°28'48" E, a distance of 97.03 feet; Thence sixth course: continuing with said

westerly boundary, S29°54'37"W, a distance of 82.60 feet; Thence seventh course: leaving said westerly boundary, N59°59'30"W, a distance of 145.55 feet; Thence eighth course: on a curve turning to the left with an arc length of 663.16 feet, with a radius of 493.00 feet, with a chord bearing of S81°21'10"W, with a chord length of 614.28 feet; Thence ninth course: on a curve turning to the right with an arc length of 180.45 feet, with a radius of 207.00 feet, with a chord bearing of S67°47'23"W, with a chord length of 174.79 feet; Thence tenth course: N87°14'14"W, a distance of 315.87 feet, to a point common with the southeast corner of Lot 10, Block 2 of Robbinsdale No. 11; Thence eleventh course: with the easterly boundary of said Robbinsdale No. 11, N01°59'03"E, a distance of 236.37 feet; Thence twelfth course: continuing with said easterly boundary, N01°47'01"E, a distance of 194.99 feet; Thence thirteenth course: continuing with said easterly boundary, N02°31'46"E, a distance of 114.94 feet; Thence fourteenth course: with the southerly boundary of Minnesota Estates Subdivision, S87°18'10"E, a distance of 269.02 feet; Thence fifteenth course: with the westerly boundary of Hampden Hills Townhomes Subdivision, S01°06'41"W, a distance of 53.57 feet; Thence sixteenth course: with the southerly boundary of said Hampden Hills Townhomes Subdivision, S87°17'28"E, a distance of 389.89 feet; Thence sixteenth course: with the easterly boundary of said Hampden Hills Townhomes Subdivision, N02°00'48"E, a distance of 119.44 feet; Thence seventeenth course: with the southerly boundary of MJK Subdivision, S88°01'33"E, a distance of 407.19 feet; to the point of beginning, more generally described as being located west of Derby Lane at the current western terminus of Kentucky Lane.

Lacock stated that the applicant has requested that these items be continued to the June 20, 2019 Planning Commission meeting to allow them to address some of the concerns regarding the proposed development, as such staff recommends that the Initial Planned Development Overlay, Rezoning from Low Density Residential District to Medium Density Residential District, Rezoning from Low Density Residential District II to Medium Density Residential District and the Preliminary Subdivision Plan be continued to the June 20, 2019 Planning Commission Meeting.

Fisher stated there is a meeting scheduled to allow the applicant and staff to review options. Fisher again noted that re-notification will be made on those items that require notice and that the new information will be made available as the items come forward.

Braun noted that the information is updated on the City webpage RCGOV.ORG and interested parties can review the information there or they can contact staff for assistance.

Planning Commission continued the Initial Planned Development Overlay to the June 20, 2019 Planning Commission Meeting at the applicant's request. (7 to 0 with Braun, Bulman, Caesar, 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.

13. No. 19RZ011 - Legacy Subdivision

A request by KTM Design Solutions, Inc for Legacy Land Company to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** for a portion of Block 1 of Legacy Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwest corner of Block 1, Legacy Subdivision, being common with the northeast corner of Lot 5, Block 1, Robbinsdale No. 11, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being the point of beginning; Thence first course: with the southerly boundary of Minnesota Estates Subdivision, S87°18'10"E, a distance of 269.02 feet; Thence second course: with the westerly boundary of Hampden Hills Townhomes Subdivision, S01°06'41"W, a distance of 53.57 feet; Thence third course: with the southerly boundary of said Hampden Hills Townhomes Subdivision, S87°17'28"E, a distance of 389.89 feet; Thence fourth course: leaving said southerly boundary, S 02°03'11" W, a distance of 283.94 feet; Thence fifth course: on a non-tangent curve turning to the left with an arc length of 229.58 feet, with a radius of 493.00 feet, with a chord bearing of S56°09'24"W, with a chord length of 227.51 feet; Thence sixth course: on a curve turning to the right with an arc length of 180.45 feet, with a radius of 207.00 feet, with a chord bearing of S67°47'23"W, with a chord length of 174.79 feet; to a point common with the southeast corner of Lot 10, Block 2 of Robbinsdale No. 11; Thence seventh course: N87°14'14"W, a distance of 315.87 feet to a point common with the southeast corner of Lot 10, Block 2 of Robbinsdale No. 11; Thence eighth course: with the easterly boundary of said Robbinsdale No. 11, N01°59'03"E, a distance of 236.37 feet; Thence ninth course: continuing with said easterly boundary, N01°47'01"E, a distance of 194.99 feet; Thence tenth course: continuing with said easterly boundary, N02°31'46"E, a distance of 114.94 feet; to the point of beginning, more generally described as being located west of Derby Lane between the current terminus of Kentucky Lane and Hanover Drive.

Planning Commission continued the Rezoning from Low Density Residential District to Medium Density Residential District to the June 20, 2019 Planning Commission Meeting at the applicant's request. (7 to 0 with Braun, Bulman, Caesar, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)

14. No. 19RZ012 - Legacy Subdivision

A request by KTM Design Solutions, Inc for Legacy Land Company to consider an application for a **Rezoning from Low Density Residential District II to Medium Density Residential District** for a portion of Block 1 of Legacy Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northeast corner of Block 1, Legacy Subdivision, being common with the northwest corner of Lot 1, Block 6, The Meadows Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being the point of beginning; Thence first course: with the westerly boundary of said The Meadows

Subdivision, S 21°12'01" E, a distance of 81.45 feet, Thence second course: continuing with said westerly boundary, S 21°09'25" E, a distance of 81.68 feet; Thence third course: continuing with said westerly boundary, S 21°05'47" E, a distance of 97.37 feet; Thence fourth course: continuing with said westerly boundary, S 20°48'11" E, a distance of 97.77 feet; Thence fifth course: continuing with said westerly boundary, S 21°28'48" E, a distance of 97.03 feet; Thence sixth course: continuing with said westerly boundary, S29°54'37"W, a distance of 82.60 feet; Thence seventh course: leaving said westerly boundary, N59°59'30"W, a distance of 145.55 feet; Thence eighth course: on a curve turning to the left with an arc length of 433.58 feet, with a radius of 493.00 feet, with a chord bearing of N85°18'22"W, with a chord length of 419.74 feet; Thence ninth course: N02°03'11"E, a distance of 283.94 feet to a point common with the southeast corner of Hampden Hills Subdivision; Thence tenth course: with the easterly boundary of said Hampden Hills Subdivision, N02°00'48"E, a distance of 119.44 feet; Thence eleventh course: with the southerly boundary of MJK Subdivision, S88°01'33"E, a distance of 407.19 feet; to the point of beginning, more generally described as being located west of Derby Lane at the current western terminus of Kentucky Lane.

Planning Commission continued the Rezoning from Low Density Residential District II to Medium Density Residential District to the June 20, 2019 Planning Commission Meeting at the applicant's request. (7 to 0 with Braun, Bulman, Caesar, Hoogestraat, Huus, Quasney and Vangraefscheppe voting yes and none voting no)

15. No. 19PL034 - Legacy Subdivision

A request by KTM Design Solutions, Inc for Legacy Land Company to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Block 1 and Lot 1 thru 20 and Common Lot of Block 2 of Legacy Subdivision, legally described as Legacy Subdivision, located in the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Derby Lane at the current western terminus of Kentucky Lane.

Planning Commission continued the Preliminary Subdivision Plan to the June 20, 2019 Planning Commission Meeting at the applicant's request. (7 to 0 with Braun, Bulman, Caesar, Hoogestraat, Huus, Quasney and Vangraefscheppe voting yes and none voting no)

*16. No. 19PD018 - Mann Subdivision

A request by Kennedy Design Group, Inc for Alan and Tracy Ponto for Ponto LLC to consider an application for an **Initial Planned Development Overlay to expand an existing childcare center** for Lot 7 of Mann Subdivision, located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3660 Sturgis Road.

Lacock presented the application and reviewed the associated slides showing zoning and future land use and street plan information. Lacock noted that the applicant is looking to expand a childcare center from 98 children to 172 children and that the expansion includes additional play area and facilities to accommodate this increase. Lacock noted that the applicant is requesting an

Exception to reduce the minimum required parking from 99 parking spaces to 93 parking spaces noting that their operational plan shows that school age children are picked up by the child care from school which significantly reduces the number of drop-offs. Staff recommends that the Exception be granted. Staff recommends that the Initial Planned Development Overlay to expand an existing childcare center be approved with stipulations.

In response to question from Braun whether the entrance road was being realigned, Lacock stated that the entrance is remaining unchanged, but the driveway is being slightly narrowed to allow the movement of the playground.

Hoogestraat moved, Bulman seconded and the Planning Commission approved the Initial Planned Development Overlay with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required parking from 99 parking spaces to 93 parking spaces**
- 2. A Final Planned Development Overlay shall be submitted for review and approval;**
- 3. Upon submittal of a Final Planned Development Overlay application, a Traffic Impact Study shall be submitted for review and approval or an Exception shall be obtained to waive the requirement;**
- 4. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to show sidewalk along Sturgis Road or a Variance from the City Council shall be obtained;**
- 5. Upon submittal of a Final Planned Development Overlay application, a landscape plan shall be submitted for review and approval;**
- 6. Upon submittal of a Final Planned Development Overlay application, a drainage plan shall be submitted for review and approval;**
- 7. Upon submittal of a Final Planned Development Overlay application, a utility plan demonstrating that the services will accommodate the proposed expansion shall be submitted for review and approval;**
- 8. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval. Any new signage shall meet the requirements of the Rapid City Sign Code. No Light Emitting Diode (LED) message centers are being approved as a part of this request. A sign permit shall be obtained for any signage; and,**
- 9. The Initial Planned Development Overlay shall allow for the expansion of a childcare center up to 172 children. 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 Final Planned Development Overlay. (7 to 0 with Braun, Bulman, Caesar, 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.

*17. No. 19UR009 - Five Star Subdivision

A request by Melissa Boehrns-Boham to consider an application for a **Conditional Use Permit to allow on-sale liquor in conjunction with a recreational facility** for Lot 1RA of Five Star Subdivision, located in Section 25, T2N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 811 Disk Drive, Suite 6.

Lacock presented the application and reviewed the associated slides. Lacock noted that this is a Major Amendment due to the discontinuation of the previous use as well as the change of use. Lacock stated that the applicant has provided a very detailed operation and security plan outlining the proposed use of recreational ax throwing and that they are requesting a Conditional Use Permit to allow beer and wine to be served to their patrons. Their security plan shows that drinks to participants will be limited to one per hour and a close watch will be maintained on participants. Lacock stated that this has become a popular business noting that there are currently existing facilities in Sioux Falls and Denver. Lacock noted that the applicants have taken steps to reduce the chance for injury and danger in the design of and types of materials used in the construction of the throwing areas. Lacock stated that staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with a recreational facility with stipulations as outlined in the Project Report.

In response to an inquiry from Braun whether staff had done research on these types of facilities, Fisher stated that staff had worked with the applicant to ensure that a security plan is in action.

In response to Bulman's question to the Police Department's response regarding this use, Lacock noted that staff did not receive a response from the Police Department.

Bulman stated that she was concerned about the potential for liability. Nyberg stated that the liability is placed on the business and not the City.

Melissa Boehrns-Boham, 811 Disk Drive, Suite 6, stated that she understands the concerns and spoke to the waiver that has been prepared by her attorney that all patrons will be required to sign prior to being allowed to participate and she believes this addresses these concerns.

Hoogestraat moved, Huus seconded and the Planning Commission approved the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a recreational facility with the following stipulation:

- 1. Prior to issuance of a Certificate of Occupancy, five ADA parking spaces shall be striped with one being "van accessible";**
- 2. 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. The addition of electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for any new signs;**

- and,
3. **The Major Amendment to a Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a recreational facility operated in compliance with the applicant's operations / security plan. The operations / security plan shall be in place at all times. Any expansion to the on-sale liquor 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. (7 to 0 with Braun, Bulman, Caesar, Hoogestraat, Huus, Quasney and Vangraefscupe 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.

*18. No. 19UR010 - Rockinon Ranch Estates

A request by Bill Freytag to consider an application for a **Conditional Use Permit to allow an oversized garage** for the N1/2 of the NE1/4 of the SE1/4 less Rockinon Ranch Estates and less right-of-way; the NW1/4 of the SE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1221 Santana Court.

Green presented the application and reviewed the associated slides. Green noted that the applicant has requested an Exception to allow an over-sized garage and attached garage space totaling 3,400 square feet in size, in lieu of the maximum allowed 1,500 square feet. Green noted the distance of the proposed shop from the adjacent property and that the area on which the shop will sit is located lower than the surrounding properties, which will assist in screening the development. Staff recommends that the Exception be granted.

Green stated that applicant has indicated that the height of the proposed structure will meet the height limits of the zoning district and as such staff recommends that the Conditional Use Permit to allow an oversized garage be approved with stipulations as outlined in the Project Report.

Fisher noted that as the property is heavily vegetated, the applicant is working with the Fire Department on removing some of the vegetation to mitigate the fire danger on the property. Behlings reiterated that the Fire Department has been working with the applicant to mitigate the fire danger in the area and that it is an asset to fire mitigation in the area.

Bulman moved, Caesar 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 and**

- attached garage space totaling 3,400 square feet in size, in lieu of the maximum allowed 1,500 square feet;
2. 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;
 3. The proposed over-sized accessory structure shall be constructed with the same character as shown on the applicant's submitted graphics. In addition, the proposed accessory structure shall comply with the height regulations for accessory structures pursuant to Rapid City Municipal Code Section 17.10.060; and,
 4. 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. (7 to 0 with Braun, Bulman, Caesar, 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.

19. No. 19TI001 - Brookfield Subdivision

A request by Sperlich Consulting, Inc for Doeck, LLC to consider an application for a **Resolution to approve TID #67 Project Plan Amendment #1 to reallocate project plan costs** for the SE1/4NE1/4 and the E1/2SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The S1/2S1/2W1/2SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 1, Lots 1, 2, 6 and 7 of Block 2, Lots 1 through 20 of Block 3 and Roberta Street right-of-way adjacent to said lots, Earleen Street right-of-way, Kateland Street right-of-way, all located in Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 5 and Lot 11 of Block 4, Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 through 17 of Block 1, Lot 1 and Lot 22 of Block 3, Lot 1 and Lot 24 of Block 4, Lot 1 and Lot 24 of Block 5, Lot 1 and 24 of Block 6, Lot 1 of Block 7, Bengal Drive right-of-way adjacent to said lots, all located in Mall Ridge Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The unplatted portion of the SW1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 7 through 16 of Block 2 and Titan Drive right-of-way adjacent to said lots, Lots 1 through 6 of Block 3, Lots 1 through 3 of Block 6 and Three Rivers Drive right-of-way adjacent to said lots, Lots 1, 2, 3A, 4A, 5, 6, and 7 of Block 7, Lots 1 through 14 of Block 8 and Bengal Drive right-of-way adjacent to said lots, Lots 18 through 22 of Block 8, all located in Northbrook Village Subdivision, Section 13, T2N, R7E, BHM,

Rapid City, Pennington County, South Dakota; and, The NE1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Country Road right-of-way located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A of Tract A and Lot B less Lot PE-1 of Tract A, all of Block 3, McMahon Industrial Park #2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4NE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot DE of Tract 5 of Sletten Addition, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Haines Avenue and north and south of Country Road.

Horton presented the application noting it is a request to reallocate project costs and briefly reviewed the initial Tax Increment District. Horton noted that the improvements on the west side of Haines to oversize the water were not completed; however the water and sewer oversizing in Cobalt and the two large culverts south of Cobalt were installed. Horton stated that the Tax Increment Financing Committee recommended approval and as such staff recommends approval of the Resolution to approve TID #67 Project Plan Amendment #1 to reallocate project plan costs.

Bulman moved, Caesar seconded and the Planning Commission recommended, as well as the Tax Increment Financing Review Committee, approving the requested cost reallocation as submitted. (7 to 0 with Braun, Bulman, Caesar, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)

20. Discussion Items
None

21. Staff Items
None

22. Planning Commission Items
Planning Commission Liaison for the June 3, 2019 City Council Meeting will be Curt Huus.

There being no further business, Caesar moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:40 a.m. (7 to 0 with Braun, Bulman, Caesar, Hoogestraat, Huus, Quasney, and Vangraefschepe voting yes and none voting no)