

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
June 6, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, John Herr, Galen Hoogestraat, Eric Ottenbacher, Mike Quasney, Justin Vangraefschepe and Vince Vidal..

MEMBERS ABSENT: Curt Huus and John Salamun, Council Liaison

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Wade Nyberg and Andrea Wolff.

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

1. Approval of the May 23, 2019 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Gollhofer seconded and the Zoning Board of Adjustment approved the May 23, 2019 Zoning Board of Adjustment Meeting Minutes be approved.

2. No. 19VA004 - Boulevard Addition

A request by John and Mary Buchy to consider an application for a **Variance to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet, and to increase the lot coverage from 30% to 41.2%** for the east 78 feet of Lot 11 and 12 of Block 18 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 923 West Boulevard.

Lacock presented the application and reviewed the associated slides. Lacock noted that this item had been before the Zoning Board of Adjustment at the April 25, 2019 Zoning Board of Adjustment meeting (File#19VA001) and Zoning Board of Adjustment had motioned to approve the setback Variances and to deny the lot coverage Variance, but as the vote was less than the 2/3 majority required to take action, the motion failed and the item was denied. The applicant filed a second application to try to receive approval. Lacock explained that the Variance requests for setbacks represent the existing setbacks and would bring the current structure into compliance with the exception of the front yard setback, which would actually reduce the setback encroachment making those Variance requests the minimal adjustment necessary for reasonable use of the land as it is today. However, the addition of the covered porch is not the minimum adjustment to allow reasonable use of the property and as such staff does not support the request to increase lot coverage as a result of covering the deck. Lacock reviewed the historical review comments on this request noting that it is a non-contributing structure and that they found the project would cause no adverse effect. Lacock stated that staff is recommending that the Variances for setbacks be approved and the Variance for lot coverage be denied.

In response to a question from Vangraefschepe on the relationship between lot coverage and coverage of the patio to the setback Variances, Fisher explained that the covering of the patio increases the calculation of lot coverage, whereas none of the other requests are increases only corrections. Fisher stated that the patio can be modified in other ways without creating an issue to lot coverage. Lacock explained that the setback requests are corrections whereas covering the patio would be a modification and is not the minimal adjustment.

Jean Kessloff, 11015 2th Street, spoke to her reasons why she does not support the request listing her past community activity and committee involvement and current membership with the West Boulevard Neighborhood Association. Kessloff read from the Secretary of Interiors Standards regarding setbacks and settings and how they affect the character of a neighborhood. Kessloff listed her concerns regarding the City's maintenance of the historical integrity of the West Boulevard Historic District noting that the addition of on-street parking, rezoning changes that have allowed commercial encroachment into the historic district, and the plans to allow multi-family dwellings which she believes these actions are endangering the historic district. Kessloff stated she believes that whether the structure is contributing on its own or not, each one is part of the overall viability of the district as a whole.

Mary Buschy, 923 West Boulevard, referenced the research she had done before deciding on her project design. Buschy stated her basis for requesting the deck is that she believes that at some time in the past, some form of patio had to have been in place based the location of the mail slot so far up and to the side, but she is unable to locate photos that show what was there. Bushy believes that the existing deck is completely out of character with the style or era of the house and is more of an adverse effect to the historic character of the property than the covered deck she is proposing. She stated that covering the deck is important to allow her and her husband use of the deck as they are limited in the time they can be in the sun, so without the covering, the deck is not of much use to them. Bushy spoke to the improvements they have made to the property including putting in a curb.

Sarah Hanzel, Long Range Planner and liaison to the Historic Preservation Commission, reviewed the process that the applicant went through to receive Historic Review approval. Hanzel noted that as a non-contributing structure this particular project as reviewed on its individual basis would not be adverse in terms of materials or design. Hanzel noted that the Historical Review is used to looking at the individual requests on a case-by-case basis and this one was found to not pose an adverse effect to the overall District.

Bulman said that the improvements are appropriate and the correction to the setbacks are needed, but the question is the covered patio which is the deciding factor on the lot coverage question so she asked to separate the two into separate actions.

Bulman moved, Vidal seconded to approve the setback Variances contingent on the removal of the concrete patio.

Fisher made a friendly amendment to identify the basis of approval to include that the small lot size creates a hardship.

Bulman and Vidal accepted the amendment to the motion and the Zoning Board of Adjustment approved unanimously.

Braun opened the floor to discussion on the covered deck and the Variance for lot coverage.

Hoogestraat asked what the lot coverage would be with the 2 foot reduction from the existing deck to the proposed deck and covered section of the proposed deck and the removal of the concrete patio and provided a fast calculation of the difference, stating that he feels that the increase is very minor and he supports the covered deck.

Vangraefschepe stated that he does not see that the minimal increase in lot coverage will create an adverse drainage affect.

Caesar stated that she believes the small lot size creates a reason for the Variance to increase the lot coverage and she feels that providing shade to patio is reasonable use.

In response to a question from Vidal regarding the Historic aspect of the covered patio, Hanzel clarified the request for the covered patio had received staff approval based on design and material.

Bulman reviewed how lot coverage is calculated clarifying it is by roof covering not ground level coverage. She stated that the use of the property is still available without the addition of the covered deck. Bulman stated she feels that the Zoning Board of Adjustment is bound to follow the guidelines set out to review and grant Variance and she does not believe that this request meets them.

Ottenbacher spoke to his agreement that Variances are available to allow for cases that have no options or are a hardship and not every request and reason are justifiable. Ottenbacher also questioned the drainage issues in the Boulevard area that were mentioned during the previous review of this item stating that he would not support the request for the additional lot coverage.

Hoogestraat moved to approve Variance to allow the increase to lot coverage based on criteria that it is in harmony general purposes and is not detrimental to the public welfare, Herr seconded.

Fisher offered a friendly amendment to use criteria that the small lot size creates a unique situation as criteria. Hoogestraat and Herr agreed to the amendment.

Fisher further clarified that staff had met with the Engineering Division and they had determined that covering the deck will not create further drainage issues.

In response to a question from Quasney regarding whether the lot coverage is

being corrected from 30 percent to 41.2 percent or from 38 percent to 41.2 percent, Fisher clarified that the correction is being requested reflects the allowed coverage to the final desired coverage not from the existing coverage.

Vidal stated that he is not in support of granting the Variance to lot coverage as he believes that the applicant has options that do not require the Variance. Vidal says he feels that granting this Variance creates a precedence or example for other such requests and will encourage requests for Variances rather than working to build within the requirements, more of an expectation than a need.

Quasney agreed that this will set a precedence and that the Zoning Board of Adjustment needs to consider when they should enforce the ordinances and when there is a reason or need to grant a Variance.

Nyberg reviewed the standards set for the Zoning Board of Adjustment granting Variances noting that in addition to identifying criteria of having a special condition such as small lot size, the condition needs to create an unreasonable hardship and that the correction is the minimal adjustment necessary to rectify that hardship.

Hoogestraat spoke to his thoughts on the precedence issue and the historical actions stating that he feels each request should be reviewed on an individual basis and it is the Zoning Board of Adjustment's duty to find what the acceptable tolerance is.

Bulman spoke to the Zoning Board of Adjustment's review of the land and the usability of the land and the reasons that Variances should be granted based on reasonable use versus the owners desires and visual and aesthetic effects.

Vidal stated that he does not believe that not granting the Variance to lot coverage would create a hardship and he cannot support the request.

Ottenbacher said that although it shouldn't be a key factor, precedent cannot be ignored and he believes it is the responsibility of the Zoning Board of Adjustment to follow regulations and not let emotion direct their decisions.

Vangraefeschepe asked if they should be considering, should the requested Variance of 41.2 percent fail, to offer a motion to grant a substitute Variance to correct the lot coverage to the actual 38 percent that currently exists. Vangraefeschepe stated that although he does not believe the 3 percent difference between the existing and requested is that big a deal he does believe that the lot coverage should be brought into compliance while it is before the Zoning Board of Adjustment.

Fisher clarified that the current legal non-confirming status would remain even if the requested Variance for lot coverage is denied, but agreed that it would be advisable to bring the lot coverage into compliance.

In response to a question from Braun; if one action fails could they, as the Zoning Board of Adjustment, offer a separate motion to grant a Variance from 30 percent lot coverage to 38 percent lot coverage. Nyberg confirmed that would be

acceptable.

A roll call vote was called on the motion to approve the Variance to grant 41.2 percent lot coverage. Vote was 5 to 4. Motion failed due to a lack of 2/3 majority.

- u **Bulman moved, Vidal seconded and the Zoning Board of Adjustment carried to approve that the Variance to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet be granted contingent upon the concrete patio being removed based on the 4 criteria listed in the Project Report and that the small lot status creates a hardship. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**
Hoogestraat moved, Herr seconded that the Zoning Board of Adjustment approve the Variance request to increase the lot coverage from 30% to 41.2% based on criteria identifying small lot status as a hardship. Motion failed due to lack of 2/3 majority. (5 to 4 with Braun, Caesar, Herr, Hoogestraat and Vangraefschepe voting yes and Bulman, Golliher, Quasney and Vidal voting no)
Bulman moved, Golliher seconded to increase lot coverage from 30 percent to 38 percent based on the 4 criteria listed in the Project Report. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

3 Discussion Items
None

4. Staff Items
None

5. Zoning Board of Adjustment Items
None

There being no further business, Caesar moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:56 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 6, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, John Herr, Galen Hoogestraat, Eric Ottenbacher, Mike Quasney, Justin Vangraefschepe and Vince Vidal.

MEMBERS ABSENT: Curt Huus and Jason Salamun, Council Liaison.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:56 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.

Ottenbacher requested that Items 2 and 9 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 9 in accordance with the staff recommendations with the exception of Items 2 and 9. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 23, 2019 Planning Commission Meeting Minutes.
3. No. 19RZ014 - Shepherd Hills Subdivision
A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Rezoning from General Agricultural District to Medium Density Residential District** for the NW1/4 of the SE1/4 less Menard Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of East Anamosa Street.

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

4. No. 19RZ015 - Shepherd Hills Subdivision
A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District II** for the NE/1 of the SE1/4, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of East Anamosa Street.

Planning Commission recommended that the Rezoning request from General

Agriculture District to Low Density Residential District II be approved.

5. No. 19PD021 - Buffalo Crossing West

A request by Dream Design International, Inc for North Atlantic Developers LLC to consider an application for a **Planned Development Revocation** for Lot D of Buffalo Crossing West, located in Section 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2001 Hope Court.

Planning Commission recommended that the request to revoke the Planned Development Designation on the property be approved.

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

6. No. 19PL043 - North 80 Subdivision

A request by Centerline for Lazy P-6 Land Co. Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 4, 8, 10 and 11 of North 80 Subdivision, legally described as the unplatted portion of Government Lot 1 and 2, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Shelby Avenue and Stumer Road.

Planning Commission approved the Preliminary Subdivision Plan with the following stipulations:

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of 4 additional feet of right-of-way along E. Stumer Road as it abuts proposed Lots 4 and 8 or an Exception shall be obtained from the City Council. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
2. **Prior to submittal of a Final Plat application, the plat document shall be revised to show "Stumer Road" as "E. Stumer Road"; and,**
3. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the lot line between proposed Lot 8 and existing Lot 7 as a solid line in lieu of a dashed line.**

7. No. 19PL044 - Big Sky Business Park

A request by KTM Design Solutions, Inc for DTH, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 16 thru 46 of Block 12, Lots 1 thru 3 of Block 30 of Big Sky Subdivision, legally described as Tract A less Tract BR of Neff's Subdivision No. 4; and the unplatted portion of the SE1/4 of the NW1/4 less Big Sky Subdivision and less dedicated right-of-way, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the western terminus of Big Sky Drive.

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

- 1. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed 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;**
- 2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to provide a minimum lot size of 6,500-square feet for Lots 18, 19 and 21 of Block 12 or a Final Planned Development shall be approved granting an Exception;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Patricia Street, 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 the approval of an Exception shall be required. 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 Chet Street, a local cul-de-sac 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 the approval of an Exception shall be required. In addition, the cul-de-sac bulb shall be located in a minimum 118-foot diameter right-of-way and constructed with a minimum 96-foot diameter paved surface pursuant to Table 2-4 of the Infrastructure Design Criteria Manual 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. Prior to submittal of a Development Engineering Plan application, the approval of an Exception shall be required to allow 31 dwelling units on a cul-de-sac street in lieu of a maximum of 20 dwelling units pursuant to Section 2.13.1 of the Infrastructure Design Criteria Manual or the plat document shall be revised accordingly, If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
- 6. Prior to submittal of a Development Engineering Plan application, the approval of an Exception shall be required to waive the requirement to provide an intermediate turnaround every 600 feet on a cul-de-sac street pursuant to Section 2.13.2 of the Infrastructure Design Criteria Manual or the plat document shall be revised accordingly, If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
- 7. 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 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, the water plans shall demonstrate how the water main will be looped, tying into Rapid Valley Sanitary District's water system in Patricia Street and the southwest corner of the project at Sweetbriar Street. Easements shall also be provided as needed;

- 8. 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 Rapid Valley Sanitary District shall be submitted for review and approval. The design report shall address whether there is sufficient capacity downstream to accommodate the demand that this development will add to the sewer system as per the Big Sky sanitary sewer masterplan. In addition, easements shall be provided as needed;**
 - 9. 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;**
 - 10. 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;**
 - 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. Prior to submittal of a Final Plat application, that portion of Big Sky Drive located east of the property shall be renamed to "Patricia Street";**
 - 14. Prior to submittal of a Final Plat application, the plat title shall be revised to read "formerly Tract A of F and N Subdivision less Tract BR";**
 - 15. 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;**
 - 16. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
 - 17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
8. No. 19RZ018 - Lagrand Subdivision
A request by Brett Kaltvedt for MWM Rapid Holdings Inc. to consider an application for a **Rezoning request from General Agricultural District to Light Industrial**

District for Lot 3 of Block 1 of Lagrand Subdivision, located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3414 Eglin Street.

Planning Commission recommended that the Rezoning request from General Agricultural District to Light Industrial District be approved.

---END OF CONSENT CALENDAR---

2. No. 19PD013 - Section 24, T2N, R7E

A request by KTM Design Solutions, Inc for Citcra LLC to consider an application for a **Planned Unit Development Zoning District** for the unplatted balance of the N1/2 of the NW1/4 of the NW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the Northwest Corner of Lot 1 of Block 5, common to Brooke St. Right of Way, of Tyler Knue Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence first course: with the easterly right of way of Brooke Street, N02°18'52"E, a distance of 185.00 feet to the north line of Section 24, T2N, R7E, B.H.M.; Thence second course: with said north line, S87°41'09"E, a distance of 209.95 feet; Thence third course: leaving said north line, S19°39'07"E, a distance of 114.51 feet; Thence fourth course: S29°22'49"W, a distance of 48.42 feet; Thence fifth course: S38°29'15"E, a distance of 34.97 feet; Thence sixth course: S32°50'03"W, a distance of 44.46 feet; Thence seventh course: S21°07'35"E, a distance of 89.87 feet; Thence eighth course: S43°47'08"E, a distance of 52.74 feet; Thence ninth course: S05°39'55"W, a distance of 33.81 feet; Thence tenth course: S56°17'26"E, a distance of 25.19 feet; Thence eleventh course: S00°11'31"E, a distance of 25.40 feet to the northerly boundary of Tyler Knue Subdivision; Thence twelfth course: with said northerly boundary, S86°10'17"W, a distance of 79.29 feet; Thence thirteenth course: continuing with said boundary, on a non-tangent curve turning to the right with an arc length of 68.03 feet, with a radius of 176.00 feet, with a chord bearing of N48°42'43"W, with a chord length of 67.61 feet; Thence fourteenth course: continuing with said boundary, on a curve turning to the left with an arc length of 71.73 feet, with a radius of 124.00 feet, with a chord bearing of N54°14'08"W, with a chord length of 70.73 feet; Thence fifteenth course: continuing with said boundary, N02°18'52"E, a distance of 147.34 feet; Thence sixteenth course: continuing with said boundary, N87°41'09"W, a distance of 135.00 feet; to the point of beginning, more generally described as being located northeast of the intersection of Nicole Street and Brook Street.

In response to a question from Ottenbacher regarding the property where it abuts the pond and if there is any wet lands that could be effected, Fisher clarified that there is drainage to the east of the existing barn that will be located in an easement when it is platted, but there are no identified wet lands on the property. Fisher further clarified that there is no new development at this time but that when there is explanation or new development they would address the drainage at that time.

Vidal moved, Bulman seconded and the Planning Commission recommended that the Power House Planned Unit Development Zoning Document be approved. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

9. No. 19RZ019 - Section 5, T1N, R8E

A request by KTM Design Solutions, Inc for Lyle Hendrickson to consider an application for a **Rezoning request from Low Density Residential District to Medium Density Residential District** for Lot 1 of Lot A of the SE1/4 of the NW1/4 of Section 5, T1N R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1804 E. Highway 44.

In response to a question from Ottenbacher whether access to the property will be taken from E. Highway 44 or from Mickelson Drive and if it warrants a traffic study. Green stated that access is currently taken from E Highway 44, however South Dakota Department of Transportation has indicated that if a multi-family development was developed on the property, that access would transfer east to Mickelson Drive. Fisher stated that this use does not trigger a Traffic Impact Study.

Bulman moved, Vidal seconded and the Planning Commission recommended that the Rezoning request from Low Density Residential District to Medium Density Residential District be approved. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

10. No. 19PL037 - Shepherd Hills Subdivision

A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1-90 of Block 1 and Lots 1 thru 26 of Block 2, Lots 1 thru 26 of Block 3, Lots 1 thru 18 of Block 4, Lots 1 thru 8 of Block 5, Lots 1 thru 16 of Block 6, Lots 1 thru 10 of Block 7, Lots 1 thru 15 of Block 8, Lots 1 thru 26 of Block 9, Lots 1 thru 18 of Block 10 Lots 1 thru 10 of Block 11 and Lots 1 and 2 of Block 12 of Shepherd Hills Subdivision, legally described as the NE/1 of the SE1/4 and the NW1/4 of the SE1/4 less Menard Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of East Anamosa Street.

Fisher presented the application noting the reason she is wanted to bring this to the attention of the Planning Commission is that it is for 265 residential lots noting that this is the largest residential development she has reviewed in her history with the City. Fisher noted that this Preliminary Subdivision Plan in addition to the application that was reviewed at the May 9, 2019 Planning Commission Meeting for the Shepherd Hills West Subdivision, creates a wide diversity of housing options from a mobile home park, to multi-family, affordable housing to single family housing in a wide range of pricing. Fisher stated that this is what the Comprehensive Plan is designed to create mixed use residential development. In reviewing the associates slide Fisher noted that the existing zoning designations of General Agricultural (File #19RZ014) and Light Industrial (File #19RZ015) are being rezoned to Medium Density Residential and Low Density Residential, respectively, and that those requests had been approved as a part of the Consent Agenda. Fisher noted that the Future Land Use Plan shows a portion of this area as Mixed Use Commercial noting that the area defined as such is being pared back and will be part of a City

sponsored Comprehensive Plan Amendment that will be before the Planning Commission in the near future. Fisher noted that the proposed completion of E. Anamosa Street connection and East Philadelphia Street that will run through this development provide needed street connectivity to the area. Fisher noted that an Exception was granted waiving requirement to provide a Traffic Impact Report based on the recent East Rapid Corridor Study that anticipated the traffic from the proposed development. Fisher noted that there are 10 phases planned with a potential future phase. Fisher stated that staff recommends the Preliminary Subdivision Plan be approved with stipulations.

Bulman stated that she appreciated the opportunity to hear this application as it should be a great project.

In response to a question from Quasney as to when the access street connections will be implemented, Fisher noted that this is addressed in the stipulations requiring they be in place when Phase II is initiated.

Vidal spoke to his reasons for support of this application noting that the development will meet housing needs for the Ellsworth Expansion. Vidal also noted that the property is close to the base and it is good to see growth within the City.

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

- 1. Prior to submittal of a Development Engineering Plan application, street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document and construction plans shall show the approved street names;**
- 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. Anamosa Street, a principal 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;**
- 4. 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 with an additional 10-feet of right-of-way the first 200 feet extending from E. Anamosa Street 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. In addition, prior to submittal of a Development Engineering Plan application for Phase Two, the construction plans shall include that portion of E. Philadelphia Street located east of the property unless already constructed as a part of Shepherd Hills West Subdivision or an Exception shall be obtained from the City Council to allow more than 40 dwelling units with one point of access;

5. Upon submittal of a Development Engineering Plan application, construction plans for Cul-de-sac A, B, C, E (south of Shepherd Hills Boulevard) and Shepherd Hills Boulevard, all local streets, shall be submitted for review and approval showing the streets located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual. An additional 10-feet of right-of-way for Shepherd Hills Boulevard shall be dedicated the first 200 feet as it extends from E. Anamosa Street 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, construction plans for Cul-de-sac D, E (north of Shepherd Hills Boulevard), F and G, all lane place streets, shall be submitted for review and approval showing the streets located in a minimum 50-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;
7. Upon submittal of a Development Engineering Plan application, construction plans for the cul-de-sac bulb for Street C (over 500 feet in length) shall be submitted for review and approval showing the bulb with a minimum 118-foot right-of-way diameter and a minimum 96-foot pavement diameter. In addition, the cul-de-sac bulbs for Street E and G (under 500 feet in length) shall show a minimum 104-foot right-of-way diameter and a minimum 84-foot pavement diameter 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;
8. Upon submittal of a Development Engineering Plan application for Phase 10 and/or the "Future" Phase, construction plans for the section line highway located along the east lot line, 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 or the section line highway shall be vacated. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
9. Upon submittal of a Development Engineering Plan application for Phase Two, the boundaries of the phase shall be extended to include that portion of E. Anamosa Street located in the "Future" Phase as identified on the applicant's Master Plan;
10. Upon submittal of a Development Engineering Plan application, a revised

Master Plan shall be submitted for review and approval incorporating the unplatted remnants along the south lot line of the property or a separate Master Plan for the adjacent property shall be submitted to show how these remnants are being incorporated into the adjacent properties;

- 11. 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. Prior to approval of a Development Engineering Plan application, the applicant shall enter into an agreement with the City detailing cost obligations, scope and schedule of replacing the existing low level 12-inch water main with a new 20-inch low level water main in E. Anamosa Street from E. North Street to the development. In addition, easements shall be provided as needed;**
- 12. 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 particular, the sewer design report shall evaluate the existing 8-inch sewer main(s) from the proposed development to Sedivy Lane to verify adequate capacity is available to serve the proposed development. In addition, easements shall be provided as needed;**
- 13. 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;**
- 14. 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;**
- 15. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;**
- 16. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
- 17. Prior to submittal of a Final Plat application, the associated Rezoning application (19RZ014 and 19RZ015, shall be approved by City Council to allow the proposed lot size(s);**
- 18. 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;**

19. 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,
 20. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. . (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)
11. No. 19PD019 - Lamperts Addition No. 2

A request by Fisk Land Surveying & Consulting Engineers, Inc for Juniper Restaurant to consider an application for a **Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant** for Lots 1 thru 9 and Lot 10A in Block 5 of Lamperts Addition No. 2 and the E1/2 and the W1/2 of vacated Canal Street adjacent to said Block 5, in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 405 Canal Street.

Lacock presented the application and reviewed the associated slides. Lacock stated that this is located in what was the old Landstoms Gold Building located at 405 Canal Street. Lacock noted that this is a continuation of redevelopment that has been occurring in this area and is a complimentary use to the other uses in the building. Lacock reviewed the operation plan indicating that it appears the use should integrate well with the other uses in the building. Lacock noted that plans identify an outdoor patio that will be fenced off with access from inside the building. Lacock presented staff's recommendation that the Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant be approved.

In response to a question from Gollhofer regarding the shared parking for all of the uses, Lacock stated that the parking appears to be working, but noted that the patrons are being encouraged to use all the parking that is available and not just the closest lot.

Caesar moved, Herr seconded and the Planning Commission approved the Major Amendment to a Planned Development Overlay with the following stipulations:

1. **Acknowledge the Exception to reduce the minimum required parking from 175 parking spaces to 117 parking spaces;**
2. **Acknowledge the Exception to waive the required number of landscaping islands from two to zero, provided that a landscaping node around the proposed menu board be provided as shown on submitted plans in order to provide separation between the drive through lane and the parking lot. All landscaping shall be maintained in a live vegetative state and replaced when necessary;**
3. **Acknowledge the Exception to reduce the required amount of landscaping points from 68,718 points to 57,724 points;**
4. **All signage shall comply with the requirements of the Rapid City Municipal Code. Electronic or Light Emitting Diode (LED) message centers are not permitted as a part of this request. The addition of LED message centers in the future shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;**

and,

5. **This Major Amendment to a Planned Development shall allow for an on-sale liquor establishment in conjunction with a restaurant on the property. The on-sale liquor use shall be operated in compliance with the submitted operations plan. Any expansion of the on-sale liquor use or patio area shall require a Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon an approved Building Permit and provision of sufficient parking. All conditional uses or any use that results in an increase in parking shall require a Major Amendment to the Planned Development. . (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

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

12. Discussion Items
None

13. Staff Items
None

14. Planning Commission Items
 - A. Planning Commission Liaison for the June 17, 2019 City Council Meeting will be Justin Vangraefschepe.

There being no further business, Gollither moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:15 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)