

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
July 25, 2019

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

MEMBERS ABSENT: John Herr

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Tim Behlings, Todd Peckosh, Ted Johnson, Wade Nyberg and Andrea Wolff.

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

1. Approval of the June 20, 2019 Zoning Board of Adjustment Meeting Minutes.

Caesar moved, Bulman seconded and the Zoning Board of Adjustment approved the June 20, 2019 Zoning Board of Adjustment Meeting Minutes.

2. No. 19VA005 - The Cottonwoods

A request by Larry Wright to consider an application for a **Variance to reduce side yard setback from 8 feet to 5 feet** for Lot 24 thru 26 of Block 7, of The Cottonwoods, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2109 6th Avenue.

Green presented the application and reviewed the associated slides. Green indicated that in reviewing the application it was identified that there are options for the garage to be shifted to allow the requested size, relocated to allow the requested size or to build a smaller garage. Green stated that based on these reasons, staff recommends that the **Variance to reduce side yard setback from 8 feet to 5 feet** be denied as it is not the minimal adjustment needed to allow reasonable use of the property.

Bulman noted that in viewing the information presented that there are numerous options so she would not be able to support this request.

In response to a question from Hoogestraat if it could be rebuilt as a carport. Fisher clarified that any structure, including a carport, would be required to meet setbacks.

Larry Wright, 2109 6th Avenue, reviewed the reasons for the placement of the garage noting that there is a stump in the back yard that would deter the construction of the garage in that area. He stated that this is the only place he can build the garage and that he needs the garage to be the size requested to allow him reasonable use of the land. Wright stated he works on cars and the additional space would allow him that use. Wright also spoke to his knowledge of construction and the work he has already done to improve the property.

Ottenbacher stated that appreciates the applicant's desire to build in the same location as the previous structure, but he noted that there does not appear to be a hardship since there are other options available.

Wright spoke to the need for the specific placement of the garage and the size requested.

Hoogestraat stated that he would tend to support the request as the applicant is attempting to improve the property.

Vangraefschepe stated that a foundation with piers would be required in order to construct the garage and that the existing parking pad is non-relevant as a new foundation would still be required. Vangraefeschepe stated that the requirement for the new foundation would allow the garage to be built in another location.

Wright stated that the only stable location to build the garage is on the existing parking pad.

Huus stated that he believes the garage could be shifted since the foundation would be required anyway.

Wright reviewed the reasons he believes the Variance should be granted noting that it is the only place to build.

Bulman moved, Vidal seconded and the Zoning Board of Adjustment denied the Variance request to reduce the required side yard setback from 8 feet to 5 feet for an accessory structure based on the criteria that it is not the minimum adjustment necessary to allow reasonable use of the property. (8 to 1 with Braun, Bulman, Caesar, Golliher, Huus, Quasney, Vangraefschepe and Vidal voting yes and Hoogestraat voting no).

3. Discussion Items
None
4. Staff Items
None
5. Zoning Board of Adjustment Items
None

There being no further business, Golliher moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:55 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, Quasney, Vangraefschepe and Vidal voting yes and none voting no).

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 25, 2019

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

MEMBERS ABSENT: John Herr

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

Braun called the meeting to order at 7:22 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.

Planning Commission requested that Items 6, 10 and 11 be removed from the Consent Agenda for separate consideration.

Motion by Bulman, seconded by Gollhofer and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 12 in accordance with the staff recommendations with the exception of Items 6, 10 and 11. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 20, 2019 Planning Commission Meeting Minutes.
2. No. 19PL042 - Darlington Estates Subdivision No. 2
A request by Fisk Land Surveying & Consulting Engineers, Inc for Magheramore, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 to 23 of Darlington Estates Subdivision No. 2, legally described as that portion of the NE1/4 lying west of the railroad right-of-way, less Darlington Estates Subdivision and the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 in Section 34, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Kimberwick Road.

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

1. **Upon submittal of a Development Engineering application, construction plans for Kimberwick Road, 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 with dry sewer and water mains designed and constructed pursuant to Figure 3-1 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;
2. Upon submittal of a Development Engineering application, construction plans for Darlington Court, Kimberwich Court and Magheramore Court, lane place streets, shall be submitted for review and approval showing the street(s) located in a minimum 50-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with dry sewer and water mains designed and constructed pursuant to Figure 3-1 or the approval of an Exception shall be required. In addition, the cul-de-sac bulb shall be constructed pursuant to Figure 2.13 of the Infrastructure Design Criteria Manual or an Exception shall be required. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;
 3. Prior to submittal of a Development Engineering Plan application, construction plans for each of the proposed streets shall be submitted for review and approval showing the construction of sidewalk as a subdivision improvement or a Variance shall be required from the City Council;
 4. 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;
 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. 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. If determined that domestic flows and required fire flows cannot be provided, then a Covenant Agreement shall be submitted for recording with the Final Plat application stating that fire sprinkler protection shall be provided in all new residential structures or 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;
 6. Upon submittal of a Development Engineering Plan application, soils data for the proposed lots demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval;
 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 plan shall evaluate

existing drainage including but not limited to the capacity of existing drainage, dam, pond and railroad culvert crossing. The drainage report shall also address storm water quantity control and storm water quality treatment. In addition, easements shall 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, an alternate street name for Kimberwick Court shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the approved street name shall be shown on the Final Plat document;
12. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal;
13. 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;
14. 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,
15. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

3. No. 19RZ022 – Scotland Hills Subdivision

A request by Dream Design International, Inc for Eileen and Edward Eller to consider an application for a **Rezoning Request from General Agricultural District to Low Density Residential District** for the N1/2 of the SE1/4 less right-of-way; the N1/2 of the S1/2 of the SE1/4 located in Section 14, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located west of the current terminus of W. Minnesota Street, east of Mt. Rushmore Road.

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

4. No. 19PL049 – Scotland Hills Subdivision

A request by Dream Design International, Inc for Eileen and Edward Eller to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 37 of Block 1 of Scotland Hills Subdivision, legally described as the N1/2 of the SE1/4 less right-of-way; the N1/2 of of the S1/2 of the SE1/4 located in Section 14, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally

described as being located west of the current terminus of W. Minnesota Street, east of Mt. Rushmore Road.

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

- 1. Prior to submittal of a Development Engineering application, the applicant shall continue to coordinate the design of the water system with City staff to ensure that City criteria and design standards are being met;**
- 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. 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 W. Minnesota 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 bulbs shall be constructed pursuant to Figure 2.13 and the turnarounds with islands shall be constructed pursuant to Section 2.20.1(2) of the Infrastructure Design Criteria Manual or an Exception shall be required. 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, 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;**
- 5. 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, easements shall be provided as needed;**
- 6. 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**

7. **addition, easements shall be dedicated as needed;**
 7. **Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required;**
 8. **Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;**
 9. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
 10. **Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential District;**
 11. **Prior to submittal of a Final Plat application, the plat document shall be revised to show W. Minnesota Road as W. Minnesota Street;**
 12. **Prior to submittal of a Final Plat application, a Wild Land Fire Mitigation Plan shall be entered into with the Fire Department;**
 13. **Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording securing fire sprinkler protection for all lots and that acceptable building materials and vegetation as per the Rapid City Wildland Urban Interface Standards shall be utilized as per approved Exception 19EX089;**
 14. **Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording securing maintenance of the proposed landscape islands within the street right-of-way;**
 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.**
5. No. 19PL052 - Hills View Subdivision
A request by Davis Engineering, Inc for Reub Family Trust to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 8A and 8B of Hills View Subdivision, legally described as Lot 8 of Hills View Subdivision, located in the NE1/4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1171 Valley Drive.

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

1. **Prior to submittal of a Final Plat application, the approval of an Exception is required to allow 94 dwelling units with one point of access in lieu of a maximum of 40 dwelling units as per Section 2.6 of the**

Infrastructure Design Criteria Manual;

2. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of five additional feet of right-of-way along Hillside Drive or the approval of an Exception is required. If an Exception is obtained, a copy of the Exception shall be submitted with the Final Plat application;**
3. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of 34-feet of right-of-way from the center of the section line highway along Valley Drive or the approval of an Exception is required. If an Exception is obtained, a copy of the Exception shall be submitted with the Final Plat application; and,**
4. **Prior to submittal of a Final Plat application, the plat document shall be revised to address comments from the Register of Deed's Office as follows: a) The plat title shall be revised to read Lot 8 of Hills View Subdivision in the "formerly" description; b) A signature line shall be added for the notary of the owner acknowledgment to sign; and, c) The notary acknowledgment for the owners shall read "trustees of the trust".**

*7. No. 19PD026 - DDE Subdivision

A request by A1 Construction for Little Owls Daycare and Preschool to consider an application for a **Major Amendment to a Planned Development to expand an existing child care** for Lot 1 of Lot A of D D E Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 110 North Cambell Street.

Planning Commission approved the Major Amendment to a Planned Development Overlay to expand an existing childcare center with the following stipulations

1. **Prior to issuance of a Building Permit, the site plan shall be revised to show a minimum of one ADA "Van Accessible" space;**
2. **All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a 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,**
3. **The Major Amendment to a Planned Development Overlay shall allow a childcare center operated in compliance with the applicant's operational plan and the approved site plan(s). Changes in the operator of this facility shall require a Major Amendment to the Planned Development Overlay. All requirements of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Major Amendment to a Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the**

General Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the General 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.

8. No. 19RZ023 - Section 5, T1N, R8E

A request by Brian Watland for Western Dakota Technical College to consider an application for a **Rezoning Request from Low Density Residential District to Public District** for the NW1/4 of Government Lot 1 and the NE1/4 of Government Lot 2, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Mickelson Drive, west of Valle Drive and north of Homestead Street.

Planning Commission recommended that the Rezoning Request from Low Density Residential District to Public District be approved.

*9. No. 19PD027 - Johnson Ranch Subdivision

A request by Dream Design International, Inc for Yasmeen Dream, LLC to consider an application for a **Final Planned Development Overlay to allow a residential development** for that portion of Johnson Ranch Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northeast Corner of Lot 38 of Block 2, of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence (1) South 89°55'08" East, a distance of 419.48 feet; Thence (2) South 00°14'11" West, a distance of 107.00 feet; Thence (3) North 89°55'08" West, a distance of 94.88 feet; Thence (4) South 00°06'03" West, a distance of 175.40 feet; Thence (5) North 89°54'15" West, a distance of 322.00 feet; Thence (6) North 00°06'03" East, a distance of 175.42 feet; Thence (7) North 89°53'57" West, a distance of 7.62 feet; Thence (8) North 00°14'11" East, a distance of 106.88 feet to the point of beginning, more generally described as being located east of the intersection of Johnson Ranch Road and Provider Boulevard.

Planning Commission approved the Final Planned Development Overlay to allow a residential development with the following stipulations:

- 1. The previously granted exception is hereby acknowledged to allow a reduced minimum lot size of 4,922 square feet in lieu of 6,500 square feet required;**
- 2. The previously granted exception is hereby acknowledged to allow a reduced minimum lot width at the front building line of 46 feet in lieu of 50 feet required;**
- 3. The previously granted exception is hereby acknowledged to allow a maximum lot coverage of 35% in lieu of 30% allowed;**

4. Prior to issuance of a Building Permit, construction on Provider Boulevard to East Saint Patrick Street to provide a second access for the development shall resume or an Exception to allow more than 40 dwelling units with one point of access shall be obtained;
5. Prior to issuance of a Certificate of Occupancy, a Final Plat application for the proposed lots shall be submitted for review and approval;
6. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Final 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 residential development in the Low Density Residential District. All requirements of the Low Density Residential 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 Low Density Residential District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the Low Density Residential 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.

*12. No. 19UR014 - Feigel Subdivision #2

A request by Dream Design International, Inc for Community Enhancement LLC to consider an application for a **Conditional Use Permit to allow a childcare in the General Commercial District** for Lot 3 of Feigel Subdivision #2, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1111 E. North Street.

Planning Commission approved the Conditional Use Permit to allow a childcare center with the following stipulation(s):

1. Upon submittal of a Building Permit, a site plan showing dimensions of the loading and unloading area shall be submitted for review and approval;
2. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message

centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;

3. The proposed childcare center shall operate in compliance with the submitted operations plan and all approved plans. Changes in the operator of this facility shall require a Major Amendment to the Conditional Use Permit; and,
4. The Conditional Use Permit shall allow a childcare center for a maximum of 400 children and 22 staff members. No outdoor play area is being approved with this Conditional Use Permit. Any expansion of the childcare center, including outdoor play area, shall require a Major Amendment to the Conditional Use Permit. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit.

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

---END OF CONSENT CALENDAR---

*6. No. 19UR012 - Rapid City Greenway Tract

A request by Scull Construction Service, Inc for Canyon Lake Little League to consider an application for a **Major Amendment to a Conditional Use Permit to allow a structure in the Flood Hazard District** for Tract 8 (also in Section 4 and 10) of Rapid City Greenway Tract, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Jackson Boulevard.

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

Golliher moved, Quasney seconded and the Planning Commission approved the Major Amendment to a Conditional Use Permit to allow a structure in the Flood Hazard District with the following stipulations:

1. Prior to issuance of a Building Permit, the site plan shall be revised to show the proposed batting cage located a minimum of five feet away from any existing Rapid City water or sewer mains;
2. A Floodplain Development Permit shall be obtained prior to issuance of a Building Permit;
- 3.. The requested Major Amendment to the Conditional Use Permit shall allow a structure in the Flood Hazard District. The batting cage shall operate in compliance with the approved operations plan and in compliance with all requirements of the Flood Hazard District. Any change in use or expansion in use that is a conditional use within the Flood Hazard District shall require a Major Amendment to the

Conditional Use Permit. (9 to 0 to 1 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Quasney, and Vidal voting yes and none voting no and Vangraefschepe abstaining)

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

*10. No. 19PD029 - Orchard Meadows Subdivision

A request by Dream Design International, Inc for Yasmeen Dream, LLC to consider an application for an **Initial Planned Development Overlay with a Final Planned Development Overlay on a portion of the property to allow a residential development** for Track L of Orchard Meadows Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elderberry Boulevard.

In response to questions from Ottenbacher on the number of units listed in the Project Report Fisher noted that staff wanted to draw Planning Commission's attention to the applicant changed plans from apartment to townhome. Fisher further reviewed that the lots are being requested to be sized for townhome development. Fisher stated that staff recommends that the Initial Planned Development Overlay with a Final Planned Development Overlay on a portion of the property to allow a residential development be approved with the stipulations noted in the Project Report.

Bulman moved, Caesar seconded and the Planning Commission approved the Initial Planned Development Overlay with a Final Planned Development Overlay on a portion of the property to allow a townhome development with the following stipulations:

- 1. The Initial Planned Development shall include all of Tract L. The Final Planned Development shall include that portion of Tract L to be known as Lots 1A thru 7B of Block 1 and Lots 1A thru 5B of Block 2;**
- 2. The Exception to reduce the individual townhome lot size of 4,000 square feet is hereby granted contingent upon an average density of 4,000 square feet per townhome unit for the development as a whole being provided;**
- 3. Prior to issuance of a Building Permit, a Final Planned Development Overlay and a Final Plat shall be reviewed and approved;**
- 4. The existing lift station may serve 27 additional dwelling units. Prior to issuance of a building permit for more than 27 dwelling units, the lift station, force main and related appurtenances shall be functioning and accepted by Rapid Valley Sanitary District;**
- 5. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be reviewed and approved if applicable; and,**
- 6. This Planned Development Overlay shall allow for a townhome development on the subject property. Other permitted uses within the Medium Density Residential District in compliance with Rapid City Municipal Code shall be allowed with the approval of a Building Permit.**

Any conditional use within the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, 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.

11. No. 19RZ024 - Section 9, T1N, R8E

A request by Dream Design International, Inc for Yasmeen Dream, LLC to consider an application for a **Rezoning Request from General Agricultural District to Medium Density Residential District** for the described balance of Tract A of E1/2SW1/4 and W1/2SE1/4 less Lot H1 lying east of the Elk Vale Road right of way, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows, Commencing at the Northwest corner of the balance of Tract A of the E1/2SW1/4 and of the W1/2SE1/4 Less Lot H1 lying east of the Elk Vale Road Right-of-way, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence (1) North 89°57'49" East, 721.42 feet; Thence (2) South 26°19'05" East, 262.35 feet; Thence (3) North 84°35'05" West, 261.79 feet; Thence (4) South 4°04'22" East, 61.09 feet; Thence (5) North 89°34'29" West, 129.14 feet; Thence (6) South 26°04'01" West, 136.96 feet; Thence (7) South 9°49'17" West, 130.11 feet; Thence (8) South 0°26'39" East, 62.94 feet; Thence (9) South 17°03'28" East, 131.27 feet; Thence (10) South 52°06'40" East, 123.83 feet; Thence (11) South 58°56'31" East, 93.09 feet; Thence (12) North 38°44'19" East, 42.60 feet; Thence (13) South 1°55'30" East, 177.93 feet; Thence (14) North 80°32'03" East, 63.04 feet; Thence (15) North 41°17'41" East, 27.50 feet; Thence (16) South 81°02'48" East, 65.23 feet; Thence (17) South 51°48'30" East, 128.12 feet; Thence (18) South 0°02'20" West, 377.52 feet; Thence (19) South 18°27'34" East, 87.20 feet; Thence (20) South 31°49'43" East, 43.45 feet; Thence (21) South 0°01'06" East, 114.69 feet; Thence (22) North 83°13'03" West, 57.84 feet; Thence (23) South 49°02'58" West, 75.42 feet; Thence (24) South 22°18'43" West, 70.38 feet; Thence (25) North 30°57'17" West, 30.14 feet; Thence (26) North 42°23'28" West, 76.08 feet; Thence (27) North 48°41'23" West, 67.74 feet; Thence (28) North 66°54'57" West, 46.84 feet; Thence (29) North 80°25'18" West, 140.67 feet; Thence (30) North 88°43'12" West, 113.09 feet; Thence (31) North 86°25'43" West, 145.11 feet; Thence (32) South 70°43'18" West, 148.66 feet; Thence (33) North 88°42'53" West, 104.40 feet; Thence (34) North 79°58'45" West, 38.14 feet; Thence (35) North 62°52'58" West, 24.41 feet; Thence (36) North 11°01'38" East, 221.56 feet to the beginning of a curve concave westerly, said curve has a radius of 3,012.63 feet; Thence (37) northerly along said curve through a central angle of 12°00'28" an arc distance of 631.37 feet to a point of tangency; Thence (38) North 0°58'44" West, 411.84 feet; Thence (39) South 81°22'46" East, 47.97 feet; Thence (40) South 8°37'14" West, 129.78 feet; Thence (41) South 55°31'46" East, 169.17 feet; Thence (42) North 2°37'14" East, 205.00 feet; Thence (43) North 8°30'45" East, 50.00 feet; Thence (44) North 81°29'15" West, 187.14 feet; Thence (45) North 0°58'44" West, 184.66 feet to the beginning

of a curve concave easterly, said curve has a radius of 2,141.83 feet; Thence (46) northerly along said curve through a central angle of 3°00'58" an arc distance of 112.75 feet; Thence (47) North 74°01'28" East, 0.00 feet to the point of beginning.

In response to Ottenbacher question on what the Future Land Use Employment Center entails and if it supports this use, Fisher explained how the planned use for the development would allow residential. Fisher further explained how this area is planned and that the next update to the Comprehensive Plan would show this area's Future Land Designation as Urban Commercial which would address this need. Fisher stated that staff recommends that the Rezoning Request from General Agricultural District to Medium Density Residential District be approved.

Caesar stated that she is excited to see this development happen.

Caesar moved, Galliher seconded and the Planning Commission recommended that the Rezoning Request from General Agricultural District to Medium Density Residential District be approved. (9 to 0 with Braun, Bulman, Caesar, Gollither, Hoogestraat, Huus, Quasney, Vangraefschep and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

13. No. 19VR003 - Airport Addition

A request by Fisk Land Surveying and Consulting Engineers, Inc for David Ritter to consider an application for a **Vacation of Right-of-Way** for that portion of Wood Avenue right-of-way adjoining Blocks 11 and 12 of Airport Addition, located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Wood Avenue lying south of Knollwood Drive.

Lacock stated that the applicant has requested that the item be continued to the August 8, 2019 Planning Commission meeting and as such staff is recommending that the Vacation of Right-of-Way be continued to the August 8, 2019 Planning Commission Meeting.

Bulman moved, Huus seconded and the Planning Commission continued the Vacation of Right-of-Way be continued to the August 8, 2019 Planning Commission meeting at the applicant's request. (9 to 0 with Braun, Bulman, Caesar, Gollither, Hoogestraat, Huus, Quasney, Vangraefschep and Vidal voting yes and none voting no)

*14. No. 19UR013 - South Boulevard Addition

A request by Krista L. Shipley to consider an application for a **Conditional Use Permit to allow an on-sale liquor in conjunction with a sign shop** for Lots 1 thru 4 of Block 26, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 705 Indiana Street.

Lacock presented the application and reviewed the associated slides. Lacock noted

that the request is for a class or workshop based use and based on the operation plan submitted it should have a minimal impact on the adjacent residential district. Lacock stated that staff recommends the Conditional Use Permit to allow an on-sale liquor in conjunction with a sign shop be approved with stipulations noted in the Project Report.

In response to a question from Bulman on the landscaping, Fisher stated that staff would contact the property owner to let him know the landscaping be bought into compliance.

In response to Vidal asking about the existing sign, Fisher stated that the sign will be maintained by the property owner.

In response to a question from Braun on the impact of the casino on the neighborhood, Fisher reviewed the history of the property and noted that the impact has not called undo attention.

Caesar moved, Golliher 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 sign shop approved with the following stipulation(s):

- 1. 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,**
- 2. The Major Amendment to a Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a sign shop operated in compliance with the applicant's operations plan. The applicant shall be in compliance with the operations plan 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. (9 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

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*15. No. 19PD028 - Enchanted Hills #2

A request by Gary Sabers of Morton Buildings, Inc for Jessica Smith to consider an application for a **Final Planned Development Overlay to allow an oversized garage** for Lot 16 of Enchanted Hills #2, located in Section 23, T1N, R7E, BHM,

Rapid City, Pennington County, South Dakota, more generally described as being located 1408 Panorama Circle.

Lacock presented the application and reviewed the associated slides. Lacock indicated that in reviewing the application it was discovered that there is a septic line that runs through the proposed construction site noting that the one of the stipulations addresses the need to move the septic line. Lacock stated that the applicant is requesting three Exceptions. An Exception to allow an accessory structure with a height of 16-feet 8-inches in lieu of the maximum allowed height of 15 feet which staff supports as the area that the garage is to be built sits lower than the rest of the property reducing the impact of the height. An Exception to allow an over-sized garage measuring 2,149 square feet in size, in lieu of the maximum allowed 1,500 square feet, which staff supports as the garage is set back from the street and neighboring structures which helps reduce the impact on surrounding properties. However, staff does not support the request to allow the Exception to waive the requirement to pave the first 50-feet of the driveway as most of the homes in the area have paved driveways and wanting to avoid tracking mud or gravel onto the road and the dust factor. Lacock presented staff's recommendation to grant the Exceptions for height and the oversized garage and to deny the Exception to pave the driveway. Staff recommends that the Final Planned Development Overlay to allow an oversized garage be approved with the stipulations noted in the Project Report.

Huus moved to approve to approve as recommended by staff, Bulman seconded.

Jessica Smith, 1408 Panorama Circle, stated that they plan to use recycled asphalt for the drive and asked if that would qualify as pavement.

Peckosh stated that recycled asphalt is not considered a hard surface and therefore does not qualify as paved surface.

Smith agreed to withdraw the Exception request to waive the requirement to pave the first 50-feet of the driveway and Fisher presented a friendly amendment to the motion to acknowledge the withdrawal. Huus and Bulman approved the amendment.

Planning Commission approved the Final Planned Development Overlay to allow an over-sized garage with the following stipulations:

- 1. An Exception to waive the requirement to pave the first 50-feet of the driveway is hereby withdrawn by the applicant;**
- 2. An Exception is hereby granted to allow an accessory structure with a height of 16-feet 8-inches in lieu of the maximum allowed height of 15 feet;**
- 3. An Exception is hereby granted to allow an over-sized garage measuring 2,149 square feet in size, in lieu of the maximum allowed 1,500 square feet;**
- 4. All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**

5. Prior to issuance of a Building Permit, the applicant shall obtain a wastewater permit to move the septic line;
6. Prior to issuance of a Building Permit, the site plan shall be revised to show sidewalk along Panorama Circle or the approval of a Variance from the City Council shall be required; and,
7. The Final Planned Development Overlay shall allow for an over-sized garage for 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 Final Planned Development Overlay. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Quasney, Vangraefschep and Vidal voting yes and none voting no)

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16. Discussion Items
None

17. Staff Items

Fisher noted that Commissioners Huus, Hoogestraat, Quasney and Gallhofer have terms that expire October 1st and she requests they email her to confirm their interest in continuing to serve on the Planning Commission and Zoning Board of Adjustment so she could let the Mayor know. Fisher asked that they do so in the next ten days.

Fisher also noted that August 7, 2019 at 9:00 a.m. is the next Coffee with Planners and the planned items of discussion will be affordable housing and revisions to the landscaping ordinance, which current planning will be heading. Fisher encouraged the Commissioners to attend.

18. Planning Commission Items
None

There being no further business, Caesar moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:55 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Quasney, Vangraefschep and Vidal voting yes and none voting no)