

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
August 8, 2019

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

MEMBERS ABSENT: Justin Vangraefschepe and Galen Hoogestraat

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Brian Staton, Todd Peckosh, Wade Nyberg, Ted Johnson and Rebel Vanloh.

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

1. Approval of the July 25, 2019 Zoning Board of Adjustment Meeting Minutes.

**Quasney moved, Bulman seconded and the Zoning Board of Adjustment approved the July 25, 2019 Zoning Board of Adjustment Meeting Minutes.**

2. No. 19VA007 - Boulevard Addition

A request by Stan and Ivy Allard to consider an application for a **Variance to reduce a side yard setback abutting a street from 35 feet to 18 feet for an accessory structure and to allow a maximum lot coverage of 34% in lieu of a 30% coverage** for Lot 1 thru 2 of Block 29 of Boulevard Addition, located Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1101 11th Street.

Green presented the application and reviewed the associated slides. Green stated the applicant intended to build a two stall garage to provide covered off street parking. Green indicated that in reviewing the application it was identified that reasonable use does exist and that other options could be used such as redesigning the proposed garage as a one stall garage and creating a concrete parking pad could provide off street parking meeting all the setbacks. Green noted staff recommends that the request be denied as it is not the minimal adjustment needed to allow reasonable use of the property.

Quasney inquired about placement of the garage. Green responded that the distance of the garage from the house is not effected by the requested Variance. Quasney then inquired about the size of the boulevard on the subject property. Green stated that the boulevard is wider along Fulton Street and other parts of town. Peckosh confirmed the boulevard in this area is much wider than the required standard right-of-way in other areas.

Stan Allard, 1101 11<sup>th</sup> Street, spoke regarding his application and noted that he believes there is a discrepancy in the city code regarding sub-collector streets and setbacks. He stated that the proposed garage would fit into the neighborhood aesthetically and explained that if they built the proposed garage to meet the required setbacks and lot coverage, it would not be large enough to serve his purpose. Allard also explained their need for off street parking due to

the Rapid City Regional Nursing facility across the street.

Huus asked if the current construction on Fulton Street would end up making the boulevard narrower. Peckosh replied that the boulevard width would remain the same. Huus then asked about corner lot setbacks and inquired as to which yard is the front yard and which yard is the side yard. Green responded that on a corner lot the front yard and the side yard would require the same front yard setback as they are both essentially front yards.

Fisher noted that there is difficulty in supporting a Variance request such as this because of the large house which is built on an average sized lot. Fisher noted that the placement of the residence only leaves room for a one stall garage and parking pad which would be reasonable use of the land.

Bulman made a motion to deny the Variance Request due to the fact that reasonable use of the land does exist. Vidal seconded the motion.

Discussion was had regarding the gravel in the driveway. Fisher verified that the first 50 feet of the driveway would be required to be paved for a building permit to be issued.

Discussion was had regarding corner lot setbacks and the wideness of the boulevard in this area. Fisher proposed to the applicant if he would be able to adjust his plans and provide a 20-foot setback verses the 18 feet that he is requesting. Allard stated that he would not have a problem adjusting his plans to provide a 20-foot setback if it was approved that way.

Bulman commented that if the applicant is willing to adjust his plans to push the setback to 20 feet verses 18 feet, she would be willing to support the Variance request. She also noted that the applicant may want to reconsider the option of building an attached garage. She stated that she will leave her motion, but that if someone would like to make a substitute motion she would be ready to approve.

Discussion was had regarding how the substitute motion should be worded and what criteria would be sited for the approval.

Huus made a substitute motion to approve the Variance request to reduce a side yard setback abutting a street from 35 feet to 20 feet for an accessory structure and to allow a maximum lot coverage of 34% in lieu of a 30% coverage siting there is a special circumstance due to the wider boulevard. Quasney seconded the motion.

Caesar requested to add a friendly amendment to the motion to site the fact that the subject property is a corner lot in addition to the wide boulevard to make a special circumstance.

Vidal requested to see the photograph of the property again and asked for clarification as to where the bushes in the alley were located. Allard confirmed the bushes were located in the alley and belong to the property owner on the other side of the alley.

Discussion was had regarding the addition of the corner lot portion of the criteria for the special circumstance with Bulman commenting that she does not believe the fact that the property is a corner lot should be part of the special circumstance criteria as there are corner lots everywhere across the city and they are not a special circumstance. She said she would support the motion without the addition of the corner lot to the criteria.

Further discussion was had regarding the addition of the corner lot issue to the special circumstance criteria resulting in Caesar agreeing to remove her friendly amendment to the motion and Huus also agreeing to remove it as well.

Ottenbacher commented that he believes reasonable use of the land does exist and will not support the Variance request.

**Huus moved, Quasney seconded and the Zoning Board of Adjustment approved the Variance request to reduce a side yard setback abutting a street from 35 feet to 20 feet for an accessory structure and to allow a maximum lot coverage of 34% in lieu of 30% allowed coverage based on the criteria that the widenss of the boulevard creates a special circumstance. (7 to 2 with Braun, Bulman, Caesar, Gollither, Huus, Quasney and Herr voting yes and with Ottenbacher and Vidal voting no).**

3. No. 19VA008 - Robbinsdale Addition No. 10

A request by Brad Madsen to consider an application for a **Variance to reduce a side yard setback for second story from 12 feet to 8.49 feet** for Lot 32 of Block 8 of Robbinsdale Addition No. 10, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 608 Odde Place.

Lacock presented the application and reviewed the associated slides. Lacock stated the applicant intends to build a two-story attached garage addition. Lacock reviewed the setback requirements for a second story addition to an existing structure. Lacock indicated that in reviewing the application it was identified reasonable use does exist and that the applicant could construct a one-story garage without needing a Variance. Lacock noted staff recommends that the request be denied as reasonable use of the property exists without the need of a Variance.

Ottenbacher left the dias at 7:38 a.m.

Discussion was had regarding setback requirements for a second story addition. Fisher and Lacock clarified the requirements and verified that the applicant has the option of building a one-story garage without the need of a Variance.

Huus asked the applicant what the intended use of the room on the second floor of the addition is intended to be.

Brad Madsen, 608 Odde Place, responded that the room will be used for office space to free up a bedroom in the house as they have 4 children and will soon

have 5 children and feel this addition will give them the space needed.

Ottenbacher returned to the dias at 7:42 a.m.

Bulman made a motion to deny the Variance request as without the second story addition reasonable use of the land exists with the ability to build a one story garage. Quasney seconded the motion.

**Bulman moved, Quasney seconded and the Zoning Board of Adjustment denied the Variance to reduce side yard setback for second story from 12 feet to 8.49 feet based on the criteria that reasonable use of the property exists. (7 to 2 with Braun, Bulman, Caesar, Gollither, Quasney, Ottenbacher and Vidal voting yes and with Herr and Huus voting no).**

4. Discussion Items
5. Staff Items
6. Zoning Board of Adjustment Items

Vidal requested to make a comment referring to Item #2 of the agenda (19VA007) – He stated he wished to clarify why he voted no and that he felt as though the encroachment on the right-of-way in the alley was ignored, and while the wideness of the boulevard would be a valid reason to approve the request, he feels the encroachment issue should have been addressed.

**There being no further business, Gollither moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:44 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no).**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 8, 2019

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

MEMBERS ABSENT: Justin Vangraefschepe and Galen Hoogestraat,

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Brian Staton, Todd Peckosh, Wade Nyberg, Ted Johnson and Rebel Vanloh.

Braun called the meeting to order at 7:44 a.m.

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

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

**---CONSENT CALENDAR---**

1. Approval of the July 25, 2019 Planning Commission Meeting Minutes.

\*2. No. 19PD030 - Mann Subdivision

A request by FMG Engineering for Ponto LLC Attention Alan and Tracy Ponto to consider an application for a **Final Planned Development Overlay to expand a childcare center** for Lot 7 of Mann Subdivision located in the SE1/4 of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3660 Sturgis Road.

**Planning Commission approved the Final Planned Development Overlay with the following stipulations:**

1. **Hereby acknowledge the previously approved Exception to reduce the minimum required parking from 99 parking spaces to 93 parking spaces;**
2. **Upon submittal of a Building Permit, a drainage plan in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval;**
3. **Any new signage shall meet the requirements of the Rapid City Sign Code. No Light Emitting Diode (LED) message centers are being approved as a part of this request. A sign permit shall be obtained for any signage; and,**
4. **The Final Planned Development Overlay shall allow for the expansion of a childcare center up to 172 children. Any change in use that is a permitted use in the General Commercial District in compliance with**

the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development Overlay.

*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.*

\*3. No. 19PD031 - Fifth Street Office Plaza

A request by Renner Associates, LLC for Fifth Street Developers, LLC to consider an application for a **Final Planned Development Overlay to allow a commercial Development** for Lot 2 of Block 2 of Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4905 5th Street.

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

1. **Upon submittal of a Building Permit, the site plan shall be revised to show a sanitary termination manhole and sewer service designed in compliance with the Infrastructure Design Criteria Manual;**
2. **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,**
3. **The Final Planned Development shall allow a commercial development in the General Commercial District. All requirements of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the 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. No electronic reader board signs are being approved as part of this Final Planned Development Overlay. All electronic reader board signs shall require review and approval of a Major Amendment to the Final Planned**

**Development Overlay.**

***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.***

4. No. 19RZ025 - Morgans Subdivision

A request by Dream Design International, Inc for Sharaf 5 Properties, LLC to consider an application for a **Rezoning request from High Density Residential District to Urban Commercial District** for Lot 23 and 24 of Block 1 of Morgans Subdivision, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 18 E. Kansas City Street.

**Planning Commission recommended to approve the Rezoning request from High Density Residential District to Urban Commercial District.**

5. No. 19PL059 - Shepherd Hills Subdivision

A request by Dream Design International, Inc for BH Capital 4, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 3 of Block 1 of Shepherd Hills Subdivision, legally described as a portion of the NE1/4 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 E. Anamosa Street south of Menards.

**Planning Commission recommended to approve the Preliminary Subdivision Plan 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. **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 shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
3. **Upon submittal of a Development Engineering Plan application, construction plans 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 shall meet criteria for obtaining an Exception or Variance (sidewalk). 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 1B, 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 the construction plans shall provide a street connection to N. Valley Drive or an Exception shall be obtained from the City Council to allow more than 40 dwelling units with one point of access;
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. 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;
  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 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;
  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 addition, easements shall be provided 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 for the required subdivision improvements;**

8. **Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
9. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
10. **Upon submittal of a Final Plat application, 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;**
11. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
12. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

6. No. 19RZ026 - Shepherd Hills Subdivision

A request by Dream Design International, Inc for BH Capital 4, LLC to consider an application for a **Rezoning request from Low Density Residential District II to Medium Density Residential District** for a portion of the NE1/4SE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest corner of the NE1/4SE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; Thence (1) South 2°06'13" West, 351.19 feet to a point of non-tangency to the point of beginning; Thence (2) South 14°51'37" East, 431.44 feet to a point of non-tangency; Thence (3) South 75°08'05" West, 131.61 feet to a point of non-tangency; Thence (4) North 2°06'13" East, 451.07 feet to the point of beginning, more generally described as being located east of E. Anamosa Street.

**Planning Commission recommended to approve the Rezoning request from Low Density Residential District II to Medium Density Residential District.**

7. No. 19PL060 - Elks Country Estates

A request by Longbranch Civic Engineering, Inc for Lee Jensen to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 2R2 of Block 6 of Elks Country Estates, legally described as Lot 2R of Block 6 and a portion of Block 6 of Elks Country Estates, located in the NW1/4 of the SE1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Willowbend Road and Augusta Drive.

**Planning Commission recommended to approve the Preliminary Subdivision Plan with the following stipulations:**

1. **Prior to submittal of a Development Engineering Plan application, redline comments on the construction drawings and the Master Plan shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;**
2. **Prior to approval of the Development Engineering Plan application,**

engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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 Willowbend Road 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 a temporary turnaround or shall meet criteria for obtaining an Exception. 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, 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 dedicated as needed;
5. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required;
6. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
8. Prior to submittal of a Final Plat application, that portion of Willowbend Road located north of Augusta Drive shall be renamed. In addition, the plat document shall show the new street name;
9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Owner's Certificate for a corporate acknowledgement. In addition, the Certificate of Finance Officer shall be revised to show the certification of the signature of the "Community Development Director" in lieu of the "Community Planning Director";
10. 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,
11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

8. No. 19PL061 - Lima Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc for Lima Properties LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Lima Subdivision, legally described as Lot 2 of Tract 4R of Arches Addition, located in Sections 11 and 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2700 Mount Rushmore Road and 751 Cathedral Drive.

**Planning Commission recommended to approve the Preliminary Subdivision Plan with the following stipulations:**

1. **Prior to submittal of a Development Engineering Plan application, redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;**
2. **Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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 the Common Access and Utility Easement shall be submitted for review and approval showing the street located in a minimum 70-foot wide easement and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street or shall meet criteria for obtaining an Exception or Variance (sidewalk). 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, the plat document shall be revised to show the dedication of four additional feet of right-of-way along Tower Road with five additional feet the first 200 feet extending south from Cathedral Drive or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
5. **Upon submittal of a Development Engineering Plan application, 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 if subdivision improvements are required. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be dedicated as needed;**
6. **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;**

7. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
9. 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,
10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

\*9. No. 19UR015 - Menard Subdivision

A request by North Creek Land Company, LLC to consider an application for a **Conditional Use Permit to allow a childcare center** for Lot 2B of Block 2 of Menard Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of E. Anamosa Street and N. Creek Drive.

**Planning Commission approved the Conditional Use Permit to allow a childcare center with the following stipulations:**

1. Upon submittal of a Building Permit, the site plan shall be revised to show sidewalk in the pedestrian access easement to Lot 2A to the north or an Exception to allow a non-standard location shall be approved;
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 103 children and 18 staff members. Any expansion of the childcare center 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---

---BEGINNING OF REGULAR AGENDA ITEMS---

10. 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 in Wood Avenue lying south of Knollwood Drive.

Lacock stated that the applicant has requested to continue the item to the August 22, 2019 Planning Commission meeting.

**Caesar moved, Huus seconded and the Planning Commission unanimously voted to continue the Vacation of Right-of-Way to the August 22, 2019 Planning Commission meeting as requested by the applicant. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Huus, Ottenbacher, Quasney, and Vidal voting yes and none voting no)**

11. Discussion Items

12. Staff Items

Ken Young commented on discussions that were had at the Coffee with Planners event that was held the day before. He wanted to express appreciation of the support and participation in the event. Young mentioned they discussed the Affordable Housing Policy that will be coming before the Planning Commission soon for their review and wanted to let the Planning Commission know that new landscape requirements will be coming to them for review soon, along with the review of the Comprehensive Plan. Young also noted to the Planning Commission that if they have not yet filled out the Affordable Housing Survey they are encouraged to do so.

13. Planning Commission Items

A. Planning Commission Liaison for the August 19, 2019 City Council Meeting will be Mike Gollither.

**There being no further business, Caesar moved, Ottenbacher seconded and unanimously carried to adjourn the meeting at 7:49 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Huus, Ottenbacher, Quasney, and Vidal voting yes and none voting no)**