

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
April 22, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Eirik Heikes, Eric Ottenbacher, Mike Quasney and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: Rachal Caesar, Mike Gollhofer, John Herr, Haven Stuck.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Marty Gillies, Kip Harrington, Sarah Hanzel, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. Approval of the April 8, 2021 Zoning Board of Adjustment Minutes.

**Bulman moved, Quasney seconded and the Zoning Board of Adjustment approved the April 8, 2021 Zoning Board of Adjustment Minutes. (7 to 0 with Arguello, Braun, Bulman, Heikes, Ottenbacher, Quasney and Vidal voting yes and none voting no)**

2. No. 21VA001 - Brookside #2

A request by Sam Deschamp to consider an application for a **Variance to reduce the front yard setback from 20 feet to 13.1 feet and to reduce the side yard setback from 8 feet to 0.3 feet** for Lot 15 of Block 12 of Brookside #2, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 628 43rd Court.

Lacock presented the application noting that the item had been continued from the April 8, 2021 Zoning Board of Adjustment to allow staff to meet with the applicant to discuss options. Lacock stated that they had met and it was decided that if the applicant could provide a 5 foot side yard setback and the Zoning Board of Adjustment determined that the location of the house on the lot preventing vehicular access to the backyard creates a special circumstance staff could support the Variance request. As such, staff recommends approval of the Variance request to reduce the front yard setback from 20 feet to 13.1 feet and the side yard setback from 8 feet to 5 feet with stipulation set out in the Project Report.

Vidal asked about any fire preventative options were being implemented, Fisher noted that providing a minimum of 5 foot, setback eliminates the need to provide fire protection materials. Fisher clarified that the special circumstance would allow the variance to be granted.

Bulman and Arguello congratulated both staff and the applicant for working together to attain a viable solution.

**Bulman moved, Vidal seconded and the Zoning Board of Adjustment determined that topographic constraints created by the location of the**

**house on the lot creates a special circumstance, staff recommends approval of the Variance request to reduce the front yard setback from 20 feet to 13.1 feet and the side yard setback from 8 feet to 5 feet with the stipulation that prior to issuance of a Building Permit the 25-foot setback line shall be vacated. (7 to 0 with Arguello, Braun, Bulman, Heikes, Ottenbacher, Quasney and Vidal voting yes and none voting no)**

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

**There being no further business Vidal moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:09 a.m. (7 to 0 with Arguello, Braun, Bulman, Heikes, Ottenbacher, Quasney and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
April 22, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Eirik Heikes, Eric Ottenbacher, Mike Quasney, and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: Racheal Caesar, Mike Golliher, John Herr, Haven Stuck.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Marty Gillies, Kip Harrington, Sarah Hanzel, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:09 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 Item 4 be removed from the Consent Agenda for separate consideration.**

**Motion by Bulman seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations with the exception of Item 4. (7 to 0 with Arguello, Braun, Bulman, Heikes, Ottenbacher, Quasney and Vidal voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the April 8, 2021 Planning Commission Meeting Minutes.

2. No. 03TI005 - Sumperpumper Addition

A request by City of Rapid City to consider an application for a **Resolution to Dissolve Tax Increment Financing District No. 40** for Lot 2, Superpumper Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the N1/2 N1/2 E1/2 SE1/4 SE1/4 less the east 90 feet, Seciton 7, T1N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located west of South Highway 79 and north of East Fairmont Boulevard.

**Planning Commission recommended approval of the Resolution to Dissolve Tax Increment Financing District No. 40.**

3. No. 05TI008 - CHMH Subdivision

A request by City of Rapid City to consider an application for a **Resolution to Dissolve Tax Increment District No. 54** for S1/2 NE1/4, including right-of-way, Section 23; N1/2 SW1/4, including right-of-way, and Lots 6-17, Block 5, including right-of-way, CHMH Subdivision, Section 24; all located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and west of Haines Avenue.

**Planning Commission recommended approval of the Resolution to Dissolve**

**Tax Increment Financing District No. 54.**

5. No. 21PL031 - Auburn Hills Subdivision

A request by Longbranch Civil Engineering, Inc for Doeck, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 40 thru 43 of Block 4, Lot 44 of Block 10, Lots 4 thru 7 of Block 11, Lots 1 thru 12 of Block 16, Lots 1 thru 20 of Block 17, Lots 1 thru 9 of Block 18, Lots 1 thru 2 of Block 19 and Lots 10 thru 11 of Block 20 of Auburn Hills Subdivision, legally described as a portion of the SE ¼ of the NE ¼ of Section 14, T2N, R7E, B.H.M., Less Auburn Hills Subdivision and a portion of the NE ¼ of the SE ¼ of Section 14, T2N, R7E, B.H.M., less Auburn Hills Subdivision, Located in the NE ¼ and in the SE ¼ of, Section 14, T2N, R7E, B.H.M, Pennington County, South Dakota, more generally described as being located at the western terminus of Coal Bank Drive.

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

1. **Upon submittal of a Development Engineering Plan application, all redlined comments shall be addressed. All redlined comments shall be returned with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for Coal Bank Drive, Cobalt Drive, and Elmstead Street 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 or an Exception shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application. Turn arounds shall be designed in compliance with Section 2 of the Infrastructure Design Criteria Manual and easements shall be provided as necessary;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for Bunker Drive, identified as a Collector Street, shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet the 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. Turn arounds shall be designed in compliance with Section 2 of the Infrastructure Design Criteria Manual and easements shall be provided as necessary;**
4. **Prior to submittal of a Development Engineering Plan application, Bunker Drive shall be relocated to align with the Major Street Plan or the applicant shall provide documentation that the adjacent property owner supports the change in alignment or the applicant shall submit a Comprehensive Plan Amendment application to change the Major Street Plan to allow the new alignment;**
5. **Upon submittal of a Development Engineering Plan application, construction plans for sidewalk abutting the “drainage lot” shall be submitted for review and approval or shall meet the criteria for a Variance from City Council. If a Variance is obtained, a copy shall be submitted with the Development Engineering Plan application;**
6. **Upon submittal of a Development Engineering Plan application, a cost**

- estimate of the required subdivision improvements shall be submitted for review and approval;
7. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) 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;
  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, a Covenant Agreement shall be entered into securing maintenance and ownership of the Drainage Lot;
  10. Upon submittal of a Final Plat application, the plat document shall show all easements as necessary, including drainage easements and utility easements;
  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;
  12. Prior to submittal of a Final Plat application, the portion of the subject property currently zoned General Agricultural District shall be rezoned to Low Density Residential District; and,
  13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).
6. No. 21RZ011 - Auburn Hills Subdivision  
A request by Longbranch Civil Engineering, Inc for Doeck, LLC to consider an application for a **Rezoning request from General Agricultural District to Low Density Residential District** for a portion of the SE ¼ of the NE ¼ of Section 14, T2N, R7E, B.H.M., Less Auburn Hills Subdivision and a portion of the NE ¼ of the SE ¼ of Section 14, T2N, R7E, B.H.M., less Auburn Hills Subdivision, Located in the NE ¼ and in the SE ¼ of, Section 14, T2N, R7E, B.H.M, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of the SE ¼ of the NE ¼ of Section 14, T2N, R7E, B.H.M., and the point of beginning; Thence, N 89°55'12" E, a distance of 979.42 feet to a point common with the northwesterly property corner of Lot 39 of Block 4 of Auburn Hills Subdivision; Thence, S 00°00'00" E a distance of 404.19 feet to a point common with the southwesterly property corner of Lot 3 of Block 11 of Auburn Hills Subdivision; Thence, N 89°52'29" E a distance of 27.63 feet to a random point along southerly border of Lot 3 Block 11 of Auburn Hills Subdivision common with the northwesterly property corner of Lot 1 Block 11 of Auburn Hills Subdivision, Thence, S 00°01'53" E a distance of 1.82 feet to a random point along westerly border of Lot 1 Block 11 of Auburn Hills Subdivision, Thence, S 89°56'29" W, a distance of 293.67 feet;

Thence, S 00°07'31" E, a distance of 238.28 feet; Thence, S 89°58'42" W, a distance of 578.66 feet; Thence, N 00°01'18" W, a distance of 14.72 feet; Thence, S 89°54'38" W, a distance of 135.00 feet; Thence, N 00°01'18" W, a distance of 629.22 feet; to the northwesterly corner of the SE ¼ of the NE ¼ of Section 14, T2N, R7E, B.H.M., and the point of beginning, more generally described as being located at the western terminus of Coal Bank Drive.

**Planning Commission recommended approval of the Rezoning request from General Agricultural District to Low Density Residential District.**

7. No. 21PL032 - Moon Meadows Park Subdivision

A request by Towey Design Group for Pink Cabin, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 12 of Block 3 of Moon Meadows Park Subdivision, legally described as the SW1/4 of the NW1/4 less Lot H1 and Lot H2 of the W1/2 of the NW1/4, less Lot H-1 of the SW1/4 of the NW1/4, less Moon Meadows Park Subdivision, less right-of-way, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Healing Way between Sammis Trail and Moon Meadows Drive.

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

1. Upon submittal of a Development Engineering Plan application, construction plans for Healing Way, a commercial street unless the subject property is rezoned from Office Commercial District to Medium Density Residential District, then the street is a local street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with an additional 10 feet of right-of-way the first 200 feet as it extends from Moon Meadows 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;
2. Upon submittal of a Development Engineering Plan application, an H Lot shall be obtained from the adjacent property to secure half the required right-of-way for Healing Way or the two property owner(s) shall combine their Development Engineering Plan application for Healing Way into one application;
3. Upon submittal of a Development Engineering Plan application, construction plans for Sammis Trail, a commercial street unless the subject property is rezoned from Office Commercial District to Medium Density Residential District, then the street is a local street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or the right-of-way shall be vacated once Moon Meadows Drive right-of-way is dedicated and the street is constructed to provide access to the south and east of the subject property. 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, documentation shall be provided verifying that the off-site channel and pond located north of the subject property is sized for this development;

5. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
  6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
  7. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) 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 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;
  8. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
  9. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
  10. Prior to submittal of a Final Plat application, the property shall be rezoned from Office Commercial District to Medium Density Residential District to allow the townhome development;
  11. Upon submittal of a Final Plat application, the plat document shall show the proposed vacation of that portion of the existing 100-foot wide access and utility easement located on the proposed lots. In addition, written documentation shall be submitted from all of the affected utility companies indicating concurrence with the request;
  12. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;
  13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
  14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
8. No. 21PL033 - Misty Meadows Subdivision  
A request by Towey Design Group for Pink Cabin, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 39 of Misty Meadows Subdivision, legally described as the N1/2 of the SW1/4 of the SW1/4 less Pine Crest Village Subdivision, less Edgewood Estates Subdivision less right-of-way, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the Misty Woods Lane and Coal Bank Drive intersection.

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

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

- estimate of the required subdivision improvements shall be submitted for review and approval;
2. Upon submittal of a Development Engineering Plan application, construction plans for Misty Woods Lane, Smoke Trail, Deep Woods Trail, and Happy Valley Lane, all identified as local streets, 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 IDCM or shall meet the 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;
  3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. 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. The water plans shall be revised to show water main being extended to the southwest corner of the property;
  4. 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;
  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 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;
  6. Upon submittal of a Development Engineering Plan application, construction plans for sidewalk abutting the “drainage lot” shall be submitted for review and approval or shall meet the criteria for a Variance from City Council. If a Variance is obtained, a copy shall be submitted with the Development Engineering Plan application;
  7. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) 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;
  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. **Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the Lot 39 designation. Instead the lot shall be labeled as a "Drainage Lot". Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into securing maintenance and ownership of the Drainage Lot;**
10. **Prior to submittal of a Final Plat application, a note shall be added to the plat document securing a 6-foot wide maintenance easement along the common lot line for the proposed townhome lots;**
11. **Prior to submittal of a Final Plat application, Deep Woods Trail shall be renamed Henderson Drive. In addition, the plat document shall be revised to show the approved street name;**
12. **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,**
13. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).**

9. 21TP003 – Rapid City Area Metropolitan Planning Organization 2020 Traffic Volume Counts Report – Informational Item

**---END OF CONSENT CALENDAR---**

4. No. 21PL030 - Moon Meadows Ridge Subdivision

A request by KLJ for Kirk Simet to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2, Lots 15 thru 21 of Moon Meadows Ridge Subdivision, legally described as the SE1/4 of the NW1/4 less Lot H-2 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Moon Meadows Drive terminus.

In response to Ottenbacher's question whether the Orthopedic Land Company owns a portion of this property, Fisher reviewed the Master Plan for the area, acknowledging that Orthopedic Land Company does own land in the area, but that this portion does not affect their property. Fisher did state that they are aware of the development and that when the phase comes forward that does affect their property they will have to sign that application.

In response to a question from Ottenbacher regarding the detention ponds identified on the plans and how they would be managed, Todd Peckosh, City Engineer, stated that they are designed to manage water runoff and should not generally be full of water. In response to the fencing, Peckosh stated that no fencing is required around the detention ponds.

**Bulman moved, Vidal seconded Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. **Upon submittal of a Development Engineering Plan application, construction plans for Moon Meadows Drive, a principal arterial street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining**

- an Exception. In addition, the surface design should be concrete matching the existing Moon Meadows Drive design. 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 Plan application, construction plans for Healing Way, a commercial street unless the property located west of the right-of-way is rezoned from Office Commercial District to Medium Density Residential District, then the street is a local street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with an additional 10 feet of right-of-way the first 200 feet as it extends from Moon Meadows 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;
  3. Upon submittal of a Development Engineering Plan application, an H Lot shall be obtained from the adjacent property to secure half the required right-of-way for Healing Way or the two property owner(s) shall combine their Development Engineering Plan application for Healing Way into one application;
  4. Upon submittal of a Development Engineering Plan application, construction plans for Sammis Trail, a local street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or the right-of-way shall be vacated once Moon Meadows Drive right-of-way is dedicated and the street is constructed to provide access to the south and east of the subject property. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
  5. Upon submittal of a Development Engineering Plan application, construction plans for Street A, a lane place cul-de-sac street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual 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;
  6. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
  7. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval or an Exception shall be obtained to waive the requirement for Phase One of the proposed development;
  8. Upon submittal of a Development Engineering Plan application, documentation that the off-site channel and pond located to the north of the subject property is sized for this development and that this development is authorized to utilize these facilities;
  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 approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage,

and pavement) 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 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;

11. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
12. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
13. Prior to submittal of a Development Engineering Plan application, if necessary, an oversize agreement shall be in place for any oversize elements such as pavement, water and sewer mains;
14. Prior to submittal of a Final Plat application, Lot 21 shall be revised removing the existing right-of-way for Sammis Trail from the lot until such time as the right-of-way is vacated;
15. Prior to submittal of a Final Plat application, a street name for "Street A" shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the approved street name shall be shown on the plat document;
16. 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 all drainage improvements;
17. 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,
18. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (7 to 0 with Arguello, Braun, Bulman, Heikes, Ottenbacher, Quasney and Vidal voting yes and none voting no).

---BEGINNING OF REGULAR AGENDA ITEMS---

\*10. No. 21PD005 - Big Sky Subdivision

A request by Jesse Herrera to consider an application for a **Final Planned Development Overlay to allow a single family residence with over sized garage** for Block 13 of Lot 6 of Big Sky Subdivision, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4324 Buddy Court.

Gillies presented the application and reviewed the associated slides stating that the proposed garage is larger than the allotted 1,500 square feet so the applicant is requesting an Exception to allow the 2,112 square feet garage, in lieu of the maximum allowed 1,500 square feet. Gillies stated that City Council has approved the second access to the property which will be taken off of Homestead Street which is located at the back of the property. Gillies noted that as the garage is

located off of a collector street the required back yard setback is 25 feet and the side yard setback is 8 feet and that the garage meets all required setbacks. Gillies said that staff recommends granting the Exception and approval of the Final Planned Development Overlay to allow a single family residence with over sized garage with stipulations outlined in the Project Report.

In response to a question from Bulman regarding the driveway, Gillies stated that it would be required to be paved.

In response to a question from Arguello regarding the stairs shown in the elevations, Jesse Herrera, 4324 Buddy Court, confirmed that there will be a loft to allow extra storage. In response to Arguellos's question on height, Gillies confirmed that the garage meets height requirements.

In response to Bulman's question about the finishing materials matching the existing primary dwelling, Fisher reviewed that this is one of the standard items staff addresses when reviewing these types of requests and confirm that they will match requirements.

In response to a question from Heikes regarding sidewalks along Homestead Street with the completion of Homestead Street, Fisher stated that sidewalks will be required as part of a building permit.

Evans noted that the Council had extensive discussions on the access off of Homestead but that felt considering the future development along the road with other accesses reduced the impact and thanked Planning Commission for working to ensure that the setbacks and residential status of the garage are maintained.

**Vidal moved, Quasney seconded and the Planning Commission approved the Final Planned Development Overlay to allow an over-sized garage with the following stipulations:**

- 1. An Exception is hereby granted to allow garage area measuring 2,112 square feet in size, in lieu of the maximum allowed 1,500 square feet;**
- 2. All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 3. The proposed detached garage shall match the dwelling in materials and in color; and,**
- 4. The Final Planned Development Overlay shall allow for an over-sized garage in conjunction with a single-family residence and an attached garage on the property. The garages shall not be used for commercial purposes or as a second residence. In addition, the garages shall not be used as a rental unit. Any change in use that is a permitted use in the Medium Density Residential District shall require a Building Permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (7 to 0 with Arguello, Braun, Bulman, Heikes, Ottenbacher, Quasney 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. Discussion Items

Fisher thanked the alternates for being active, informed and availability when needed.

Fisher informed the Planning Commission that this is Marty Gillies' last meeting as he will be leaving his position to return to his home state of Ohio and wished him well in his future endeavors.

Fisher stated that staff is hoping to schedule a Coffee with Planners in May and that they will be scheduling that to be held at the Civic Center and further information should be forthcoming.

12. Staff Items

None

13. Planning Commission Items

None

**There being no further business, Bulman moved, Heikes seconded and unanimously carried to adjourn the meeting at 7:31 a.m. (7 to 0 with Arguello, Braun, Bulman, Heikes, Ottenbacher, Quasney and Vidal voting yes and none voting no).**