

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
August 25, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, John Herr, Galen Hoogestraat, Linda Marchand, Steve Rolinger, Kim Schmidt, Andrew Scull and Jan Swank. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Mark Jobman

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Patsy Horton, Tim Behlings, Dale Tech, Ted Johnson, Carla Cushman and Andrea Wolff.

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

1. Approval of the May 26, 2016 Zoning Board of Adjustment Meeting Minutes.

**Bulman moved, Rolinger seconded and unanimously carried to approve the May 26, 2016 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Marchand, Rolinger, Scull, and Swank voting yes and none voting no)**

2. No. 16VA004 - Canyon Lake Heights Subdivision Section 9

A request by Justin and Laura Klapperich to consider an application for a **Variance to allow a 6 foot high fence in lieu of 4 feet high fence** for Lot B of Lot 1 of Block 8 of Canyon Lake Heights Section 9, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3100 Iris Drive.

Lacock presented the application noting that this particular property has three frontages which restricts the ability for a fence on the property as the Rapid City Municipal Code requires front yard fences be no higher than 4 feet. The applicant is requesting a Variance to allow the six foot high fence in lieu of a four foot high fence. Lacock noted that the proposed fence will not extend into any of the sight triangles and as such, staff recommends that the **Variance to allow a 6 foot high fence in lieu of 4 feet high fence** be approved citing the three adjacent streets as a special circumstance.

**Bulman moved, Marchand seconded to approve the Variance to allow a 6 foot high fence in lieu of 4 feet high fence be approved with the following stipulation based on the special circumstances of the property abutting streets along three lot lines with the stipulation that;**

1. **The applicant shall confirm the location of the property pins and construct the fence on the property.**

3. Discussion Items

None

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

**There being no further business, Rolinger moved, Swank seconded and unanimously carried to adjourn the meeting at 7:07 a.m. (9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Marchand, Rolinger, Scull, and Swank voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 25, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, John Herr, Galen Hoogestraat, Linda Marchand, Steve Rolinger, Kimberly Schmidt, Andrew Scull and Jan Swank. Dara Drew, Council Liaison was also present.

MEMBERS ABSENT: Mark Jobman

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Patsy Horton, Tim Behlings, Dale Tech, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:07 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.**

**Staff requested that Item 5 be removed from the Consent Agenda for separate consideration.**

**Schmidt requested that Items 2 be removed from the Consent Agenda for separate consideration. Scull requested that Items 3 and 4 be removed from the Consent Agenda for separate consideration**

**Motion by Rolinger seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Items 2, 3, 4 and 5. (9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Marchand, Rolinger, Scull and Swank voting yes and none voting no)**

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

1. Approval of the August 4, 2016 Planning Commission Meeting Minutes.

\*6. No. 16UR018 - Rapid City Greenway Tract

A request by Carly Kraemer for Hills Alive Festival to consider an application for a **Conditional Use Permit to allow a music festival** for Tract 20 less Lot H1, Rapid City Greenway Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between Mount Rushmore and 5th Street.

**Staff recommends that the requested Major Amendment to the Conditional Use Permit to allow a music festival to be located in the Flood Hazard District be approved with the following stipulations:**

- 1. A temporary use permit shall be obtained prior to each annual event;**
- 2. Prior to issuance of a temporary use permit for each event, Hills Alive shall enter into an agreement with Rapid City Parks and Recreation**

- for the reclamation and rehabilitation of Memorial Park immediately following each event;
3. Prior to issuance of a temporary use permit, a copy of all emergency evacuation plans shall be submitted to Pennington County Emergency Management and the Rapid City Fire Department for review and approval. Prior to commencement of the event all tents and other facilities shall receive inspection and approval from the Rapid City Fire Department. All electrical services shall comply with all applicable provisions of the Uniform Building and Electrical Codes. In addition, security shall be provided at all times during the event and a weather radio shall be on-site and monitored at all times;
  4. Prior to issuance of a Temporary Use Permit, a traffic plan shall be submitted to the Rapid City Police Department for review and approval.
  5. A Floodplain Development Permit shall be obtained prior to each event;
  6. Restroom facilities shall be provided to ensure adequate service for the anticipated number of people attending the event;
  7. Handicap accessibility shall be provided and maintained throughout the site as necessary.
  8. Overnight prayer shall be permitted in a festival tent on Saturday night of each event, each year. No speakers, microphones, or amplification shall be utilized during overnight activities. No camping shall be permitted.
  9. All signage shall comply with the requirements of the Rapid City Sign Code. No signage shall be permitted on any temporary or permanent fencing within the Park. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this request. A sign permit shall be obtained for each sign.
  10. The requested Major Amendment to the Conditional Use Permit shall allow a music festival to operate for three years, beginning in 2017, within Memorial Park. The festival shall operate in compliance with the approved operations plan and in compliance with all requirements of the Flood Hazard District. Any modifications to the operations plan and/or site plan which increase the size, scale, or scope of the event or any changes to the operator of the event shall require a Major Amendment to the Conditional Use Permit. Any modifications to the operations plans which introduce conditional uses to the event shall require a Major Amendment to the Conditional Use Permit. The Conditional Use Permit shall expire after three years from the date of approval unless renewed or a new Conditional Use Permit must be obtained.

***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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

7. 16TP017 – 2017-2020 Transportation Improvement Program

**Staff recommends that the 2017-2020 Transportation Improvement Program be approved.**

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

2. No. 16RZ029 - Original Town of Rapid City

A request by Dirk Jablonski, ACES for Mike Kuhl, Pennington County to consider an application for a **Rezoning from High Density Residential District to Public District** for Lots 29 thru 32 of Block 107 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 308 Quincy Street.

Schmidt stated that she would be abstaining due to a conflict of interest.

**Marchand moved, Rolinger seconded to recommend that the request to rezone property from High Density Residential District to Public District be approved. (9 to 0 to 1 with Braun, Brewer, Bulman, Herr, Hoogestraat, Marchand, Rolinger, Scull and Swank voting yes and none voting no and Schmidt abstaining)**

3. No. 16VR009 - LaGrand Subdivision

A request by KTM Design Solutions for Duane C Pankratz to consider an application for a **Vacation of Section Line Right-of-Way** for that portion of the Section Line Right-of-Way in Lot 2 of Block 1 of LaGrand Subdivision located in the SE1/4 of the SE1/4 of Section 28 and in the NE1/4 of the NE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and Lot 1 of Block 1 of LaGrand Subdivision, located in the SE1/4 of the SE1/4 of Section 28 and in the NE1/4 of the NE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Eglin Street and west of North Elk Vale Road.

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

**Swank moved, Rolinger seconded and unanimously carried to recommend that the Vacation of Section Line Right-of-Way be approved with the following stipulation:**

- 1. Prior to City Council approval, the utility easement proposed for this area shall be recorded at the Register of Deed's office. (8 to 0 to 1 with Braun, Brewer, Bulman, Herr, Hoogestraat, Jobman, Marchand, Rolinger and Swank voting yes and none voting no and Scull abstaining)**

\*4. No. 16PD038 - Marlin Industrial Park

A request by Dana Foreman of KLJ for TPI Properties, LLC to consider an

application for a **Final Planned Development Overlay to allow industrial offices and warehousing** for Lot 9 of Marlin Industrial Park, located in the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Marlin Drive and Creek Drive.

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

**Swank moved, Rolinger seconded and unanimously carried to recommend that the requested Final Planned Development be approved with the following stipulations:**

1. **Prior to issuance of a building permit, plans shall be revised to identify all areas to be utilized for parking/circulation as well as all areas to be utilized for storage. All areas to be utilized for parking/circulation must be hard-surfaced with concrete or asphalt in compliance with the Rapid City Municipal Code;**
2. **Prior to issuance of a building permit, all redlined comments shall be addressed and all redlined plans shall be returned to Community Planning and Development Services;**
3. **All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Final Planned Development. The addition of future LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign.**
4. **The proposed Final Planned Development shall allow development of industrial offices and warehousing on the property. All requirements of the Heavy Industrial District shall be continually maintained unless specifically authorized as a stipulation of a future Amendment to the Planned Development. All uses permitted in the Heavy Industrial District shall be permitted contingent upon and approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Planned Development. (8 to 0 to 1 with Braun, Brewer, Bulman, Herr, Hoogestraat, Jobman, Marchand, Rolinger and Swank voting yes and none voting no and Scull 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

5. No. 16PL077 - Elks Golf Course Subdivision  
A request by Sperlich Consulting, Inc for ZO Incorporated and Rapid City BPOE to consider an application for a **Preliminary Subdivision Plan** for Lot 2 of Elks Golf Course Subdivision, legally described as a portion of Tract 2 of the E1/2 of Section 16, T1N, R8E and Lot 19 of Block 11 of Elks Country Estates, all located

in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the Jolly Lane and Padre Drive Intersection.

Fisher noted that she had pulled this item to identify changes to the staff report and the stipulations of approval. Fisher reviewed the changes and presented staff's recommendation to approve the **Preliminary Subdivision Plan** with revised stipulations.

In response to a question from Bulman on processes of approval and who will be required to complete the requirements of the stipulations, Kale McNaboe, of Sperlich Consulting, Inc., confirmed that Zandstra will pay for and complete the requirements. Fisher further explained the Final Plat process.

**Staff recommends that the Preliminary Subdivision Plan be approved with 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 if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Jolly Lane showing the construction of a sidewalk along Jolly Lane as it abuts the proposed lot shall be submitted for review and approval or a Variance shall be obtained from City Council waiving the requirement. In addition, the sidewalk shall be constructed as a part of the subdivision improvements since it is not anticipated that a building permit will be requested for the proposed lot;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans shall show the dedication of a 26 foot wide right-of-way, half of the required minimum 52 foot wide right-of-way or an Exception shall be obtained or the section line highway shall be vacated. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. Vacating the section line highway shall require the signature of the adjacent property owner;**
- 4. Upon submittal of a Development Engineering Plan application, a drainage plan report prepared by a Registered Professional Engineer**

as per the Infrastructure Design Criteria Manual shall be submitted for review and approval for all proposed subdivision improvements. The drainage plan shall review and analyze the existing drainage improvements, confirm street drainage is in compliance with the Infrastructure Design Criteria Manual, confirm proposed storm sewer sizing and address storm water quality treatment for the proposed development. In addition, easements shall be provided as needed;

5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
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 submittal of a Final Plat application, the applicant shall coordinate with the City to secure an easement for a future sewer main proposed to cross proposed Lot 2 in order to decommission the Jolly lane Lift Station;
8. Prior to submittal of a Final Plat application, the plat document shall be revised to address redline comments. In addition, the redline comments shall be returned with the Final Plat application;
9. Upon submittal of a Final Plat application, letters of concurrence from all of the affected utility companies shall be submitted for the proposed vacation of the 8 foot wide minor drainage and utility easement currently located along the common lot line between the two existing lots;
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. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Jobman, Marchand, Rolinger, Scull and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

\*8. No. 16PD034 - Black Hills Center

A request by Renner Associates, LLC for OSH LLC to consider an application for a **Final Planned Development Overlay to allow multi-family housing** for Lot 1 of Block 3 of Black Hills Center, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of East Stumer Road and Enchantment Road.

Laroco presented the application and reviewed the associated slides. Laroco noted that the applicant is requesting an Exception to allow a 7 foot fence rather

than the allotted 4 foot fence in the front yard setback. Laroco stated that this is a gated community and that the proposed fencing along with the proposed landscaping will help mitigate the potential noise impact. Laroco stated that this is a phased plan with the four buildings to be built in three phases over five years and reviewed the proposed phases. Laroco noted that the buildings meet the building height requirements. Laroco stated that staff is recommending approval of the **Final Planned Development Overlay to allow multi-family housing** with stipulations.

**Rolinger moved, Marchand seconded and unanimously carried to approve the requested Final Planned Development with the following stipulations:**

- 1. The requested Exception to increase the permitted height of a fence located in the front yard setback from 4 feet to 7 feet is hereby granted;**
- 2. Prior to issuance of a building permit, engineered plans for the proposed retaining walls shall be submitted. Plans shall be signed and sealed by a registered professional engineer.**
- 3. 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 Final Planned Development. The addition of LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;**
- 4. All landscaping, and specifically landscaping proposed along the western property line to improve the buffering between the apartments and the single family residential development to the west, shall be installed and maintained in compliance with the approved landscaping plan and the requirements of the Rapid City Municipal Code.**
- 5. All parking and circulation, and specifically the stacked parking space proposed south of the entry gate, shall be installed and maintained in compliance with the approved parking plan and the requirements of the Rapid City Municipal Code. Stacked parking may not interfere with the traffic on Stumer Road;**
- 6. All site lighting shall be installed and maintained in compliance with the requirements of the Rapid City Municipal Code. In particular, site lighting may not shine onto adjacent rights-of-way or properties or constitute a hazard or nuisance of any kind to passing traffic;**
- 7. All required open space and play area shall be installed and maintained in compliance with approved plans and with the requirements of the Rapid City Municipal Code, and;**
- 8. This Final Planned Development shall allow for the construction of multifamily housing. All requirements of the Medium Density Residential District shall be met unless specifically stipulated as a part of this Final Planned Development or a subsequent Amendment to the Planned Development. All uses permitted in the Medium Density Residential District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses in the Medium Density Residential District shall**

**require a Major Amendment to the Planned Development. 9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Jobman, Marchand, Rolinger, Scull and Swank 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

\*9. No. 16PD037 - Robbinsdale No. 7

A request by Renner Associates, LLC for Presbyterian Retirement Village of Rapid City to consider an application for a **Final Planned Development Overlay to construct additional parking** for Block 24A of Robbinsdale No. 7, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 255 Texas.

Lacock presented the application and reviewed the associated slides. Lacock briefly reviewed the previous associated applications for this property including the Initial Planned Development and Rezones. Lacock said that this Final Planned Development Overlay is to construct additional parking and that the applicant is requesting to change the phasing previously proposed with the parking now being Phase I rather than Phase III as originally planned and that additional Major Planned Development Amendments or Final Planned Development Overlays will be required for Phase II which is identified as the expansion of the assisted living facility and Phase III which is identified as the townhomes. Additionally, Lacock stated that the Master Drainage Plan will be required with the expansion of the assisted living facility or the townhomes, but as the drainage for the parking is currently addressed as a part of the regional drainage plan for this area, a Master Drainage Plan for the entire property is not being required for this phase. Lacock clarified that all existing Exceptions and stipulations for the Initial Planned Development Overlay remain in effect and that this application is only for the expansion of parking and does not include the other phases of the Planned Development Overlay. Based on that staff, recommends that the **Final Planned Development Overlay to construct additional parking** be approved with stipulations.

Schmidt and Scull stated that they would be abstaining from this item due to a conflict of interest.

In response to a question from Bulman, Lacock clarified that one of the accesses located along 5<sup>th</sup> would be required to be removed as required with the Initial Planned Development approval and noted that the revised plans submitted by the applicant does identify the removal.

**Bulman moved, Rolinger seconded and unanimously carried to approve the Final Planned Development Overlay to construct additional parking with the following stipulations:**

**1. Prior to issuance of a Building Permit, all conflicting utility and**

- drainage easements shall be vacated;
2. Upon submittal of a Major Amendment to the Planned Development application for Phase II or Phase III, a Landscape Plan and calculations in compliance with Chapter 17.50.300 of the Rapid City Municipal Code shall be submitted for review and approval;
  3. Upon submittal of a Major Amendment to the Planned Development Overlay application for Phase II or Phase III, a sign package shall be submitted identifying all existing and proposed signage. 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 Initial Planned Development Overlay. The addition of electronic or LED signage shall require a Final Planned Development Overlay. A sign permit is required for any new signs;
  4. Upon submittal of a Major Amendment to the Planned Development Overlay application for Phase II or Phase III, elevations of the proposed assisted living facility demonstrating that the residential character of the neighborhood is being maintained shall be submitted for review;
  5. Upon submittal of a Major Amendment to the Planned Development Overlay application for Phase II or Phase III, a lighting plan shall be submitted demonstrating that there is sufficient buffering between the proposed Texas Street parking addition and adjacent residential properties;
  6. Upon submittal of a Major Amendment to the Planned Development Overlay application for Phase II or Phase III, the site plan shall be revised to remove the approach location from 5<sup>th</sup> Street and to remove one of the proposed approach locations from Texas Street or an Exception shall be obtained;
  7. Upon submittal of a Major Amendment to the Planned Development Overlay application for Phase II or Phase III, the applicant shall submit a fire flows analysis demonstrating that adequate fire flows are available to serve the project;
  8. Upon submittal of a Major Amendment to the Planned Development Overlay application for Phase II or Phase III, the applicant shall submit a sewer report that demonstrates that adequate sewer capacity exists to serve the project;
  9. Upon submittal of a Major Amendment to the Planned Development Overlay application for Phase II or Phase III, a master utility plan showing water and sewer service connections shall be submitted for review and approval;
  10. Upon submittal of a Major Amendment to the Planned Development Overlay application for Phase II or Phase III, a master drainage plan and analysis for the entire camps, signed and sealed by a Professional Engineer, shall be submitted for review and approval; and,
  11. This Final Planned Development Overlay shall allow for the construction of 22 additional parking spaces. In addition, an assisted living facility and single-family dwellings shall be allowed on the same

property until the site is redeveloped expanding the assisted living facility and removing the single-family dwellings. (8 to 0 to 1 with Braun, Brewer, Bulman, Herr, Hoogestraat, Jobman, Marchand, Rolinger and Swank voting yes and none voting no and Scull 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.*

\*10. No. 16PD040 - Big Sky Subdivision

A request by Scott and Brenda Showalter to consider an application for a **Final Planned Development to allow a daycare in the Low Density Residential District** for Lot 1 in Block 17 of Big Sky Subdivision, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4804 Elmer Street.

Lacock presented the application and reviewed the associated slides. Lacock stated that the applicant is requesting to increase the existing in-home daycare from 12 children to 20 children and is requesting an Exception to reduce the minimum required setback for an outdoor play area from 25 feet to "0" feet and an Exception to reduce the minimum required parking from five parking spaces to four parking spaces. The applicant indicates that moving the existing play area and equipment would require extensive cost and that staggered drop offs will mitigate the impact of parking and as such staff recommends that the Exceptions be granted. Lacock stated that there are a number of letters of opposition noting the issue of traffic and congestion created by the daycare. Staff recommends approval of the **Final Planned Development to allow a daycare in the Low Density Residential District** with stipulations.

In response to a question from Swank regarding the safety of the children being dropped off, Fisher stated that the off street parking for the drop off of children as well as the street side parking on the side of the property should be used to avoid the need to cross the street. Fisher noted that the option to review this application if complaints are received regarding the operation and parking and traffic congestion caused by the operation allows for the possible the revocation of the Planned Development; however, noting that this could cause hardships for both the applicant and the parents using the daycare.

In response to a question from Brewer regarding the adult to child ratio the applicant reviewed the requirement for staffing stating that they currently meet that requirement. During discussion it was clarified that any additional staffing would not be allowed and that the parking be carefully controlled.

**Rolinger moved, Bulman seconded to approve the Final Planned Development Overlay to allow a daycare in the Low Density Residential District with the following stipulations:**

1. **An Exception is hereby granted to reduce the minimum required parking from five parking spaces to four parking spaces;**
2. **An Exception is hereby granted to reduce the minimum required setback for an outdoor play area from 25 feet to “0” feet;**
3. **Prior to initiation of the use, the applicant shall coordinate with the Rapid City Fire Department to provide a fire sprinkler protection system;**
4. **The Final Planned Development Overlay shall allow a daycare for 20 children in the Low Density Residential District. Permitted uses within the Low Density Residential 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 Planned Development. (8 to 1 with Braun, Brewer, Bulman, Herr, Hoogestraat, Rolinger, Scull and Swank voting yes and Marchand 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

11. No. 16OA003 - Ordinance to Adopt Regulations Governing Short Term Rentals By Adopting and Amending Provisions in Title 17 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for an **Ordinance to Adopt Regulations Governing Short Term Rentals By Adopting and Amending Provisions in Title 17 of the Rapid City Municipal Code.**

Marchand let the dais at this time.

Laroco briefly reviewed some of issues with short term rentals and the growth of AirBnBs that lead to City Council directing staff to draft an Ordinance to regulate and manage these types of businesses for the safe and efficient growth of this industry. Laroco noted that the fast-paced, large-scale changes and growth of the industry necessitates a new approach to how short term rentals are reviewed and authorized. Laroco reviewed the basics of short term rentals identifying that there are two general types, one being a Bed and Breakfast where the rental is generally a room or rooms with the operator in residence and the other being a Vacation Rental where the property as a whole is rented and the owner is not in residence. Laroco outlined the basics of the proposed Ordinance, stating that the size of the operation will determine the type of review and or permit required, while also noting that South Dakota Codified Law permits short term rentals of 14 days or less without review or permitting and would not be subject to this Ordinance. Laroco also reviewed the proposed application and requirements for the application.

In response to questions from Brewer as to the reviewing body, Fisher clarified

the review criteria, and specifically the criteria that will change it from an administrative review to review by Planning Commission. Fisher clarified that the application fee may be \$250 with a \$100 annual renewal fee.

Brewer suggested that a requirement to post a City-issued Certificate if approved be posted on the property and that the revocation process be adjusted to address immediate action for criminal activities outside the existing review process.

Discussion followed regarding proposed changes to the Ordinance including the language addressing the definition of "rooms".

Scull left the dais at this time.

Drew noted that there are a large number of AirBnBs that are operating and stressed the importance of this Ordinance.

Discussion followed regarding operation, parking, taxing and other issues.

Brewer suggested that the Ordinance be brought back before the Planning Commissions for review after revisions have been made.

**Brewer moved, Swank seconded and unanimously carried to continue the Ordinance to Adopt Regulations Governing Short Term Rentals By Adopting and Amending Provisions in Title 17 of the Rapid City Municipal Code to the September 22, 2016 Planning Commission meeting to allow revisions to be made. (8 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Rolinger, Schmidt and Swank voting yes and none voting no)**

12. No. 16TI004 - Section 9, T1N, R8E

A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for a **Resolution creating the Unnamed Tributary Channel Tax Increment District and a Resolution approving the Project Plan** for Tracts A, B, C, D, E and H, Tract 1, Lots 2 thru 8 of Block 1, Lots 10 thru 13 of Block 1, Lots 1 thru 4 of Block 2, Lot 6 of Block 2, Lots 9 thru 10 of Block 2, Lots 11A and 11B, 12A and 12B, 13A and 13B, 14A and 14B, 15A and 15B, 16A and 16B of Block 2, Lots 1 thru 2 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Lots 1A and 1B of Block 6, all of Orchard Meadows; Lot 1 less Tract A and Tract B of Orchard Meadows of the Wally Byam Addition; Lot 1 less Lot H1 and less dedicated right-of-way of the Well Addition; Lot 2 of Tract A of the NE1/4 of the SW1/4; the N1/2 of the SW1/4 of the NE1/4 less the Stekl Subdivision, less Orchard Meadows, less right-of-way, less Lot H1 and Lot H2; the Balance of Tract A of the E1/2 of the SW1/4 and of the W1/2 of the SE1/4 less Lot H1; and the S1/2 of the SW1/4 of the NE1/4 less Lot 1 of the Wally Byam Addition, less the railroad right-of-way, less Orchard Meadows, less Lot H1 and H2, less right-of-way, the S1/2 of the SE1/4 of the NW1/4 less Lot H1; the unplatted Balance of NE1/4 of the SW1/4 Less Lot H1, the unplatted Balance of W1/2 of the SE1/4 less Lot H1; and Lot C of the NE1/4 of the NW1/4 and Lot X of Lot B of the NE1/4 of the NW1/4; and the dedicated public right of way and dedicated

railroad right-of-way adjacent to said lots, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Elk Vale Road between E. Highway 44 and the current terminus of East Fairmont Street.

Horton stated that the applicant requested that that the item be continued to the September 22, 2016 Planning Commission meeting.

Hoogestraat and Schmidt left the dais at this time.

Horton showed the Planning Commission how to access the Tax Increment Finance page on the new RCGOV Web Page for their use in reviewing Tax Increment Financing applications and the status of current and past Tax Increment Districts.

**Staff recommends that the Resolution creating the Unnamed Tributary Channel Tax Increment District and a Resolution approving the Project Plan be continued to the September 22, 2016 Planning Commission Meeting. (6 to 0 with Braun, Brewer, Bulman, Herr, Rolinger and Swank voting yes and none voting no)**

13. Discussion Items

14. Staff Items

- A. Planning Commission Training on Conflict of Interest, Ex Parte Communication and updates in State Law

Braun suggested and Cushman agreed to continue this item to the next Planning Commission meeting due to the extended length of this meeting.

15. Planning Commission Items

Braun welcomed John Herr to the Zoning Board of Adjustment /Planning Commission.

16. Committee Reports

- A. City Council Report (August 1, 2016)  
The City Council concurred with the recommendations of the Planning Commission
- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

**There being no further business, Rolinger moved, Swank seconded and unanimously carried to adjourn the meeting at 8:27 a.m. (6 to 0 with Braun, Brewer, Bulman, Herr, Rolinger and Swank voting yes and none voting no)**