

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
March 9, 2017

MEMBERS PRESENT: Erik Braun, Mike Gollhofer, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney, Steve Rolinger, Kimberly Schmidt and Gerald Sullivan. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Karen Bulman, Rachel Caesar

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

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

1. No. 17VA001 - Rapid City High School Subdivision
A request by David Charles Christie to consider an application for a **Variance to Reduce Minimum Required Lot Size and Minimum Required Front Yard Setback** for Lot A of Rapid City High School Subdivision, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 516 South Street.

Laroco stated that the applicant had contacted staff withdrawing the application and as such staff request that Zoning Board of Adjustment acknowledge the withdraw of the application at the applicant's request.

Zoning Board of Adjustment acknowledged the withdrawal of the Variance to Reduce Minimum Required Lot Size and Minimum Required Front Yard Setback of the application at the applicant's request.

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

There being no further business, Rolinger moved, Schmidt seconded and unanimously carried to adjourn the meeting at 7:02 a.m. (9 to 0 with Braun, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 9, 2017

MEMBERS PRESENT: Erik Braun, Mike Golliver, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney, Steve Rolinger, Kimberly Schmidt and Gerald Sullivan. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Karen Bulman, Rachel Caesar

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:02 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 Items 2, 3, 4, 5, 6 and 7 be removed from the Consent Agenda for separate consideration.

Quasney requested that Items 11 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Hoogestraat and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 12 in accordance with the staff recommendations with the exception of Items 2, 3, 4, 5, 6, 7 and 11. (9 to 0 with Braun, Golliver, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the February 23, 2017 Planning Commission Meeting Minutes.

*8. No. 17PD004 - Founders Park Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc for Founders Park LLC to consider an application for a **Final Planned Development Overlay to construct an office building** for the unplatted remainder of the W1/2 of the NW1/4 of the SE1/4, less Block 1 of North Riverside Addition, less Founders Park Subdivision and less right-of-way in Section 35, T2N, R7E, all located in the W1/2 of the NW1/4 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Founders Park Drive.

Planning Commission approved the Final Planned Development Overlay to construct an office building with the following stipulations:

- 1. Hereby acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to 21.4 feet;**

2. Hereby acknowledge the previously granted Exception to reduce the minimum required rear yard setback from 25 feet to 10 feet;
3. Upon submittal of a Building Permit, red-lined comments shall be addressed;
4. 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 Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,
5. The Final Planned Development Overlay shall allow for an office building. All uses permitted in the Office Commercial District shall be permitted, contingent upon sufficient parking being provided and an approved Building Permit. Any change in use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development.

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

9. No. 17PL011 - Founders Park Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc for Founders Park LLC to consider an application for a **Preliminary Subdivision Plan** for Lot 9 of Founders Park Subdivision, legally described as the unplatted remainder of the W1/2 of the NW1/4 of the SE1/4, less Block 1 of North Riverside Addition, less Founders Park Subdivision and less right-of-way in Section 35, T2N, R7E, all located in the W1/2 of the NW1/4 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Founders Park 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 the existing 24 foot wide public access easement shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk and street light conduit or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of additional easement width for the existing sanitary sewer main located on the property to secure a minimum 20 foot wide easement, with the easement centered on the main when possible;

3. 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 provided as needed. Perpetual ownership and maintenance of facilities shall also be identified;
4. Upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction;
5. Prior to approval of the Development Engineering Plan application, submitted 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;
6. 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;
7. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
8. 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,
9. 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).

*10. No. 17UR003 - Section 32, T2N, R8E

A request by Ashlee Schlatter to consider an application for a **Conditional Use Permit to allow a dog kennel** for a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 5 of Block 1 of Menard Subdivision and the Point of Commencement; Thence, S00°07'28" W a distance of 250.00, to the point of Beginning; Thence, first course: S00°07'28" W, a distance of 247.46 feet; Thence, second course: S89°52'32" E, a distance of 476.49 feet; Thence, third course: N45°02'11" E, a

distance of 14.12 feet; Thence, fourth course: N00°03'05" W, a distance of 237.48 feet; Thence, fifth course: N89°59'32"W, a distance of 485.73 feet to the point of beginning, more generally described as being located approximately 1,100 feet southeast of East Anamosa and N. Creek Drive Intersection.

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

- 1. Upon submittal of a Building Permit, a revised site plan shall be submitted demonstrating that with the future dedication of right-of-way for East Philadelphia Street and East Anamosa Street all setbacks are being met.**
- 2. Upon submittal of a Building Permit, a grading and drainage plan shall be submitted for review and approval;**
- 3. Prior to issuance of a Building Permit, Development Engineering Plans shall be approved;**
- 4. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;**
- 5. 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 Conditional Use Permit. The addition of electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for any new signs;**
- 6. The Conditional Use Permit shall allow for a kennel. The proposed kennel shall operate in compliance with the submitted operations plan. Any expansion of the kennel shall require a Major Amendment to the Conditional Use Permit. All uses permitted in the Light Industrial District shall be permitted, contingent upon sufficient parking being provided and an approved Building Permit. Any change in use that is a Conditional Use in the Light Industrial District 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

12. No. 17VR002 - Section 30, T2N, R8E
A request by Ferber Engineering Company, Inc for City of Rapid City to consider an application for a **Vacation of Right of Way** for that portion of March Avenue to be vacated in the NW1/4 and a portion of March Avenue and N. Lacrosse Street to be vacated and the NE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. Mall Drive, east of North Lacrosse Street, south of Seger Drive.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulation:

1. **Prior to City Council approval, a revised and signed utility easement shall be submitted to Community Planning and Development Services.**

---END OF CONSENT CALENDAR---

Fisher requested that Items 2 through 7 be continued to the end of the agenda to allow the items to be heard in conjunction with Items 15 and 16.

Rolinger moved, Quasney seconded and unanimously carried to continue Items 2 through 7 to the end of the agenda to allow the items to be heard in conjunction with Items 15 and 16.

*11. No. 17UR004 - North Rapid Subdivision

A request by ACES for St. Therese The Little Flower Catholic Church to consider an application for a **Major Amendment to a Conditional Use Permit to allow a parking lot expansion** for Lots 6 thru 32 of Block 9 of North Rapid Subdivision, located in the SE1/4 of the NW1/4 of Section 36, T2N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at 532 Adams Street.

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

Rolinger moved, Schmidt seconded and unanimously carried to approve the requested Conditional Use Permit to allow a parking lot expansion with the following stipulations:

1. **Prior to issuance of a building permit, revised plans shall be submitted showing storm water quality treatment for the added impervious surface is being provided and all erosion and sediment control measure are being provided. In addition, plans shall be revised to clarify that existing sewer and water mains are being abandoned in compliance with Rapid City Standard Specifications and that the garage will be heated or provisions for the annual winterization of the garage are provided;**
2. **Prior to issuance of a building permit, a Developmental Lot Agreement shall be recorded for the property and a copy of the recorded Agreement shall be provided to Community Planning and Development Services, or the properties shall be platted into one lot;**
3. **All lighting shall be designed to preclude shining on all adjacent streets and rights-of-way. Lighting shall be designed to shine onto the interior of the property only, and to not create a nuisance for neighboring properties or traffic;**
4. **All signage shall comply with the requirements of the Rapid City Municipal Code. No light emitting diode (LED) message centers are being approved as a part of this request. The additional of LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign, and;**
5. **This Major Amendment shall allow for an expansion of the existing**

church parking lot. All requirements of the Medium Density Residential District shall be continually maintained. All uses permitted in the Medium Density Residential District shall be permitted, contingent upon the 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 Conditional Use Permit. (8 to 0 to 1 with Braun, Gollhofer, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no and Quasney 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

13. No. 17RZ003 - Rypkema Subdivision and Poplar Subdivision
A request by Fisk Land Surveying and Consulting Engineers, Inc for HER Enterprises LLC to consider an application for a **Rezoning from General Commercial District to Light Industrial District** for Tract E of Rypkema Subdivision and the S1/2 of adjacent vacated East St. Louis Street; and Lot 2 of Poplar Subdivision, all located in Section 6, T1N, R8E and Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1002 E. Omaha Street.

Lacock presented the application and reviewed the associated slides. Lacock addressed that the proposed Rezoning creates non-conforming setbacks and lot coverage for this property because whereas the current zoning allows for the current property layout the Light Industrial District does not. Lacock additionally noted that the future land use designation of the property is Mixed-Use Commercial adjacent to a Revitalization Corridor and just west of an Entrance Corridor. The proposed Rezoning does not support the Comprehensive Plan goals of revitalization to promote a more positive image of Rapid City as a regional destination. As such, staff recommends that the **Rezoning from General Commercial District to Light Industrial District** be denied.

Janelle Finck, Fisk Land Surveying and Consulting Engineers, Inc., as representative for the property owner, reviewed the current use of the property noting that it has been operated for numerous years as a large semi-truck operation for the service and sales of semi-trucks and reviewed the proposed business which is requesting the Rezoning from General Commercial District to Light Industrial District. Finck noted that they are also a long standing local business and that the majority of their business is sales of pump equipment and service. Finck reviewed the general layout of the property showing that the setback of the building and the further setback of any equipment, including their trucks, would mitigate the impact. Finck reviewed slides showing the current existing Light Industrial Districts in the area, the separation from other

businesses and from the street and noted that the surrounding streets meet the required street width for Industrial Districts. Finck provided the Planning Commission with a petition signed by surrounding property owners in support of the Rezoning request and spoke to the need to repurposing properties along streets defined as Entrance Corridors.

In response to a question from Hoogestraat why the Rezoning is required, Fisher stated that after reviewing a complete list of services offered by Grimm's Pumps staff could not find a way to fit the use into General Commercial Zoning thus the requirement for Rezoning.

Fisher further stated that if the Rezoning is approved it will create the non-conforming status previously noted by Lacock in his presentation and offered a compromise to Rezone with a Planned Development Designation specific to Grimm's Pump. Finck stated that the applicant would be acceptable of that option.

Quasney inquired to potential stipulations that might be included with the Planned Development Designation.

Eddie Rypkema, 1128 Flormann Street, property owner, spoke to the history of the property and the design and use of this and other properties.

Hoogestraat moved, Sullivan seconded and unanimously carried to recommend that the Rezoning request from General Commercial District to Light Industrial District be approved in conjunction with a Planned Development Designation. (9 to 0 with Braun, Golliher, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

*14. No. 17PD005 - Buffalo Crossing Subdivision

A request by Renner Associates, LLC to consider an application for a **Final Planned Development Overlay to allow a medical campus** for Lot A of Block 2 of Buffalo Crossing Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1635 Caregiver Circle.

Laroco presented the application and reviewed the associated slides. Laroco said that in working with the applicant on the proposed design it was noted that there was an encroachment into the right-of-way for Caregiver Circle and that the applicant has provide revised plans and that the initial review of those revised plans appear to remove the construction from the right-of-way. Laroco noted that the applicant has requested an Exception to reduce the required off street parking from 455 to 406 spaces. Staff noted during the review of the requested Exception that based on the expected operation of the facility and changes in the peak hours associated with the types of services provided, staff believes that granting of the Exception for parking will not create a hardship and recommends that the **Final Planned Development Overlay to allow a medical campus** be approved with stipulations.

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

1. The requested Exception to reduce the minimum required amount of off-street parking from 455 to 406 spaces is hereby granted. A minimum of nine of the proposed parking spaces must be ADA accessible. Two of the required nine ADA accessible spaces shall be van accessible ADA spaces. All parking shall comply with the requirements of the Rapid City Parking Ordinance;
2. Prior to issuance of a building permit, revised plans shall be submitted showing that all proposed development located within the Caregiver Circle right-of-way has been removed, or the right-of-way shall be vacated;
3. All signage shall comply with the requirements of the Rapid City Municipal Code. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The addition of LED message centers in the future shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign, and;
4. This Final Planned Development shall allow for the construction of a medical campus. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of this Final Planned Development or a future Major Amendment. All uses permitted in the General Commercial District shall be permitted contingent upon the provision of sufficient parking and an approved building permit. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (9 to 0 with Braun, Gollither, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan 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.

Fisher requested that Items 15 and 16 and Items 2 thru 7 be considered for discussion concurrently:

- *15. No. 17PD007 - Johnson Ranch Subdivision
A request by KTM Design Solutions, Inc for BH Capital LLC to consider an application for an **Initial Planned Development Overlay to allow a residential development** for a portion of the N1/2 of the NW1/4 and a portion of the N1/2 of the SE1/4 of the NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows; Commencing at the Section Corner common to Sections 4, 5, 8 and 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence S00°14'11"W, a distance of 985.44,

to the point of beginning; Thence first course: S89°53'57"E, a distance of 680.90 feet; Thence second course: S00°12'54"W, a distance of 266.00 feet; Thence third course: N89°53'57"W, a distance of 681.00 feet; Thence fourth course: N00°14'11"E, a distance of 266.00 feet to the point of beginning, more generally described as being located southwest corner of E. St. Patrick Street and E. Highway 44 Intersection.

Fisher briefly reviewed the applications noting that they are all part of the development of the Johnson Ranch Subdivision. The applications include an Initial Planned Development for the Preliminary Subdivision Plan to create 28 residential lots and six Rezoning applications to change the zoning of the Johnson Ranch Development as per the applicant's Master Plan. Fisher noted that this property has recently been annexed which contributed to some of the rezoning requirements. Fisher reviewed the multiple uses proposed for the property, noting that the applicant worked with staff to provide residential Fire Suppression Systems and a community park in consideration of increased density for the proposed 28 residential lots.

Fisher referenced a list of concerns that was presented by neighbors which was provided to staff and the Planning Commission just prior to the meeting. Fisher further noted that the Staff Report indicates that a portion of this land is located in the 100 Year Flood Plain will be corrected as it goes forward to City Council since the property is actually in the 500 Year Flood Plain and not the 100 Year Flood Plain.

Fisher stated that staff recommends that the **Initial Planned Development Overlay to allow a residential development** be approved with stipulations; that the **Preliminary Subdivision Plan** be approved with stipulations; and that the **Rezones** be approved.

Cody Champion, 2734 Garden Lane, noted that as this area develops and since South Valley Drive connects to Minnesota Street now is the time to improve South Valley Drive. Champion also spoke to the density, requesting consideration to avoid overcrowding.

Fisher clarified that that Planning Commission is approving that the Preliminary Subdivision Plan with the stipulation that the street be improved o an Exception be obtained. The City Council will consider the Exception request.

Blaise Emerson, Dream Deign International, Inc., briefly reviewed the history of Dream Design and projects they have completed.

Hani Shafai, Dream Deign International, Inc., reviewed the presentation provided at the recent neighborhood meeting showing the proposed development and spoke to the proposed development of South Valley Drive in association with this development and the proposed work force housing being included in the development.

Hoogestraat moved, Sullivan seconded to approve the Initial Planned

Development Overlay to allow a residential development with an additional stipulation that a privacy fence be allowed along Eden Lane as long as it does not interfere with any major drainage easement, Rolinger seconded.

Rolinger moved, Quasney seconded to approve the Preliminary Subdivision Plan as recommended by staff.

Rolinger moved, Schmidt seconded to approve the rezoning applications Items 2 thru 7 per the staff recommendations.

In response to question from Huss, Fisher clarified that no Exceptions to the street plans were being approved with these applications.

In response to a question from Herr, Fisher clarified that the Annexation had been revised to include the entire right of way of South Valley Drive adjacent to the property.

Hoogestraat moved, Rolinger seconded and unanimously carried to approve the Initial Planned Development Overlay to allow a residential development with the following stipulations:

- 1. Upon submittal of a Final Planned Development Overlay application, the applicant shall submit an agreement for recording at the Register of Deeds office ensuring that a residential fire sprinkler suppression system will be installed in each residence and that a community park will be created as shown on the applicant's Master Plan;**
- 2. The Initial Planned Development shall be approved in conjunction with the approval of the associated annexation request, Preliminary Subdivision Plan, and Rezoning request;**
- 3. An Exception is hereby granted to reduce the minimum required lot size from 6,500 square feet to 4,922 square feet contingent upon the structures being fire sprinkler protected and the creation of a community park;**
- 4. An Exception is hereby granted to reduce the minimum required side yard setback from 8 feet to 4 feet contingent upon the structures being fire sprinkler protected and the creation of a community park and contingent upon an Exception being granted with the associated plat reducing the required 8 foot wide minor drainage and utility easement to 4 feet;**
- 5. An Exception is hereby granted to increase the maximum allowed lot coverage from 30% to 37% contingent upon the structures being fire sprinkler protected and the creation of a community park;**
- 6. An Exception is hereby granted to reduce the minimum required lot width from 50 feet to 46 feet contingent upon the structures being fire sprinkler protected and the creation of a community park;**
- 7. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to show standard curb and gutter or an Exception shall be obtained;**
- 8. Upon submittal of a Final Planned Development Overlay, a grading**

- and drainage plan shall be submitted for review and approval;
9. Prior to issuance of a Building Permit, a Final Plat shall be approved;
 10. A privacy fence be allowed along Eden Lane as long as it does not interfere with any major drainage easement; and;
 11. This Initial Planned Development Overlay shall allow a single-family residential development in the Low Density Residential District. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval. Any conditional use shall require the review and approval of a Final Planned Development Overlay. (9 to 0 with Braun, Golliher, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan 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.

16. No. 17PL013 - Johnson Ranch Subdivision

A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a **Preliminary Subdivision Plan** for Lots 1 thru 14 of Block 1, Lots 1 thru 14 of Block 2 of Johnson Ranch Subdivision, legally described as the N1/2 of the NW1/4 excepting therefrom Lot H5 of the NE1/4 of the NW1/4; the N1/2 of the SE1/4 of the NW1/4 excepting therefrom Lot H1; Lot AB of the NW1/4 as shown by the Plat recorded in Book 12 of the Highway Plats on page 17, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the E. St. Patrick and South Valley Drive intersection.

Rolinger moved, Quasney seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:

1. **Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow the dedication of a 4 foot wide minor drainage and utility easement along all interior lot lines or the plat document shall show the dedication of the required 8 foot wide minor drainage and utility easement along all interior lot lines. If the Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
2. **Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow rollover curb along Street B or the construction plans shall include standard curb and gutter. The Exception request shall include drainage analysis showing that the modified curb will adequately convey stormwater drainage in accordance with the Infrastructure Design Criteria Manual Chapter 4 requirements and shall demonstrate that the rollover curb, driveways and accessible ramps are fully ADA compliant. If the 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, the red line plan comments shall be addressed. In addition, the redline plan comments shall be returned with the Development Engineering Plan application;
 4. Upon submittal of a Development Engineering Plan application, construction plans for Street B shall be submitted for review and approval showing the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 5. Upon submittal of a Development Engineering Plan application, construction plans for South Valley Drive shall be submitted for review and approval showing the street located within a minimum 68 foot wide right-of-way. In addition, the street shall be constructed with a minimum 32 foot wide paved surface to allow a three lane section with curb, gutter, sidewalk, street light conduit and water upsized in accordance with the Rapid Valley Sanitary District master plan or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 6. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and in compliance with the Rapid Valley Sanitary District master plan. 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;
 7. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and in compliance with the Rapid Valley Sanitary District master plan 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 and the Rapid Valley Sanitary District master plan;
 8. 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. Perpetual ownership and maintenance of rear yard drainage ways, detention ponds, drainage structures and other related drainage improvements shall be identified. Easements shall also be provided as needed and shall accommodate estimated maximum high water levels including minimum one foot of freeboard. Publicly maintained easements shall be a minimum 20 feet in width and in accordance with the Infrastructure Design Criteria Manual;
9. Upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction;
 10. Prior to approval of the Development Engineering Plan application, submitted 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;
 11. 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;
 12. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 13. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a minimum lot size of 6,500 square feet or a Final Planned Development shall be approved reducing the lot size(s) as proposed;
 14. Prior to submittal of a Final Plat application, the property shall be annexed into the City limits of Rapid City;
 15. Prior to submittal of a Final Plat application, street name(s) shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall show the approved street names;
 16. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. 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, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and

Sullivan voting yes and none voting no)

2. No. 17RZ004 - Johnson Ranch Subdivision

A request by KTM Design Solutions Inc for BH Capital, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District I** for a portion of the N1/2 of the NW1/4, and a portion of the N1/2 of the SE1/4 of the NW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 4, 5, 8, and 9, T1N, R8E, BHM., thence S 00°14'11" W, a distance of 957.94 feet, to the point of beginning; Thence, first course: S 89°53'40" E, a distance of 1,590.23' feet; Thence, second course: S 38°08'02" W, a distance of 97.96 feet; Thence, third course: on a curve turning to the left with an arc length of 245.17 feet, with a radius of 409.03 feet, with a chord bearing of S 20°55'26" W, with a chord length of 241.52 feet; Thence, fourth course: N 86°14'55" W, a distance of 152.90 feet; Thence, fifth course: N 89°53'57" W, a distance of 1,291.96 feet; Thence, sixth course: N 00°14'11" E, a distance of 293.50 feet, to the said point of beginning, more generally described as being located southeast of E. St. Patrick Street and South Valley Drive intersection.

Rolinger moved, Schmidt seconded and unanimously carried to recommend that the request to rezone property from No Use District to Low Density Residential District be approved. (9 to 0 with Braun, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

3. No. 17RZ005 - Johnson Ranch Subdivision

A request by KTM Design Solutions Inc for BH Capital, LLC to consider an application for a **Rezoning from No Use District to Medium Density Residential District I** for a portion of the N1/2 of the NW1/4, and a portion of the N1/2 of the SE1/4 of the NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 4, 5, 8, and 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence, S00°14'11"W, a distance of 355.00', to the point of beginning; Thence first course: S89°56'50"E, a distance of 464.94 feet, Thence second course: N54°39'22"E, a distance of 41.99 feet; Thence third course: on a curve turning to the left with an arc length of 300.65 feet, with a radius of 600.00 feet, with a chord bearing of S55°17'43"E, with a chord length of 297.52 feet; Thence fourth course: on a curve turning to the right with an arc length of 64.51 feet, with a radius of 273.01 feet, with a chord bearing of S07°18'59"E, with a chord length of 64.36 feet; Thence fifth course: S00°14'11"W, a distance of 32.39 feet; Thence sixth course: S89°53'57"E, a distance of 151.00 feet; Thence seventh course: S00°14'11"W, a distance of 52.00 feet; Thence eighth course: S89°53'57"E, a distance of 233.71 feet; Thence ninth course: S75°00'50"E, a distance of 132.95 feet; Thence tenth course: S51°16'39"E, a distance of 425.14 feet; Thence eleventh course: S38°08'02"W, a distance of 14.11 feet; Thence twelfth course: N89°53'40"W, a distance of 1,590.23 feet; Thence thirteenth course: N00°14'11"E, a distance of 602.94 feet, to the point of beginning, more generally described as being located

southeast of E. St. Patrick Street and South Valley Drive intersection.

Rolinger moved, Schmidt seconded and unanimously carried to recommend that the request to rezone property from No Use District to Low Density Residential District be approved. (9 to 0 with Braun, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

4. No. 17RZ006 - Johnson Ranch Subdivision

A request by KTM Design Solutions Inc for BH Capital, LLC to consider an application for a **Rezoning from No Use District to General Commercial District** for a portion of the N1/2 of the NW1/4, and a portion of the N1/2 of the SE1/4 of the NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 4, 5, 8, and 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the point of beginning; Thence first course: S89°56'50"E, a distance of 280.80 feet; Thence second course: S60°22'50"E, a distance of 91.92 feet; Thence third course: on a curve turning to the left with an arc length of 320.43 feet, with a radius of 600.00 feet, with a chord bearing of S25°38'28"E, with a chord length of 316.63 feet; Thence fourth course: S54°39'22"W, a distance of 41.99 feet; Thence fifth course: N89°56'50"W, a distance of 464.94 feet; Thence sixth course: N00°14'11"E, a distance of 355.00 feet, to the point of beginning, more generally described as being located southeast of E. St. Patrick Street and South Valley Drive intersection.

Rolinger moved, Schmidt seconded and unanimously carried to recommend that the request to rezone property from No Use District to General Commercial District be approved. (9 to 0 with Braun, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

5. No. 17RZ007 - Johnson Ranch Subdivision

A request by KTM Design Solutions Inc for BH Capital, LLC to consider an application for a **Rezoning from No Use District to General Commercial District I** for a portion of the N1/2 of the NW1/4, and a portion of the N1/2 of the SE1/4 of the NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Section Corner common to Sections 4, 5, 8, and 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence, S89°56'50"E, a distance of 1,176.59 feet; thence, S51°16'05"E, a distance of 545.28 feet, to the point of beginning; Thence first course: S51°16'05"E, a distance of 369.68 feet; Thence second course: S38°08'02"W, a distance of 478.29 feet; Thence third course: N51°16'39"W, a distance of 425.14 feet; Thence fourth course: N75°00'50"W, a distance of 132.95 feet; Thence fifth course: N89°45'49"W, a distance of 233.71 feet; Thence sixth course: N00°14'11"E, a distance of 51.45 feet; Thence seventh course: N89°45'49"W, a distance of 151.00 feet; Thence eighth course: N00°14'11"E, a distance of 32.04 feet; Thence ninth course: on a curve turning to the left with an arc length of 64.51 feet, with a radius of 273.01 feet, with a

chord bearing of N07°18'59"W, with a chord length of 64.36 feet; Thence tenth course: on a curve turning to the left with an arc length of 103.64 feet, with a radius of 600.00 feet, with a chord bearing of S74°35'56"E, with a chord length of 103.54 feet; Thence eleventh course: on a curve turning to the left with an arc length of 651.65 feet, with a radius of 918.50 feet, with a chord bearing of N80°07'40"E, with a chord length of 638.07 feet; Thence twelfth course: N59°48'10"E, a distance of 151.83 feet, to the point of beginning, more generally described as being located southeast of E. St. Patrick Street and South Valley Drive intersection.

Rolinger moved, Schmidt seconded and unanimously carried to recommend that the request to rezone property from No Use District to General Commercial District be approved. (9 to 0 with Braun, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

6. No. 17RZ008 - Johnson Ranch Subdivision

A request by KTM Design Solutions Inc for BH Capital, LLC to consider an application for a **Rezoning from General Agricultural District to Medium Density Residential District I** for a portion of the N1/2 of the NW1/4, and a portion of the N1/2 of the SE1/4 of the NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 4, 5, 8, and 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence, S00°14'11"W, a distance of 355.00'; thence, S89°56'50"E, a distance of 464.94 feet; thence, N54°39'22"E, a distance of 41.99 feet, to the point of beginning; Thence first course: N54°39'22"E, a distance of 101.60 feet; Thence second course: on a curve turning to the left with an arc length of 92.30 feet, with a radius of 260.00 feet, with a chord bearing of S37°35'40"E, with a chord length of 91.81 feet; Thence third course: on a curve turning to the right with an arc length of 191.88 feet, with a radius of 273.01 feet, with a chord bearing of S34°13'15"E, with a chord length of 187.96 feet; Thence fourth course: on a curve turning to the right with an arc length of 300.65 feet, with a radius of 600 feet, with a chord bearing of N55°17'43"E, with a chord length of 297.52 feet to the point of beginning, more generally described as being located southeast of E. St. Patrick Street and South Valley Drive intersection.

Rolinger moved, Schmidt seconded and unanimously carried to recommend that the request to rezone property from General Agriculture District to Medium Density Residential District be approved. (9 to 0 with Braun, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

7. No. 17RZ009 - Johnson Ranch Subdivision

A request by KTM Design Solutions Inc for BH Capital, LLC to consider an application for a **Rezoning from General Agricultural District to General Commercial District** for a portion of the N1/2 of the NW1/4, and a portion of the N1/2 of the SE1/4 of the NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing

at the Section Corner common to Sections 4, 5, 8, and 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence, S89°56'50"E, a distance of 280.80', to the point of beginning; Thence first course: S89°56'50"E, a distance of 895.79 feet, Thence second course: S51°16'05"E, a distance of 545.28 feet; Thence third course: S59°48'10"W, a distance of 151.83 feet; Thence fourth course: on a curve turning to the right with an arc length of 651.65 feet, with a radius of 918.50 feet, with a chord bearing of S80°07'40"W, with a chord length of 638.07 feet; Thence fifth course: on a curve turning to the right with an arc length of 103.64 feet, with a radius of 600.00 feet, with a chord bearing of N74°35'56"W, with a chord length of 103.51 feet; Thence sixth course: on a curve turning to the left with an arc length of 192.70 feet, with a radius of 249.74 feet, with a chord bearing of N34°13'15"W, with a chord length of 187.96 feet; Thence seventh course: on a curve turning to the right with an arc length of 92.30 feet, with a radius of 260.00 feet, with a chord bearing of N37°35'40"W, with a chord length of 91.81 feet; Thence eighth course: S54°39'22"W, a distance of 101.60 feet; Thence ninth course: on a curve turning to the right with an arc length of 320.43 feet, with a radius of 600.00 feet, with a chord bearing of N25°38'28"W, with a chord length of 316.63 feet; Thence tenth course: N60°22'50"W, a distance of 91.92 feet, to the point of beginning, more generally described as being located southeast of E. St. Patrick Street and South Valley Drive intersection.

Rolinger moved, Schmidt seconded and unanimously carried to recommend that the request to rezone property from General Agriculture District to General Commercial District be approved. (9 to 0 with Braun, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

17. Discussion Items

18. Staff Items

19. Planning Commission Items

20. Committee Reports

- A. City Council Report (February 20, 2017)
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
None
- C. Capital Improvements Subcommittee
None
- D. Tax Increment Financing Committee
None

There being no further business, Rolinger moved, Gollhofer seconded and unanimously carried to adjourn the meeting at 8:26 a.m. (9 to 0 with Braun,

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**Golliher, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan
voting yes and none voting no)**