

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
August 10, 2017

MEMBERS PRESENT: Karen Bulman, Rachel Caesar, Mike Gollither, John Herr, Curt Huus, Mike Quasney, Steve Rolinger, and Kimberly Schmidt. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Gerald Sullivan and Galen Hoogestraat

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Sarah Hanzel, Tammy Stadel, Ted Johnson, Carla Cushman and Rebel VanLoh.

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

1. Approval of July 27, 2017 Zoning Board of Adjustment Meeting Minutes.

**Rolinger moved, Quasney seconded and unanimously carried to approve. (8 to 0 with Bulman, Caesar, Gollither, Herr, Huus, Quasney, Rolinger and Schmidt voting yes and none voting no)**

2. No. 17VA007 - Red Rock Estates

A request by Fisk Land Surveying and Consulting Engineers, Inc for Mark and Kelli Jobman to consider an application for a **Variance to reduce the side building setback from 8' to 5'2"** for a **proposed garage** for Lot 15 of Block 22 of Red Rock Estates, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6517 Bandon Lane.

Lacock presented the application and reviewed the associated slides. Lacock explained the current setbacks and the existing 20 foot wide easement on the property. Lacock noted that there was a letter in opposition from the adjacent property owner who is currently constructing a dwelling on the property to the north. Lacock also noted that the applicant has provided letters of support from other home owners in the neighborhood. Lacock stated there is an approved vacation of utility and minor drainage easement for the area which will encroach onto the easement. Lacock noted that since reasonable use of the land exists with what is currently developed on the property, staff is recommending to deny the variance request.

The applicant's, Mark and Kelly Jobman, explained the reasons why they are requesting the variance to build the addition to their home noting that most homes have been constructed with three stall garages.

Janelle Finck with Fisk Land Surveying presented various slides pertaining to the variance request. Finck described the criteria used in determining the approval of a variance request noting that she believes the applicant's request meets these criteria and therefore should be approved.

Quasney asked Lacock to place a site photo back on the overhead and asked if there could be any drainage issues on the property. Lacock deferred to Ted Johnson who stated there should not be any issues that would adversely affect the drainage on the property. Quasney stated he would support the variance request.

Caesar asked for verification on the setbacks and stated that while calling the lack of a third stall garage a hardship is stretching it a bit, since there are not any health or safety issues and along with the fact the Fire Department does not have a problem with it, she does not see a reason to oppose the variance request.

Rolinger stated that he is in support of the request and moved to approve the variance request.

Fisher verified the setbacks and noted the distance between the properties. Fisher requested the motion maker to amend his motion to cite the criteria for which it is being approved. Rolinger agreed to amend the motion to include that this is a use otherwise allowed in the district, that there is a special circumstance created by the 20 foot wide easement along the south side of the property and that based on the development in the neighborhood, this is a reasonable use of the property.

Huus stated that he is not in support of the request.

**Rolinger moved, Quasney seconded and carried to approve. (7 to 1 with Bulman, Caesar, Gollither, Herr, Quasney, Rolinger and Schmidt voting yes and Huus voting no)**

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

**There being no further business, Rolinger moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:25 a.m. (8 to 0 with Bulman, Caesar, Gollither, Herr, Huus, Quasney, Rolinger, and Schmidt voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 10, 2017

MEMBERS PRESENT: Karen Bulman, Racheal Caesar, Mike Gollither, John Herr, Curt Huus, Mike Quasney, Steve Rolinger, and Kimberly Schmidt. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Gerald Sullivan and Galen Hoogestraat.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Kip Harrington, Sarah Hanzel, Patsy Horton, Tammy Stadel, Ted Johnson, Carla Cushman and Rebel VanLoh.

Bulman called the meeting to order at 7:25 a.m.

**Bulman 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 2 be removed from the Consent Agenda for separate consideration.**

**Motion by Rolinger, seconded by Schmidt and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Item 2. (8 to 0 with Bulman, Caesar, Gollither, Herr, Huus, Quasney, Rolinger, and Schmidt voting yes and none voting no)**

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

1. Approval of the July 27, 2017 Planning Commission Meeting Minutes.
3. No. 17PL072 - Eastern Acres Subdivision  
A request by D.C. Scott Surveyors, Inc for Patrick and Amie Rose to consider an application for a **Preliminary Subdivision Plan** for proposed lot 23A, Lot 23B and Lot 23C of Block 7 of Eastern Acres Subdivision, legally described as Lot 23 of Block 7 of Eastern Acres Subdivision, located in the W1/2 of the NW1/4 of Section11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the east end of Shaw Court.

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

1. **Prior to submittal of a Development Engineering Plan application, redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for Leroy Street shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk and street light conduit or an**

- Exception shall be obtained. In addition, the plat document shall be revised to show the dedication of one additional foot of right-of-way along Leroy Street or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exceptions shall be submitted with the Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, additional information regarding water and sewer service to proposed Lots 23A and 23B shall be submitted for review and approval. In addition, information verifying that water and sewer mains installed in Leroy Street and Shaw Court are acceptable to Rapid Valley Sanitary District shall be provided. If improvements are needed, then upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval;
  4. Prior to submittal of a Final Plat application, the plat document shall show the existing 20 foot wide irrigation easement located along the north property line of proposed Lot 23A. If the easement has been vacated, then the plat document shall show the vacation information;
  5. Prior to submittal of a Final Plat application, the plat document shall be revised to add the standard Major Drainage Easement note for access, maintenance and obstructions;
  6. Prior to submittal of a Final Plat application, the plat document shall be revised to provide two signature lines for the Certificate of Highway or Street Authority to allow the Pennington County Highway Department and the Road District for Shaw Court to sign;
  7. Prior to submittal of a Final Plat application, verification shall be provided to show that the Road District for Shaw Court is in agreement with Lots 23A and 23B utilizing Shaw Court for access;
  8. 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. 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;
  9. 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;
  10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
  12. Prior to the City's acceptance of the public improvements, a warranty

**surety shall be submitted for review and approval as required.**

4. No. 17PL075 - Old Folsom Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc for Markus and Ann Haubrich to consider an application for a **Preliminary Subdivision Plan** for Lots 1 and 2 of Old Folsom Subdivision, legally described as all of the NE1/4 of the SE1/4 of Section 28, T1N, R8E, located in the NE1/4 of the SE1/4 of Section 28, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 7756 Old Folsom Road.

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

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a bearing and distance on the west property line of proposed Lot 1;**
2. **Prior to submittal of a Final Plat application, the plat document shall be revised to clarify the area of right-of-way being dedicated along Old Folsom Road;**
3. **Upon submittal of a Final Plat application, well testing data shall be provided demonstrating that potable water is present;**
4. **Upon submittal of a Final Plat application, documentation shall be provided showing that proposed Lot 1 has a compliant on-site wastewater treatment system;**
5. **Prior to submittal of a Final Plat application, the plat document shall be revised to include the following statement: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install a total wastewater containment system for each lot. Prior to installation of such system, plans stamped by a qualified person shall be submitted and approved by the City of Rapid City or Pennington County, whoever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations."**

5. No. 17PL080 - Menard Subdivision

A request by Richard Sommer for Discount Tire for Todd Mosher of R.A. Smith National, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lot B-1 of Menards Subdivision, legally described as Lot B of Menard Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located across from Menards on N. Creek Drive.

**Planning Commission recommended that the Preliminary Subdivision Plan**

**be approved with stipulations:**

- 1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;**
- 2. Prior to approval of the Development Engineering Plan application, 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;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Menard Drive (Camden Drive) shall be submitted for review and approval showing the street 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 document shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans providing a dual water main in East North Street shall be submitted for review and approval 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;**
- 5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development;**
- 6. 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;**
- 7. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval**

for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed;

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 Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  10. Prior to submittal of a Final Plat application, the plat document shall show "Menard Drive" as "Camden Drive";
  11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
  12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).
6. No. 17RZ023 - Fountain Springs Business Park

A request by Sperlich Consulting, Inc for J and D Capital LLC to consider an application for a **Rezoning from General Agricultural District to Light Industrial District** for a portion of the Tract P, Fountain Springs Business Park, Located in the S ½ of the NE ¼ and the N ½ of the SE1/4 Section 27, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of the Tract P of Fountain Springs Business Park, common with the northwesterly corner of Tract S of Fountain Springs Business Park and a point on line of the previously dedicated additional 17' of right of way, and the Point of Beginning; Thence, first course: S 12o49'57" W, a distance of 398.49 feet to the southeasterly corner of Tract P of Fountain Springs Business Park, common with the southwesterly corner of Tract S of Fountain Springs Business Park; Thence, second course: S 48o44'12" W, a distance of 42.63 feet to a point on the southerly boundary of Tract P of Fountain Springs Business Park; Thence, third course: N 12o49'57" E, a distance of 433.02 feet to a point on the northerly boundary of Tract P of Fountain Springs Business Park; Thence, fourth course: S 77o10'02" E, a distance of 25.00 feet; to the northeasterly corner of the Tract P of Fountain Springs Business Park, common with the northwesterly corner of Tract S of Fountain Springs Business Park and a point on line of the previously dedicated additional 17' right of way, and the Point of Beginning, more generally described as being located southeast of the intersection of N. Plaza Drive and Fountain Plaza Drive.

**Planning Commission recommended that the Rezoning from General Agricultural District to Light Industrial District request be approved.**

- \*7. No. 17UR015 - Section 28, T2N, R8E  
A request by Epic Outdoor Advertising, Inc. to consider an application for a

**Conditional Use Permit to allow an off-premise sign** for Lot E of Lot H2 in Lot A of the SW1/4 and in a portion of Lot H3 of SW1/4, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the terminus of Dyess avenue, north of US I-90.

**Planning Commission approved that the Conditional Use Permit to allow an off-premise sign with the following stipulation(s):**

- 1. A Sign Permit shall be obtained;**
- 2. Upon submittal of a Sign Permit, a surveyed site plan and engineered drawings for the sign structure shall be submitted for review and approval;**
- 3. The Conditional Use Permit shall allow an off-premise sign in compliance with Chapter 17.50.090 of the Rapid City Municipal Code. All signage shall meet 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. Changes to the signage in compliance with the requirements of the Rapid City Sign Code shall be permitted contingent upon an approved sign permit. Any other changes shall require 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.***

8. No. 17TI003 - Section 5, T1N, R8E  
A request by Creek Drive Apartments, LLC to consider an application for a **Resolution Creating the East St. Charles Housing Tax Increment District and Resolution approving the Project Plan** for Lot B of Lot 3 of Tract D and the adjacent right-of-way to Lot B of Lot 3 of Tract D, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest corner of the intersection of Creek Drive and E. St. Patrick Street.

**Planning Commission continued the Resolution Creating the East St. Charles Housing Tax Increment District and Resolution approving the Project Plan to the August 24, 2017 Planning Commission meeting as the notification requirements were not met.**

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

2. No. 17PL040 - South Terrace Subdivision  
A request by KTM Design Solutions, Inc for Catron Blvd Investors, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A



thru D, Lots 1 thru 20 of Block 2, Lots 1 thru 15 of Block 3, Lots 1 thru 20 of Block 4, Lots 1 thru 20 of Block 5, Lots 1 thru 37 of Block 6 , Lots 1 thru 9 of Block 7, Lots 1 thru 5 of Block 8 and Lots 1 and 2 of Block 9 of South Terrace Subdivision, legally described as the SE1/4 of the NE1/4; the E1/2 of the SE1/4; the NE1/4 of the NE1/4; and a portion of Tract A of BFS Subdivision of Section 26, all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Catron Boulevard east of Mount Rushmore Road.

Fisher stated that the applicant has requested that the application be continued to the September 7, 2017 Planning Commission meeting and, as such, staff recommends that the application be continued as requested.

Herr asked how many times this item has been continued and Fisher answered that it has been continued four times, explaining the reasons that continued discussions are warranted in this matter.

**Rolinger moved, Herr seconded and unanimously carried that the Preliminary Subdivision Plan be continued to the September 7, 2017 Planning Commission Meeting. (8 to 0 with Bulman, Caesar, Gollither, Herr, Huus, Quasney, Rolinger, and Schmidt voting yes and none voting no)**

- 1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application. The revised plans shall be to a readable scale;**
- 2. 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;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Street A shall be submitted for review and approval showing the street located in a minimum 68 foot wide right-of-way with 10 additional feet the first 200 feet as it extends south from Catron Boulevard and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code 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;**
- 4. Upon submittal of a Development Engineering Plan application,**

construction plans for Street B, C, D and E shall be submitted for review and approval showing the streets located in a minimum 52 foot wide right-of-way with 10 additional feet along Road D for the first 200 feet as it extends south from Catron Boulevard. In addition, the construction plans shall show a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code 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;

5. Upon submittal of a Development Engineering Plan application, construction plans for Cul-de-sac Street F and Cul-de-sac Street G shall be submitted for review and approval showing the streets located in a minimum 50 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located in a minimum 104 foot diameter right-of-way and constructed with a minimum 84 foot diameter paved surface. in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code 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;
6. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the east lot line shall be submitted for review and approval showing the section line highway constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code 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. If the section line is to be vacated, then the eastern portion of the section line highway shall be vacated by Pennington County since it is located outside of the City limits of Rapid City. In addition, the adjacent property owner shall sign the Vacation of Right-of-way Petition and application;
7. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted for review and approval providing a lot for a future water booster pump station near the intersection of Catron Boulevard and Street D as shown in the Utility Systems Master Plan 2008;
8. 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, a Feasibility Study and Analysis for the construction of the Terracita South Reservoir and a 20 inch water main extension per Section 3.10.1 of the Infrastructure Design Criteria Manual shall be submitted for review and approval;

9. 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;
10. 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 and per Rapid City Code 8.48.020, Post Construction Water Runoff Control Design Requirements 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;
11. Upon submittal of a Development Engineering Plan application, the Geotechnical Exploration Program Proposed South Terrace Subdivision Report, dated May 12, 2006, shall be updated or an addendum to the report, signed and sealed by a Professional Engineer shall be submitted for review and approval confirming that conditions have not changed to warrant a change in the geotechnical recommendations and that the geotechnical recommendations conform to current design standards;
12. Prior to submittal of a Development Engineering Plan application, proposed street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document and the construction plans shall show the approved street names;
13. Prior to submittal of a Development Engineering Plan application, the South Dakota Department of Transportation shall approve the two street connection(s) to Catron Boulevard since Catron Boulevard is a State highway;
14. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
15. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
16. Upon submittal of a Development Engineering Plan that creates 150 or more residential dwelling units, a Traffic Impact Study shall be submitted for review and approval as per Section 2.17.2 of the Infrastructure Design Criteria Manual. This includes development of

- the unplatted balance;
17. Upon submittal of a Development Engineering Plan for Phase Two, the applicant shall confirm that two points of access are being constructed as required to ensure that no more than 40 dwelling units are being served by one point of access as per Section 2.6 of the Infrastructure Design Criteria Manual or an Exception shall be obtained. In addition, the Master Plan shall clarify whether the area located directly north of Lots 1 through 20 of Block 2 is a proposed lot or an unplatted balance;
  18. Upon submittal of a Development Engineering Plan; a Master Plan of the unplatted balance shall be submitted for review and approval as per Chapter 16.12.030 of the Rapid City Municipal Code;
  19. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed open space and any proposed drainage elements. In addition, a Major Drainage Easement shall be dedicated for all proposed drainage improvements;
  20. The proposed plat shall be allowed as a phased development with all subdivision improvements needed to support a particular phase included in the construction plans for that phase;
  21. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential I District and/or Low Density Residential II District in compliance with the Future Land Use Plan in order to support the proposed residential development;
  22. 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,
  23. 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); and,
  24. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the north lot line of Block 3 shall be submitted for review and approval showing the section line highway constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code 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. If the section line is to be vacated, then the adjacent property owner shall sign the Vacation of Right-of-way Petition and application.

---BEGINNING OF REGULAR AGENDA ITEMS---

9. No. 17AN005 - Oldfield Subdivision

A request by James C and Wilma J Theis to consider an application for a **Petition for De-Annexation** for Lots 2 thru 12 and Lot C of Block 7 of Oldfield Subdivision and the unplatted portion of the NW1/4 of the NE1/4 of Section 26, T2N, R7E all located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2347 Mount Carmel Street.

Hanzel presented the application and reviewed the associated slides. Hanzel noted that the fourteen criteria for de-annexation have been outlined in the project report and in this case there are half of the criteria that do not support de-annexation, therefore staff recommends denying the request to de-annex.

The applicant, Jim Theis at 2347 Mount Carmel Street, spoke regarding the de-annexation and the reasons why he thinks it is a reasonable request, noting that he has always been opposed to development in the area and does not have plans to subdivide the property. Theis stated they would also like to be relieved of paying the yearly Storm Water Runoff Tax initiated by the City.

Quasney stated that he is against the request to de-annex due to the development to the north and the risk of creating a future donut hole in the city limits.

Huus inquired as to which City Services are available in the area. Hanzel and Johnson verified that city sewer and water were not available at this time and discussion was had about the location of the nearest service. Huus stated that he is not in support of the de-annexation at the risk of creating a future donut hole as surrounding property is annexed into the city limits in the future.

Bulman noted the beauty of the area and explained that she is against the de-annexation because of the number of years the property has already been in the city limits and also that she believes not wanting to pay the storm water runoff tax should not be a reason to request de-annexation.

Jim spoke again explaining what he understood to be the reasons city services were never utilized on the property.

**Caesar motion, Herr seconded and unanimously recommended denying the request for de-annexation. (8 to 0 with Bulman, Caesar, Gollhofer, Herr, Huus, Quasney, Rolinger, and Schmidt voting yes and none voting no)**

\*10. No. 17PD038 - Lampert's Addition No. 2

A request by Fisk Land Surveying and Consulting Engineers, Inc for Landstrom's Gold Creations LLC to consider an application for a **Major Amendment to a Planned Development to expand a mixed-use development to allow additional commercial uses including a microbrewery with on-sale** for Lots 1 thru 9, Lot 10A and the E1/2 and W1/2 of vacated Canal Street, all of Block 5 of Lampert's Addition No. 2, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 405 Canal Street.

Lacock presented the application and reviewed the associated slides. Lacock explained that the additional commercial use including a microbrewery has been removed from the title as that is not the applicant's intent at this time as there will be a Major Amendment for the on-sale and microbrewery use in the future once a tenant has been secured. Lacock stated there are two exception requests with this application, one being to reduce the minimum required parking from 175 parking spaces to 117 parking spaces and another to waive the requirement to provide landscaping islands. He stated that staff is recommending to approve the application along with the exception requests.

Schmidt asked about parking calculations and Janelle Fink responded with how the calculations were made.

Caesar asked how many parking spaces the landscape islands would use if the islands were not waived. Janelle responded that usually a landscape island will take up two parking spaces each.

Huus asked if parking is allowed on West Rapid Street, Janelle answered that once construction is done there would not be parking allowed on that street. Janelle also explained how the hours of operation for the various uses would be staggered. Huus stated that he is in support of the application.

Ted Johnson commented that West Rapid Street has been signed no parking.

Quasney stated that he generally does not agree with the reduction in parking. He asked if Black Hills Power has been approached about screening around the substation located next to the property. Discussion was had regarding landscaping and parking and how there is a fair amount of landscaping in and around the perimeter of the property and how there are no other businesses nearby that would be affected by the reduction in parking.

Caesar commented that she is in support of this application.

Rolinger commented that he is in support of this application.

**Quasney moved, Caesar seconded and unanimously carried to approve the Major Amendment to a Planned Development Overlay to expand a mixed-use development to include additional commercial uses ~~including a microbrewery with on-sale~~ with the following stipulations:**

- 1. An Exception is hereby granted to reduce the minimum required parking from 175 parking spaces to 117 parking spaces;**
- 2. An Exception is hereby granted to waive the requirement to provide landscape islands contingent upon the landscape plan being installed as submitted with the application. All landscaping shall be maintained in a live vegetative state and replaced when necessary;**
- 3. Acknowledge the Exception to reduce the required amount of landscaping points from 68,718 points to 57,724 points;**
- 4. Acknowledge the Exception to waive the required number of**

landscaping islands from 2 to 0, provided that a landscaping node around the proposed menu board be provided as shown on submitted plans in order to provide separation between the drive through lane and the parking lot;

5. The requested Major Amendment to a Planned Development is for Phase 2 of development. A Major Amendment to a Planned Development shall be submitted for review and approval for an on-sale liquor use or a microbrewery;
7. Upon submittal of a Building Permit for Phase II, the site plan shall be revised to address red-lines comments;
8. All signage shall comply with the requirements of the Rapid City Municipal Code. Electronic or Light Emitting Diode (LED) message centers are not permitted 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;
9. This Major Amendment to a Planned Development shall allow for a mixed-use commercial development on the property. All requirements of the General Commercial District shall be continually maintained unless specifically permitted as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses or any use that results in an increase in parking shall require a Major Amendment to the Planned Development. (8 to 0 with Bulman, Caesar, Golliher, Herr, Huus, Quasney, Rolinger, and Schmidt 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.***

\*11. No. 17PD039 - Blakes Addition

A request by Tel Saucerman for Victory Chapel - Church of God of Prophecy to consider an application for a **Final Planned Development Overlay to allow gravel parking for a temporary church** for Lot 1 thru 4 and the S1/2 of that portion of Watertown Street between Maple Avenue and East Boulevard and bounded on the south by Lot 1 less the north 2 feet and Lots 5 thru 10, all of Block 4 of Blakes Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 620 East Boulevard North.

Lacock presented the application and reviewed the associated slides. Lacock commented that an Exception request was made to waive the requirement to pave parking as this is a one-time church event. Lacock noted that staff would

like to revise stipulation #6 to include a grading permit. Lacock stated that staff recommends to approve the application with revised stipulation #6.

Dan Link from Victory Chapel stated he was there to answer any questions.

Caesar asked if there was any consideration made for erosion that may occur if it rains during the event. Ted Johnson responded stating the requirements for addressing erosion issues before and during the event. Johnson noted that the applicant has submitted a site plan showing the grading that will be done and the applicants understand they are responsible to clean up any erosion that may occur as stipulated in the erosion and sediment control plan.

Al Cornella from Al Cornella Refrigeration spoke in favor of the application.

**Rolinger moved, Schmidt seconded and unanimously carried to approve the Final Planned Development Overlay to allow gravel parking for a temporary church with the following revised stipulations:**

- 1. An Exception is hereby granted to waive the requirement to pave parking and circulation for a one-time church event. Future proposed church events or site development shall require that parking and circulation be paved. In addition, future development shall require the review of site access and approach locations;**
- 2. A Temporary Use Permit shall be obtained prior to initiation of the use;**
- 3. The applicant shall provide traffic control measures during the event to direct traffic ingress and egress;**
- 4. Tracking of dirt or sediment onto the public street shall be cleaned and removed after each event;**
- 5. Any proposed work within the East Boulevard Street right-of-way shall require the review and approval of a right-of-way permit;**
- 6. Any site grading or dirt work shall require a grading permit, and an erosion and sediment control plan and permit,**
- 7. 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,**
- 8. The Final Planned Development Overlay shall allow a one-time church event as per the applicant's operational plan. Any change in use that is a permitted use in the General Commercial District and in compliance with the parking ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Bulman, Caesar, Golliher, Herr, Huus, Quasney, Rolinger, and Schmidt 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.***

\*12. No. 17PD040 - Rushmore Center

A request by FMG, Inc for Peco Kid LLC to consider an application for a **Final Planned Development Overlay to construct a hotel in the General Commercial District** for Lot 3 of Tract C of Rushmore Center located in SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Luna Avenue, south of Rushmore Crossing.

Lacock presented the application and reviewed the associated slides. Lacock explained the applicant has one Exception request to allow a height of four stories and 52.5 feet in lieu of the maximum allowed height of four stories and 45 feet for the purpose of the façade and the parapet at the top of the building. Lacock noted that a similar Exception was granted to the property to the south for the same reason of the parapet at the top of that building. Lacock stated that staff recommends to approve the application with the stipulations noted in the staff report.

**Rolinger moved, Quasney seconded and unanimously carried to approve the Final Planned Development Overlay to construct a hotel in the General Commercial District with the following stipulations:**

- 1. An Exception is hereby granted to allow a height of four stories and 52.5 feet in lieu of the maximum allowed height of four stories and 45 feet for the architectural feature as shown on the submitted elevations;**
- 2. Upon submittal of a Building Permit, revised plans shall be submitted for review and approval addressing redlined comments;**
- 3. All signage shall meet 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;**
- 4. A Minimum of 121 parking spaces with five ADA accessible spaces, one being van accessible shall be provided for the hotel;**
- 5. A minimum of 186,828 landscape points with five landscape islands shall be provided. All landscaping shall be maintained in a live vegetative state; and,**
- 6. The Final Planned Development Overlay shall allow for a 121 room hotel. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any use that triggers a Traffic Impact Study shall require a Major Amendment to the Planned Development. Any conditional use shall require the review and approval of a Major**

**Amendment to the Planned Development. (8 to 0 with Bulman, Caesar, Gollither, Herr, Huus, Quasney, Rolinger, and Schmidt 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.***

13. No. 17RZ024 - Potts Subdivision

A request by KTM Design Solutions for Dakota Hills Trailer Sales, LLC to consider an application for a **Rezoning from Park Forest to Low Density Residential** for Lot 2 of Potts Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6061 Covenant Drive.

Lacock stated that the applicant has requested that the application be continued to the August 24, 2017 Planning Commission Meeting and, as such, staff recommends that the application be continued as requested.

**Rolinger moved, Gollither seconded and unanimously carried to approve that the requested Rezoning from Park Forest to Low Density Residential be continued to the August 24, 2017 Planning Commission Meeting. (8 to 0 with Bulman, Caesar, Gollither, Herr, Huus, Quasney, Rolinger, and Schmidt voting yes and none voting no)**

14. Discussion Items

Rolinger asked what the current and long range plans may be for the disc golf course. Fisher responded stating the information to answer his question would be requested.

15. Staff Items

Fisher thanked the Planning Commissioners for attending the meeting as it is sometimes hard to get quorum this time of year. Fisher reminded the Planning Commission to respond to the email that is sent out inquiring whether or not they will be attending.

16. Planning Commission Items

**There being no further business, Caesar moved, Quasney seconded and unanimously carried to adjourn the meeting at 8:17 a.m. (8 to 0 with Bulman, Caesar, Gollither, Herr, Huus, Quasney, Rolinger, and Schmidt and voting yes and none voting no)**