

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
September 21, 2017

MEMBERS PRESENT: Karen Bulman, Rachel Caesar, Galen Hoogestraat, Curt Huus, Mike Quasney, Steve Rolinger and Gerald Sullivan. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Mike Gollither, John Herr, Kimberly Schmidt

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

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

1. Approval of August 10, 2017 Zoning Board of Adjustment Meeting Minutes

**Rolinger moved, Quasney seconded and unanimously carried to Approve the August 10, 2017 Zoning Board of Adjustment Meeting Minutes. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

2. No. 17VA009 - Dakota Subdivision #1

A request by Lorene Triebwasser to consider an application for a **Variance to reduce front yard setback for an accessory structure from 35 feet to 5 feet and the side yard setback from 8 feet to 3 feet** for property generally described as being located at 524 Mall Drive

Lacock presented the application and reviewed the associated slides. Lacock pointed out that E. Mall Drive is identified on the Major Street Plan as a proposed Minor Arterial street. Lacock stated that a Minor Arterial requires a minimum of 100 feet of right-of-way width and that if E. Mall Drive should be built out as a Minor Arterial street the current 80 feet right-of-way would not be sufficient and an additional 10 feet of right-of-way would be required. Should the variance be granted, the requested carport would be located in that right-of-way. Lacock stated that reasonable use of the property exists and that staff is recommending that the variance be denied.

In response to a question from Quasney if the carport could be placed further back on the property, the applicant stated that the reason for the placement was to avoid having the carport so close to the house and she thought that setting it back 30 feet from the street would be safe.

In response to a question from Rolinger on how far she would have to move the carport to avoid the right-of way issue, Fisher stated that five feet would remove it from the right-of-way. Fisher noted it would still require a variance to allow the placement due to the 25 foot setback from Mall Drive.

Rolinger asked if it was acceptable to the applicant to revise the variance to

move the carport back 5 feet making the setback 10 feet and the applicant stated that was acceptable.

**Rolinger moved, Caesar seconded and unanimously carried to approve the requested Variance to reduce the front yard setback for an accessory structure from 35 feet to 10 feet and the side yard setback from 8 feet to 3 feet. Citing two street frontages being a hardship. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

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

**There being no further business, Rolinger moved, Huus seconded and unanimously carried to adjourn the meeting at 7:13 a.m. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
September 21, 2017

MEMBERS PRESENT: Karen Bulman, Racheal Caesar, Galen Hoogestraat, Curt Huus, Mike Quasney, Steve Rolinger and Gerald Sullivan. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Mike Gollither, John Herr and Kimberly Schmidt

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

Bulman called the meeting to order at 7:13 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.**

**Bulman and Quasney requested that Items 3 and 7, respectively, 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 7 with in accordance with the staff recommendations with the exception of Items 3 and 7. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

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

1. Approval of the September 7, 2017 Planning Commission Meeting Minutes.
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.

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

4. No. 17RZ026 - Flormann

A request by Scott Hadcock for Deb N Hads Investments, LLC to consider an application for a **Rezoning from Park Forest to Medium Density Residential District** for Lot 28 of Block 1 of Flormann, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1212 Silverleaf Avenue.

**Planning Commission continued the Rezoning request from Park Forest District to Medium Density Residential District to the October 26, 2017 Planning Commission meeting.**

5. No. 17RZ027 - Flormann

A request by Scott Hadcock for Deb N Hads Investments, LLC to consider an application for a **Rezoning from Low Density Residential to Medium Density Residential District** for Lot 29 of Block 1 of Flormann, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1220 Silverleaf Avenue.

**Planning Commission continued the Rezoning request from Low Density Residential District to Medium Density Residential District to the October 26, 2017 Planning Commission meeting.**

6. No. 17RZ028 - Section 2, T2N, R8E

A request by DTH, LLC to consider an application for a **Rezoning from Agricultural District to Light Industrial District** for a portion of the unplatted balance of all less Beard Sub, Less SW1/4NW1/4, Less W446.65 ft of SE1/4NW1/4, Less LOT H1 OF NE1/4, Less S464.64 ft OF SE1/4NW1/4NE1/4, Less S464.64 ft of NE1/4NE1/4, Less E1/2SW1/4NE1/4, Less SE1/4NE1/4,

LESS NW1/4SW1/4, Less N926.1 ft of SW1/4SW1/4 AND Less I90 Heartland Business Park, all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the Northeast Corner of Lot 1 Less W530 ft, RCI Addition, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence N00°03'50"E, a distance of 825.485 feet to the point of beginning; Thence first course: S89°51'25"E, a distance of 1,518.834 feet; Thence second course: N00°03'50"E, a distance of 1,824.244 feet; Thence third course: N89°50'42"W, a distance of 1,518.835 feet; Thence fourth course: S00°03'50"W, a distance of 1,824.563 feet, to the point of beginning, more generally described as being located east of Dyess Avenue.

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

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

- \*3. No. 17PD044 - Buffalo Crossing Subdivision  
A request by KTM Design Solution, Inc. for Buffalo East LLC to consider an application for a **Final Planned Development Overlay to allow a residential development** for a portion of the unplatted balance of the S1/2SE1/4NW1/4; unplatted balance of the NE1/4SW1/4; all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota,. more fully described as follows: Commencing at the Southeast Corner of Vacated Physician Drive, part of Lot 3, Old Rodeo Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; thence N52°19'40"E, a distance of 579.06 feet to the point of beginning; Thence first course: S85°36'07"E, a distance of 57.84 feet; Thence second course: S58°46'48"E, a distance of 202.84 feet; Thence third course: S88°00'06"E, a distance of 440.00 feet; Thence fourth course: N01°59'52"E, a distance of 394.62 feet; Thence fifth course: N86°41'38"W, a distance of 522.83 feet; Thence sixth course: N03°18'22"E, a distance of 150.00 feet; Thence seventh course: N86°41'38"W, a distance of 145.00 feet; Thence eighth course: S03°18'22"W, a distance of 268.02 feet; Thence ninth course: S03°18'22"W, a distance of 72.00 feet; Thence tenth course: S03°18'22"W, a distance of 106.40 feet; Thence eleventh course: curving to the right with an arc length of 12.08', with a radius of 634.00', with a chord bearing of S 03°51'08" W, with a chord length of 12.08', to the point of beginning, more generally described as being located northeast of the intersection of Addison Way and Healing Way.

Bulman stated that she would be abstaining from this item due to a conflict of interest.

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

- 1. Prior to issuance of a building permit, a Final Plat shall be recorded creating individual lots for the proposed residential development; and,**
- 2. This Final Planned Development shall allow for development of townhomes and single family residences. All requirements of the Low**

**Density Residential II District shall be continually maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development. All uses permitted in the Low Density Residential II District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses in the Low Density Residential II District shall require a Major Amendment to the Planned Development. (6 to 0 to 1 with Caesar, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no and Bulman 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.***

\*7. No. 17UR020 - Marlin Drive Commercial Park

A request by Morton Buildings, Inc. to consider an application for a **Conditional Use Permit to allow a mini-storage facility** for Lot 7 of Block 2 of Marlin Drive Commercial Park, located in Section 17 and 20, T1N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at 2204 Marlin Drive.

In response to a question from Quasney if the signage met Sign Code, Lacock confirmed that it is in compliance and supports the Comprehensive Plan.

**Quasney moved, Caesar seconded and unanimously carried to approve the Conditional Use Permit to allow a mini-storage facility with the following stipulation(s):**

1. **The exterior building materials shall be masonry, wood, or simulated wood siding;**
2. **A six foot high screening and security fence shall be constructed around the facility and maintained at all times;**
3. **Upon submittal of a Building Permit, the site plan shall be revised to show ADA striping for a van accessible parking space;**
4. **Upon submittal of a Building Permit, the site plan shall be revised to show property line sidewalk along Elk Vale Road or a Variance shall be obtained;**
5. **Upon submittal of a Building Permit, the site plan shall be revised to address redline comments;**
6. **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; and,**
7. **The Conditional Use Permit shall allow a mini-storage facility on the**

**property. Any expansion of the use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger 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.***

**---BEGINNING OF REGULAR AGENDA ITEMS---**

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 in the northwest corner of the intersection of Creek Drive and E. St. Patrick Street.

Horton informed the Planning Commission that the applicant has withdrawn the application and asked that the Planning Commission acknowledge the withdrawal.

**Hoogestraat moved, Rolinger seconded and unanimously carried to acknowledge the applicants withdrawal of the Resolution Creating the East St. Charles Housing Tax Increment District and Resolution approving the Project Plan. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

\*9. No. 17PD035 - Moon Meadows #2 Subdivision

A request by KTM Design Solutions, Inc for KBR, LLC to consider an application for an **Initial and Final Planned Development Overlay to construct a hotel** for Lot 1, Block 1, Moon Meadows #2 Subdivision, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of SW1/4 NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; then N89°37'50" W, a distance of 607.94' to the point of beginning; Thence, first course: S 00°16'25" W, a distance of 251.64';; Thence, second course: N 89°40'11" W, a distance of 349.49';; Thence, third course: N 07°17'07" E, a distance of 253.68';;

Thence, fourth course: S 89°38'15" E, a distance of 318.53',; to the said point of beginning, more generally described as being located in the northeast corner of the intersection of Mount Rushmore Road and Moon Meadows Drive.

Bulman stated that she would be recusing herself from this item and turned the gavel over to Rolinger.

Fisher presented the application and reviewed the associated slides noting that a hotel is a permissible use in the General Commercial District, but since it is located within a Planned Development Designation it requires a Final Planned Development be approved prior to issuance of a building permit. Fisher noted that the property is located in an entrance corridor and a gateway into the Black Hills as well as Rapid City. Fisher stated that the applicant has met setbacks, parking, screening and landscaping requirements. Fisher also noted that the applicant originally requested an Exception for height to allow a maximum height of 56 feet in lieu of 45 feet for an architectural feature, the blade to be located on the roof. Fisher noted that the blade would be 10 feet high by 95 feet long and that the "blade" is a standard feature to the Glo facilities. Fisher noted that the "blade" is externally lit blue to illuminate into the sky with the Glo sign being internally lit. Fisher noted that the structure is located along a gateway and entry corridor where it is desired that the dark sky be preserved.

Fisher noted that after discussion with the applicant and input from the neighbors, the applicant has proposed a revised elevation that reduced the height to 45 feet 10.75 inches for the blade feature. Fisher also noted that the lighting of the blade and the height of the signage remains a concern. Fisher encouraged the Planning Commission to take testimony.

Kathy Peterson, 8588 Dreamscape Road, spoke to her concerns regarding the light noting that this is an elevated area and the light would be highly visible and hopes that some change could be made to possibly shine the light down to reduce the impact of the lighting on the area.

Mike Towey, KTM Design Solutions, consultant for the applicant, discussed how they have been working to keep within the height of the building within the thresholds, noting that they had reduce original requests for 9 feet ceilings and 12 feet main floor heights.. He indicated that they are working to mitigate the lighting impact and asked the architect to explain those efforts.

Stan Ramaker of Consolidated Construction, architect for the Glo project described the light damper aperture showing how it will reflect the light back towards the building and ground rather than outward or upward.

Towey also indicated that they are working on a program that would dim the external lighting when the key card access activates at 11:00 p.m. Towey also emphasized that the graphic used in the presentation is a marketing rendering and not an actual rendering.

Kent Hagg, of Alta Terra and Hagg Brothers LLC who is developing the

neighboring properties as well as the property in question, spoke to the revisions they have effected to reduce both the height and lighting impact. He stated that as the developer of the neighboring upscale apartment complex he understands the need to mitigate these impacts. Hagg spoke to the discussion held with Best Western who is the franchise holder for the Glo chain noting that they had agreed to the suggestions.

Quasney complimented the applicant for trying to work within the Comprehensive Plan stating that he believes that is important that the businesses and developers embrace the Comprehensive Plan for the Plan to actually be successful.

In response to questions from Caesar on stipulations for dimming the lights, Fisher stated that such stipulations are within the Planning Commission's scope but noted that enforcing those stipulations would be difficult.

Fisher clarified that the Exception to allow the additional height with the lighting is separate from the construction of the hotel, as the hotel can be built without the Exception being granted, so both issues need to be considered for approval.

In response to Huus's question on how lighting in parking lots is regulated Fisher reviewed that Rapid City Municipal Ordinance requires all such lights are to be designed to shine down and not to shine on adjacent properties or right of ways.

Hoogestraat thanked the applicant for bringing a diverse design stating that he did have concern regarding the lighting and asked for clarification on the difference between signage and external lighting.

Quasney stated that he had spoken briefly with Casey Peterson, area property owner, regarding the letter he submitted to the Planning Commission and wanted to disclose that conversation.

Fisher reviewed the revised elevations noting that the Exception for height is for what is considered a parapet, noting that such structures have been approved in previous requests for other hotels, but that the lighting and signage are in addition to height. Ramaker clarified that the actual lighting is inset into the building not protruding from the actual structure stating that it is located on both stair wells.

In response to a question from Rolinger, Fisher clarified that the options for motions to address both the Exception and the Planned Development request.

In response to Robert's whether the applicant would have been able simply to pull a building permit if they had not had the 10 inches  $\frac{3}{4}$  inches height exception, Fisher stated that since it is located within a Planned Development Designation they would have to secure a Final Planned Development application, but that the Exception would not have been required

**Caesar moved to approve height Exception with the stipulation that the**

**lighting not be above the height limit and signage located below the height. No second was received so the motion died.**

**Hoogestraat offered an amended motion to grant the Exception request to allow a maximum height of 45 feet, 10.75 inches in lieu of 45 feet contingent upon the lighting and signage along the top of the building being designed with a damper to ensure that lighting shines downward and with a dimmer to comply with the sign regulations, Huus seconded. Motion was unanimously approved.**

In response to a question from Rolinger to confirm whether now that the Exception had been approved that the actual Final Planned Development request also needed to be approved, Fisher confirmed that was the case and presented staff's recommendation, with the revised Exception, that the Initial and Final Planned Development Overlay to construct a hotel be approved with stipulations.

**Huus moved, Sullivan seconded and unanimously carried to approve the requested Initial and Final Planned Development Overlay to construct a hotel with the following stipulations:**

- 1. The Exception request to allow a maximum height of 45 feet, 10.75 inches in lieu of 45 feet is hereby granted content upon the lighting and signage along the top of the building being designed with a damper to ensure that lighting shines downward and with a dimmer to comply with the sign regulations;**
- 2. Prior to issuance of a building permit, all redlined comments shall be addressed;**
- 3. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this request. The addition of LED signage 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 hotel on the property. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of the Initial and Final Planned Development or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon 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. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger 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.***

\*10. No. 17PD043 - Skyview North Subdivision

A request by Kennedy Design Group Inc for Dave Kulish to consider an application for a **Major Amendment to a Planned Development to allow a an oversized garage in the Low Density Residential District** for Lot 10R of Block 2 of Skyview North Subdivision, located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2049 Harney Drive.

Bulman returned to the dais at this time.

Lacock presented the application and reviewed the associated slides. Lacock stated that there are Exception requests to allow an accessory structure with a height of 17 feet 9 inches in lieu of the maximum allowed height of 15 feet and an Exception to allow an oversized garage of 2,410 square feet in lieu of the maximum 1,500 square feet stating that the placement of the garage, the associated topography along with the setbacks help to reduce the impact of the height. Lacock presented staff's recommendation that the Major Amendment to a Planned Development to allow an oversized garage be approved with stipulations.

**Rolinger moved, Huus seconded and unanimously carried to approve the Major Amendment to a Planned Development to allow an oversized garage with the following stipulations:**

- 1. An Exception is hereby granted to allow an oversized garage of 2,410 square feet in lieu of the maximum 1,500 square feet;**
- 2. An Exception is hereby granted to allow an accessory structure with a height of 17 feet 9 inches in lieu of the maximum allowed height of 15 feet; and,**
- 3. The Major Amendment to a Planned Development shall allow an oversized garage. The proposed structure shall not be used for commercial purposes or as a second residence. In addition, the garage shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District shall require a Building Permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger 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.***

11. No. 17VR007 - Radio Towers Subdivision

A request by Shanon Vasknetz of Baseline Surveying for Rockne Rapp Trust to consider an application for a **Vacation of Right-of-Way** for a portion of Cherry Avenue right-of-way and E. Franklin Street right-of-way located adjacent to Lot 5R of Block 6 of Radio Towers Subdivision, located in the SE1/4 of the SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast corner of the intersection of E. Franklin Street and Cherry Avenue.

Lacock presented the application and reviewed the associated slides. Lacock noted that the applicant is requesting the vacation of right-of-way to allow a six foot privacy fence to be built around the property. Lacock pointed out that upon review, staff had identified that the City's utility master plan identifies a water main improvement project slated for Cherry Avenue and as such the request for the Cherry Avenue Vacation Right-of-Way be denied and the Vacation of Right-of-Way for E. Franklin Street be approved and that a revised Exhibit showing the actual area of Vacation of Right-of-Way be submitted prior to City Council approval.

In response to a question from Hoogestraat on the reason for the request, Lacock stated that the two front yards create setback issues and although a four foot fence could be built, a 6 foot high fence would require a 10 foot setback.

In response to question from Caesar, Johnson stated that vacating the Cherry Avenue right-of-way would require an easement whereas the City currently has the right-of-way future improvements.

In response to questions from Quasney on the creation of a blind spot for the intersection, Lacock stated that the applicant was made aware of the need to avoid creating a blind spot.

**Huus moved, Rolinger seconded and unanimously carried to recommend that the Vacation of Right-of-Way request for East Franklin Street be approved and the request for Cherry Avenue to be denied. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**

12. Discussion Items

None

13. Staff Items

Fisher noted that this is Rolinger and Sullivan's last meeting and thanked them for all their dedications and wished them all the best.

Rolinger thanked staff for all their work to support the Planning Commission and spoke to how the meetings have changed over the years to be more people friendly.

Fisher introduced Vince Vidal and noted that Vince, along with Justin

Vangraefschep, were appointed to the Planning Commission effective as of October 1, 2017 and welcomed them to the Planning commission. Fisher also noted that election of officers will be held at the October 26, 2017 Planning Commission Meeting.

Fisher said she was glad to announce that a Director for the Community Planning and Development Department has been hired and that Ken Young will be starting September 25, 2017.

14. Planning Commission Items  
None

**There being no further business, Caesar moved, Hoogestraat seconded and unanimously carried to adjourn the meeting at 8:16 a.m. (7 to 0 with Bulman, Caesar, Hoogestraat, Huus, Quasney, Rolinger and Sullivan voting yes and none voting no)**