

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
October 5, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Galen Hoogestraat, Curt Huus, Mike Quasney, Justin Vangraefschepe and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Herr, Kimberly Schmidt

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Kip Harrington, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

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

Braun introduced and welcomed the new Community Planning and Development Director, Ken Young and the new Planning Commissioners Justin Vangraefschepe and Vince Vidal.

**Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.**

**Staff requested that Item 6 be removed from the Consent Agenda for separate consideration.**

**Bulman requested that Item 3 be removed from the Consent Agenda for separate consideration.**

**Motion by Bulamn seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Items 3 and 6. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

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

1. Approval of the September 21, 2017 Planning Commission Meeting Minutes.
2. No. 17PL088 - Schamber Addition No. 3  
A request by Renner Associates, LLC for Triple R Construction to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A, B and C of Block 6 of Schambers Addition, legally described as Lots 15 and 16 f Block 6 of Schambers Addition, located the NW1/4 of the NE1/4 of Section 9, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at 3647 Schamber Street.

**Staff recommends that the Preliminary Subdivision Plan be approved with stipulations:**

1. **Prior to submittal of a Final Plat application, the plat document shall be**

revised to show the dedication of 13.5 feet of additional right-of-way along Schamber Street and 6 feet of additional right-of-way along Fremont Street as they abut the property or Exception(s) shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Final Plat application;

2. Prior to submittal of a Final Plat application, the existing shed located on Lot B shall be removed from the side yard setback or surety shall be posted to ensure that the shed is removed in a timely manner; and,
  3. Prior to submittal of a Final Plat application, a Variance and/or Zoning Exception shall be obtained to reduce the lot size requirement from 6,500 square feet to 5,445 and 5,575.68 square feet, respectively, for proposed Lots A and B. If a Zoning Exception is obtained, a copy of the approved Exception shall be submitted with the Final Plat application.
4. No. 17PL097 - North Valley Park  
A request by KTM Design Solutions, Inc for BH Capital 4, LLC and Pete Hendricksen to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A, B, C, D, E, F, G, H, J, and K of North Valley Park, legally described as the unplatted balance of the N1/2 of the NE1/4 less Lots H2, H3, H4 and less railroad right-of-way and the S1/2 of the NE1/4 less Menard Subdivision, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Creek Drive and Eglin.

**Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. Upon submittal of a Development Engineering Plan application, the redline drawing comments shall be addressed. In addition, the redline drawing comments shall be returned with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, construction plans for North Creek Drive shall be submitted for review and approval showing the construction of curb, gutter, sidewalk and street light conduit along that portion of the street currently lacking the improvement 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;
3. Prior to submittal of a Development Engineering Plan application, a Comprehensive Plan Amendment to the Major Street Plan shall be submitted for review and approval relocating the collector street designation from Camden Drive to North Valley Drive or the proposed North Valley Drive street connection to East North Street shall be eliminated;
4. Upon submittal of a Development Engineering Plan application, construction plans for North Valley Drive shall be submitted for review and approval showing the industrial street located in a

minimum 60 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. If the Comprehensive Plan Amendment to the Major Street Plan is approved identifying North Valley Drive as a collector street, then the construction plans shall show the street located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface to provide a turn lane with 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, the proposed street islands proposed within the North Valley Drive right-of-way shall be removed pursuant to Chapter 2.20.1.2 of the Infrastructure Design Criteria Manual which only allows street islands on lane/place, local and collector streets;
6. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway along the east lot line shall be submitted for review and approval showing the street located in a minimum 60 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 or the section line highway shall be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
7. 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 conformance with the Infrastructure Design Criteria Manual;
8. 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;
9. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval for the proposed subdivision improvements. The drainage plan shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Box Elder Drainage Basin Plan, South Basin. In addition, drainage

easements shall also be provided as needed;

10. Upon submittal of a Development Engineering Plan application, a geotechnical report including an analysis of soil corrosivity and pavement design for all proposed subdivision improvements shall be submitted for review and approval;
  11. 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;
  12. 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;
  13. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  14. Upon submittal of a Final Plat application, documentation shall be submitted for review and approval securing maintenance and ownership of the proposed drainage pond. In addition, a Major Drainage Easement shall be dedicated for all drainage improvements, including the proposed drainage pond;
  15. 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,
  16. 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).
5. No. 17PL098 - Big Sky Business Park  
A request by KTM Design Solutions, Inc for KTM Design Solutions, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 2 and 3 of Block 5 and Lots 5 and 6 of Block 1 of Big Sky Business Park, legally described as the S1/2 of Government Lot 3 less Big Sky Business Park and less right-of-way; the S1/2 of Government Lot 4 less Big Sky Business Park, less Lot H1, H2 and right-of-way, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Neel Street.

**Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. Upon submittal of a Development Engineering Plan application, the redline drawing comments and master plan comments shall be

addressed. In addition, the redline drawing comments shall be returned with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, construction plans for Neel Street shall be submitted for review and approval showing the street located within a minimum 68 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with no on-street parking signs, 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;
3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development;
4. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;
5. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage plan shall demonstrate that stormwater is being detained to pre-developed/historic rates and provide stormwater quality. Drainage easements shall also be provided as needed;
6. Upon submittal of a Development Engineering Plan application, a geotechnical report including an analysis of soil corrosivity and pavement design for all proposed subdivision improvements shall be submitted for review and approval;
7. 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;
8. 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;**

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. **Upon submittal of a Final Plat application, documentation shall be submitted for review and approval identifying maintenance and ownership of all proposed drainage elements. In addition, a Major Drainage Easement shall be dedicated for all drainage improvements, including the two existing stormwater detention ponds;**
  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).**
7. 17TP022 - Approve the 2018 Unified Planning Work Program

**Staff recommends approval of the 2018 Unified Planning Work Program.**

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

3. No. 17PL096 - Buffalo Crossing West Subdivision  
A request by KTM Design Solutions, Inc for North Atlantic Developers LLC, Delaware Land Holdings, LLC, Envirocutt, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A, B, C, D, E, F, G and H of Buffalo Crossing West Subdivision, legally described as Lot A of Ranch Subdivision and Tract 1R of Cedar Chase Acres, located in Section 26, T1N, R7E, BHM and Lot 1 of Connector West Subdivision located in Section 27, T1N, R7E, BHM and Lot 1 of Connector Subdivision located in Section 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Catron Boulevard and Mt. Rushmore Road.

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

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

1. **Upon submittal of a Development Engineering Plan application, the redline drawing comments shall be addressed. In addition, the redline drawing comments shall be returned with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for Promise Road shall be submitted for review**

and approval showing the street located within a minimum 68 foot wide right-of-way with 10 additional feet the first 200 feet as it extends north from Catron Boulevard and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and guardrail(s) in locations of 4:1 slope or steeper from back of curb 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;

3. Upon submittal of a Development Engineering Plan application, the plat document shall show that portion of Promise Road located on the Jerald Johnson Living Revocable Trust property as dedicated right-of-way in lieu of an easement or an Exception shall be obtained to allow a public street within an easement and to allow the easement to provide principal access to more than four tracts, parcels or lots. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, construction plans for Commerce Drive shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way and constructed with a minimum 26 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 118 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface 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 Catron Boulevard shall be submitted for review and approval showing the construction of curb, gutter, sidewalk, street light conduit and a second water main 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, construction plans for Mount Rushmore Road (also known as U.S. Highway 16) shall be submitted for review and approval showing the construction of curb, gutter, sidewalk, street light conduit and a second water main 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;
7. Upon submittal of a Development Engineering Plan application, construction plans for Golden Eagle Drive shall be submitted for review and approval showing the street located within a minimum 68 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with no on-street parking signs, 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;**

- 8. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval if the trip generation during the peak hour is expected to exceed 100 vehicles as determined by Section 2.17.2.2 of the Infrastructure Design Criteria Manual. In addition, construction plans shall be submitted for review and approval showing all improvements as recommended by the Traffic Impact Study;**
- 9. 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;**
- 10. 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;**
- 11. 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 plan shall demonstrate that stormwater is being detained to pre-developed/historic rates and provide stormwater quality. Drainage easements shall also be provided as needed;**
- 12. Upon submittal of a Development Engineering Plan application, a geotechnical report including an analysis of soil corrosivity and pavement design for all proposed subdivision improvements shall be submitted for review and approval;**
- 13. 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;**
- 14. 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;
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. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of right-of-way for H Lot 1 and H Lot 2 or a request shall be submitted for review and approval by the City Council to accept the creation of the two H Lots as proposed. In addition, the H Lots shall be recorded and the recording information shall be shown on the Final Plat document;
  17. Prior to submittal of a Final Plat application, a different street name for Commerce Drive shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall show the approved street name;
  18. Upon submittal of a Final Plat application, letters of concurrence from all of the affected utility companies shall be submitted in order to vacate the existing frontage road as proposed;
  19. Upon submittal of a Final Plat application, documentation shall be submitted for review and approval securing maintenance and ownership of all proposed drainage elements. In addition, a Major Drainage Easement shall be dedicated for all drainage improvements, including the proposed stormwater facility;
  20. 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,
  21. 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). (8 to 0 to 1 with Braun, Caesar, Gollither, Hoogestraat, Huus, Quasney, Vangraefschep and Vidal voting yes and none voting no and Bulman abstaining)
- \*6. No. 17UR021 - Enchanted Hills Subdivision  
A request by Jesse Ham to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 49 of Enchanted Hills Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1357 Panorama Circle.

Lacock presented the application and reviewed the associated slides. Lacock noted that staff had received a letter of opposition requesting that the connection of plumbing to the garage be disallowed. Lacock pointed out that the applicant is not currently requesting to connect services at this time, but would like to leave the option open should the need arise in the future. Lacock stated that staff recommends that the Conditional Use Permit to allow an oversized garage be approved with stipulations.

Don Blada, 1349 Panama Circle, spoke to his concerns including the loss of

views and the large size of the garage which they believe does not fit with the other structures in the development. Blada also noted that the proposed structure has not been approved by the Home Owners Association.

Kyle Blada, 1349 Panama Circle, discussed her concerns with the drainage and erosion that might be caused by the construction of the garage and queried if the proposed garage would interfere with their septic field.

In response to a question from Vidal regarding the building height, Lacock confirmed that the height of the garage is within the 15 foot height limits for an accessory structure.

Johnson addressed the questions on drainage and building location in regards to septic fields stating that staff had reviewed the plans and did not foresee any issues with drainage and that the building is located away from any of the individual septic fields in the development.

Jesse Hamm indicated that he had talked with the surrounding property owners regarding the proposed garage but that he relied on staff to confirm that the drainage would meet requirements and acknowledged that he wanted to receive City approval prior to requesting review by the Home Owners Association.

**Hoogestraat moved, Bulman seconded and unanimously carried to approve the Conditional Use Permit to allow an over-sized garage with the following stipulations:**

- 1. An Exception is hereby granted to allow an over-sized garage 1,600 square feet in size, for a total garage area of 2,726 square feet in lieu of the maximum allowed 1,500 square feet;**
- 2. Upon submittal of a Building Permit, the site plan shall be revised to show the installation of sidewalk along Panorama Circle or a Variance shall be obtained;**
- 3. Upon submittal of a Building Permit, utility plans for water and sewer services in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval;**
- 4. The proposed over-sized attached garage shall be constructed with the same colors and character as shown on the applicant's submitted elevations. Any change to the colors or character of the garage shall require a Major Amendment to the Conditional Use Permit; and,**
- 5. The Conditional Use Permit shall allow for an over-sized garage on the property. The garage 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 Conditional Use Permit. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Quasney, Vangraefschep and Vidal voting yes and none voting no)**

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community 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. 17PD045 - Johnson Ranch Subdivision

A request by KTM Design Solutions, Inc for Yasmeen Dream LLC to consider an application for a **Final Planned Development Overlay to allow a residential development** for Lots 1 thru 14 of Block 1, Lots 1 thru 14 of Block 2 of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of E. St. Patrick Street and South Valley Drive.

Lacock presented the application and reviewed the associated slides noting that the Initial Planned Development was reviewed and approved in March of 2017 with Exceptions being granted that were contingent on fire sprinkler protecting the structures and entering into an agreement with the City to provide a community park within the Planned Development. Lacock noted that with the Final Planned Development they are still requesting the Exception to reduce the minimum required lot size from 6,500 square feet to 4,922 square feet and the Exception to reduce the minimum required lot width from 50 feet to 46 feet but removing the contingency that the structures be fire sprinkler protected and requiring that the applicant enter into an agreement with the City for the timing to create the community park prior to submittal of any development application or permits for Phase Two. Lacock said that the fire sprinkler protection had been required by the Fire Department based on the minimum, separation being reduce below 16 feet. The fire sprinkler protection is no longer being required as the minimum separation between structures is being met and requirement that the applicant agree to enter into an agreement with the city regarding the park and addressed the inclusion to stipulation 3 "that any decrease in the minimum required side yard setback shall require the review and approval of an amendment to the Planned Development in compliance Chapter 17.50.050.G of the Rapid City Municipal Code". Lacock said that with these changes staff recommends that the Final Planned Development Overlay to allow a residential development be approved.

In response to a question from Quasney on lot size, Fisher stated that reduced lot sizes have been done previously, identifying Kateland Subdivision and noting the inclusion of park area. Fisher stated that the timing of the park and the construction of the street was discussed and it was agreed that the park will be provided with Phase Two.

In response to a question from Huss regarding the South Valley Drive intersection with E. St. Patrick street improvements, Fisher stated that it was

decided by the City Council that improvements to South Valley Drive are not required.

In response to a question from Caesar regarding the park, Fisher confirmed that any changes to the park would require an amendment to the Planned Development.

In response to a question from Quasney on the fire sprinkler protection requirement, Behlings spoke to his belief that although the setback changes meet the requirements and does not require sprinkler suppression, fire suppression is important.

**Bulman moved, Quasney seconded to approve the Final Planned Development Overlay to allow a residential development with the following stipulations:**

- 1. Acknowledge the Exception granted to reduce the minimum required lot size from 6,500 square feet to 4,922 square feet removing the contingency that the structures be fire sprinkler protected and requiring that the applicant enter into an agreement with the City for the timing to create the community park prior to submittal of any development application or permits for Phase II;**
- 2. Acknowledge the Exception granted to reduce the minimum required lot width from 50 feet to 46 feet removing the contingency that the structures be fire sprinkler protected and requiring that the applicant enter into an agreement with the City for the timing to create the community park prior to submittal of any development application or permits for Phase II;**
- 3. A minimum 8 foot side yard setback for one-story structures or a 12 foot side yard setback for a two-story structure shall be provided for all structures. Any decrease in the minimum required side yard setback shall require the review and approval of an amendment to the Planned Development in compliance Chapter 17.50.050.G of the Rapid City Municipal Code;**
- 4. A maximum lot coverage of 30% shall be provided for all structures. Any increase in the maximum allowed lot coverage shall require the review and approval of a Major Amendment to the Planned Development; and,**
- 5. This Final Planned Development Overlay shall allow a single-family residential development in the Low Density Residential District. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (8 to 1 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and Huus voting no)**

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

***day following action by the Planning Commission.***

\*9. No. 17PD046 - Providence Subdivision

A request by Verdell Brand to consider an application for a **Final Planned Development Overlay to allow an oversized garage** for Lots 18 thru 20 of Block 9 of Providence Subdivision, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2726 West Omaha Street.

Lacock presented the application and reviewed the associated slides noting that the property sits between two principal arterial roads within a residential neighborhood. Lacock noted that the applicant is requesting an Exception to not pave the first 50 feet of the driveway from the street into the property as required by Rapid City Municipal Code. Lacock explained that staff is requesting that the Exception be denied stating that the requirement for the paving is to prevent tracking of gravel and mud into city rights-of-way from driveways and other sources. Lacock clarified that the oversized garage is based on the overall garage space on the property being larger than the footprint of the dwelling. Lacock stated that staff recommends denying the Exception and approving the **Final Planned Development Overlay to allow an oversized garage** with stipulations.

In response to a question from Vangraefaschepe regarding alternatives to paving, Johnson stated that there are options but they do not meet the criteria of hard surfacing.

Verdell Brand, 2726 West Omaha Street, spoke to the changes he made to meet the requirements to build the carport including removal of sheds and installing a foundation for his carport and feels he did not receive the necessary information regarding the overall requirements and that the added cost is making this improvement exorbitant.

In response to a question from Hoogestraat if there were alternatives to requiring the pavement, Fisher stated that the options are limited, but did state that the Planning Commission did have the option to grant the Exception if they believed it was the best option.

Discussion followed.

Johnson spoke to the reasons asphalt milling is not considered an alternative since dust and drainage from this surface add contamination into the ground water.

Brand stated that he feels that he should be repaid for the removal of his shed.

**Bulman moved, Caesar seconded to approve the Final Planned Development Overlay to allow an oversized garage with the following stipulations:**

**1. An Exception is hereby granted to allow an oversized garage area of**

- 1,056 square feet in size, larger than the footprint of the dwelling;
2. An Exception is hereby denied to waive the requirement to pave the first 50 feet of the driveway; and,
3. The Final Planned Development shall allow for an oversized garage area. The proposed structure shall not be used for commercial purposes or as a second residence. In addition, the carport shall not be used as a rental unit. Any change in use that is a permitted use in the Medium Density Residential District shall require a Building Permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 1 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Quasney, Vangraefscheppe and Vidal voting yes and Huus 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. 17RZ025 - Section 12, T1N, R7E

A request by KTM Design Solutions, Inc for Maguire Services, LLC to consider an application for a **Rezoning from Park Forest District to Low Density Residential District** for a tract of land lying in the S1/2NE1/4 and the N1/2SE1/4 of Section 12, T1N, R7E of the B.H.M. and being more particularly described as follows: Commencing at the Northeast corner of Lot 32, Block 3 of Robbinsdale Terrace Addition as recorded in the steel files in the Pennington County Register of Deeds and being the Point of Beginning; Thence with said Addition southwesterly a distance of 300 feet to the Northwest corner of Lot 26, Block 5; Thence continuing with said Addition southeasterly a distance of 210 feet to the southwest corner of Lot 25, Block 5; Thence continuing with said Addition southwesterly a distance of 46 feet to the northwest corner of Lot 20, Block 5; Thence continuing with said Addition northwesterly a distance of 166 feet to the southeast corner of Lot 16, Block 5; Thence continuing with said Addition northwesterly a distance of 450.5 feet to the southeast corner of Lot 10 REVISED, Block 5; Thence continuing with said Addition northerly a distance of 46.06 feet to an angle point in the easterly line of Lot 10A, also being an angle point in the south line of Lot 1 of Faith Lutheran Addition as recorded in Book 29 of Plats, Page 21 in the Pennington County Register of Deeds; Thence with said Faith Lutheran Addition northerly a distance of 11.50 feet to an angle point in the south line of said Lot 1; Thence continuing with said Addition easterly a distance of 206.77 feet to the southeast corner of said Lot 1; Thence continuing with said Addition northerly a distance of 100.00 feet to a point on the easterly line of said Lot 1, also being the southwest corner of Lot 2, Block 5 of aforementioned Robbinsdale Terrace Addition; Thence with said Robbinsdale Terrace Addition easterly a distance of 583 feet to the northwest corner of Lot 9, Block 3; Thence continuing with said Addition southeasterly a distance of 306 feet to the southwest corner of Lot 12, Block 3; Thence continuing with said Addition southeasterly a distance of 203 feet to an angle point in the south line of Lot15,

Block 3; Thence continuing with said Addition southwesterly a distance of 361.5 feet to the northeast corner of Lot 25, Block 3; Thence continuing with said Addition westerly a distance of 112 feet to the northwest corner of Lot 26, Block 3; Thence continuing with said Addition northwesterly a distance of 474 feet to the northeast corner of Lot 32, Block 3 and the Point of Beginning, more generally described as being located southeast of the intersection of Oak Avenue and Indiana Street.

Lacock reviewed the application stating that this item has been continued from the August 24, 2017 Planning Commission meeting to allow the applicant time to prepare a Final Planned Development Overlay for the property to be heard in conjunction with the Rezoning request. Lacock reviewed the slides and presented staff's recommendation that if the Planning Commission determines that the proposed Rezoning request cannot be supported without a Planned Development Overlay, then the Rezoning request shall be denied.

David Butler, 2930 Country Club Drive, representing McGuire Services addressed the value of the property as is versus the costs associated with the development of the property stating that those costs were prohibitive regardless of what is built and the potential to spread those costs over more houses allows the cost of those houses to be cost-effective for the area. Butler stated that the owners are simply trying to find a financially beneficial use of the property that has till now been used as a free park at the property owners expense.

David Strand, 3610 Wisconsin Avenue, speaking for Faith Lutheran Church and his daughter who lives at 2514 Grandview, spoke to the stability of the hill over the years including mud flooding the drive way to the church during rainstorms.

Mike Pennel, 129 Indiana Street, spoke to the expense he has incurred to maintain his basement and that he is concerned with the additional build up creating additional issues. He also noted the existing high traffic which can be expected to increase and the fire danger and the effects to his house the additional development would create.

Lois Cerrosimo, 103 Indiana Street, spoke to her concerns regarding the access that would run beside her property and the traffic that would be created by the additional houses. She also discussed her concerns with the stability of the hill and the mess and inconvenience during the construction.

In response to a question from Caesar regarding the erosion control during construction and the requirement to meet City's requirements for the development, Johnson stated that they would be required to provide erosion control, soil stabilization, geotech information, as would any development project and that the details would be provided by the developer. Butler stated that they will meet any requirements but they need the rezoning to do the studies and decide if the project is feasible.

In response to a question from Vidal, Butler confirmed there is a viable drainage plan that might even help with existing drainage issues.

Hoogestraat stated that he feels that the Planned Development Overlay is needed in order to determine if the rezone should be allowed.

Fisher confirmed that the access from Indiana Street was defined as right-of-way when the lots were platted and that the request for a Planned Development Overlay to allow for additional information including construction plans, identification of the lot size and number of houses allows both the applicant and staff to better review the effects of the request. Fisher reviewed the options for the Planning Commission.

In response to a question from Vangraefaschepe regarding the storm sewer expansion required to meet the additional flow, Johnson spoke to the options stating that onsite would be the more feasible option. Vangraefaschepe stated that is important to know more information.

Discussion followed.

Roberts spoke to his belief that requesting a Planned Development Designation prior to the Rezoning of the property places too much cost and responsibility on the applicant. The cost that the developer will incur is large and creates a prohibitive position and that requesting this type of information is putting the cart before the horse.

Bulman agreed that it is not general practice to request a planned Development in conjunction with a Rezoning request, but that she feels that this is a unique property and that by requesting additional information will assist both staff and the applicant to define if the projected development is viable or not before the property is rezoned.

Fisher advised that the Planning Commission define the reason for the recommendation of denial of the Rezoning request. Fisher explained the criteria of review for a Rezoning request pursuant to the Zoning Ordinance and advised that if the Planning Commission finds that this criteria has not been met, then cite this as the basis for denial.

The motion maker and the second agreed to the amendment to the motion.

Roll call vote was called.

**Bulman moved, Hoogestraat seconded that the Rezoning from Park Forest District to Low Density Residential District be denied as the criteria of review pursuant to the Zoning Ordinance has not been met. (6 to 3 with Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Quasney voting yes and Braun, Vangraefaschepe and Vidal voting no)**

11. Discussion Items  
None

12. Staff Items

Fisher reviewed the Office Elections to be held at the upcoming October 26, 2017 Planning Commission meeting and advised them to be prepared to nominate candidates for Chairman, Vice Chairman and Secretary.

Horton requested volunteers to serve on the Tax Increment Committee stating that she will forward the names to the Mayor for approval of appointment.

Braun advised anyone interested in volunteering to contact Patsy following the meeting.

13. Planning Commission Items

None

**There being no further business, Caesar moved, Quasney seconded and unanimously carried to adjourn the meeting at 8:35 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, Quasney, Vangraefscupe and Vidal voting yes and none voting no)**