

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
October 26, 2017

MEMBERS PRESENT: Erik Braun, Racheal Caesar, Mike Golliver, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney, Kimberly Schmidt, Justin Vangraefschepe and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Karen Bulman

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

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

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

**Staff requested that Items 4 be removed from the Consent Agenda for separate consideration.**

**Schmidt requested that Items 7, 8 and 9 be removed from the Consent Agenda for separate consideration.**

**Motion by Hoogestraat seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 11 in accordance with the staff recommendations with the exception of 4, 7, 8 and 9. (9 to 0 with Braun, Caesar, Golliver, Herr, Hoogestraat, Huus, Quasney, Schmidt and Vangraefschepe voting yes and none voting no)**

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

1. Approval of the October 5, 2017 Planning Commission Meeting Minutes.
2. 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.

**Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the Rezoning request from Park Forest District to Medium Density Residential District.**

3. 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 Revised 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.

**Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the Rezoning request from Park Forest District to Medium Density Residential District.**

5. No. 17PL101 - Prairie Meadow South Subdivision

A request by Sperlich Consulting, Inc for Freeland Meadows LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 through 4 of Block 1, Lots 1 through 10 of Block 2 and Lots 1 through 11 of Block 3 of Prairie Meadows South Subdivision, legally described as a portion of the NE1/4 of the NW1/4 of Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Marino Drive and Country Road.

**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 Country Road shall be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, a second water main, sewer and sidewalk at intersections and grading for sidewalks along developable parcels. In addition, if turn lanes are required, the pavement width and right-of-way width shall be increased as per Figure 2-1 of the Infrastructure Design Criteria Manual. The plat document shall show the dedication of 50 feet of right-of-way for Country Road as proposed. Pursuant to Section 1.10 of the Infrastructure Design Criteria Manual, Exceptions to waive development requirements may be submitted for review. 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, construction plans for Manning Drive, Brady Drive and McNabb Drive shall be submitted for review and approval showing the streets located within a minimum 52 foot wide right-of-way with 10 additional feet of right-of-way within 200 feet of Country Road 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 submitted for review. 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, a Traffic Impact Study shall be submitted for review and approval. In**

- addition, the recommended improvements as per the Traffic Impact Study shall be included in the construction plans as needed for each phase of the development or an Exception shall be submitted for review. 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, 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 shall be submitted for review and approval. The drainage report shall address storm water quantity control and storm water quality treatment. The design report shall be in conformance with the Infrastructure Design Criteria Manual and the Box Elder Drainage Basin Plan, Middle Basin. Drainage easements shall also be provided as needed;
  8. 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 consideration;
  9. 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;
  10. 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;
  11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be

submitted for review and approval;

12. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential District to allow the proposed residential development;
13. Upon submittal of a Final Plat application, ownership and maintenance of the proposed drainage pond(s) shall be secured;
14. 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,
15. 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. 17RZ031 - Prairie Meadows South Subdivision

A request by Sperlich Consulting, Inc for Freeland Meadows, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District** for a portion of the NE ¼ of the NW ¼ of Section 19, T2N, R8E, B.H.M., Located in the NE ¼ of the NW ¼ of, Section 19, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the northerly quarter section corner of Section 19, T2N, R8E, B.H.M., and the Point of Beginning; Thence, first course: N 89°36'31" W, a distance of 207.42 feet to a point on the northerly section line of Section 19, T2N, R8E, B.H.M.; Thence, second course: S 00°23'29" W, a distance of 50.00 feet; Thence, third course: N 89°36'31" W, a distance of 1120.18 feet; Thence, fourth course: S 00°08'03" W, a distance of 312.70 feet; Thence, fifth course: S 89°51'57" E, a distance of 162.00 feet; Thence, sixth course: N 00°08'03" E, a distance of 28.28' feet; Thence, seventh course: S 89°44'44" E, a distance of 877.34' feet; Thence, eighth course: N 58°57'02" E, a distance of 52.00' feet; Thence, ninth course: N 72°20'15" E, a distance of 37.64 feet; Thence, tenth course: N 00°15'16" E, a distance of 242.80 feet; Thence, eleventh course: N 00°23'29" E, a distance of 50.00 feet to a point on the northerly section line of Section 19, T2N, R8E, B.H.M.; Thence, twelfth course: S 89°36'31" E, a distance of 207.42 feet to the northerly quarter section corner of Section 19, T2N, R8E, B.H.M., and the Point of Beginning, more generally described as being located southeast of the intersection of Marino Drive and Country Road.

**Staff recommends that the Rezoning request from General Agricultural District to Low Density Residential District be approved.**

10. No. 17OA002 - Ordinance Amendment To Allow Artisan Distillers As A Conditional Use In The Central Business District And The General Commercial District By Amending Title 17 Of The Rapid City Municipal Code.

A request by Randal R. Decker for Contraband LLC to consider an application for an **Ordinance Amendment To Allow Artisan Distillers As A Conditional Use In The Central Business District And The General Commercial District By Amending Title 17 Of The Rapid City Municipal Code.**

**Staff recommends that this item be continued to the November 9, 2017 Planning Commission meeting in order to meet publication requirements.**

\*11. No. 17UR022 - Schamber Section 9 NW1/4 NE1/4

A request by Susan Weiss to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lots 14 thru 15 of Block 3 of Schamber Section 9 NW1/4 NE1/4, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1927 Rushmore Street.

**Staff recommends that the Conditional Use Permit to allow an over-sized garage be approved with the following stipulation:**

- 1. An Exception is hereby granted to allow an over-sized garage 864 square feet in size, larger than the footprint of the 784 square foot dwelling; and,**
- 2. 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 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 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.***

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

\*4. No. 17PD047 - Buffalo Crossing

A request by KTM Design Solutions, Inc for Buffalo East, LLC to consider an application for a **Final Planned Development Overlay to allow an office complex** for the unplatted Balance of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Unplatted Balance of NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the SW corner of the unplatted balance of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; unplatted balance of NE $\frac{1}{4}$ SW $\frac{1}{4}$ , all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, and the point of beginning; Thence first course: S87°49'52"E, a distance of 215.83 feet; Thence second course: on a curve turning to the left with an arc length of 240.18 feet, with a radius of 566.00 feet, with a chord bearing of N34°22'21"E, with a chord length of 238.39 feet; Thence third course: N25°18'58"W, a distance of 13.63 feet; Thence fourth course: N72°20'31"W, a distance of 243.94 feet; Thence fifth course: on a curve turning to the left with an arc length of 107.30 feet, with a radius of 462.46 feet, with a chord bearing of N78°59'19"W, with a chord length of 107.06 feet; Thence sixth

course: S01°20'16"W, a distance of 295.44 feet, to the point of beginning, more generally described as being located southwest of the intersection of Addison Avenue and Healing Way.

Lacock presented the application and reviewed the associated slides. Lacock stated that the applicant has indicated that the property to the south may develop as commercial in the future. Lacock presented a revised stipulation of approval regarding an agreement securing the timing of the construction of the fence. Lacock presented staff's recommendation that the **Final Planned Development Overlay to allow an office complex** be approved with the revised stipulations.

**Hoogestraat moved, Quasney seconded and unanimously carried to approve the Final Planned Development Overlay to allow an office complex with the following stipulations:**

1. **Prior to issuance of a Building Permit, the site plan shall be revised to show a six foot high opaque screening fence to be located along the south property line or the applicant shall enter into an agreement securing the timing of the construction of the fence;**
2. **Upon submittal of a Building Permit, the plans shall be revised to address redlines comments. The redlined plans shall be returned to Community Planning and Development Services;**
3. **Prior to issuance of a Certificate of Occupancy, the applicant shall obtain acceptance of street and infrastructure improvements in Healing Way and Addison Avenue;**
4. **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 all signs;**
5. **Upon submittal of a Building Permit, the site plan shall be revised to show the minimum required 8 foot wide access aisle for an ADA van accessible parking space. A minimum of 72 parking spaces shall be provided. In addition, three of the parking spaces shall be ADA accessible. One of the ADA spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;**
6. **A minimum of 64,057 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,**
7. **This Final Planned Development Overlay shall allow a office complex. Permitted uses within the Office Commercial District in compliance with the Parking Ordinance shall be allowed with an amendment to the Planned Development in compliance with Chapter 17.50.050(G) of the Rapid City Municipal Code. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Caesar, Golliher, Herr, Hoogestraat,**

Huus, Quasney, Schmidt and Vangraefscupe 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.***

Braun requested that Items # 7, 8 and 9 be taken together.

7. No. 17PL102 - Fountain Springs Square Subdivision

A request by KTM Design Solutions, Inc for Franklin Simpson to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 2A and 2R of Fountain Springs Square Subdivision, legally described as formerly Lot 2 of Fountain Springs Square Subdivision located in the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of South Plaza Drive and Fountain Springs Drive.

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

**Hoogestraat moved, Golliher seconded and unanimously carried to approve the Preliminary Subdivision Plan with the following stipulations:**

- 1. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
- 2. Upon submittal of a Development Engineering Plan application, 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;**
- 3. 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. The drainage analysis and proposed improvements shall be in compliance with the approved Deadwood Avenue Drainage Basin Plan and the Infrastructure Design Criteria Manual, including drainage areas,**

stormwater generation criteria, design components, detention, stormwater metering and discharge. The Stormwater analysis and improvements shall also include consideration of current and future stormwater quality requirements and improvements. In addition, easements shall be provided as needed;

4. Upon submittal of a Development Engineering Plan application, construction plans for Fountain Plaza Drive shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk and street light conduit or an Exception shall be submitted for review. In addition, the plat document shall show the dedication of 4 additional feet of right-of-way or an Exception shall be submitted for review. If Exceptions are obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;
  5. Prior to submittal of the Development Engineering Plan application, construction plans for S. Plaza Drive shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, street light conduit or an Exception shall be submitted for review. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
  6. Upon submittal of the Development Engineering Plan application, a site plan showing the underground irrigation lines and any other private utilities located on the property shall be submitted;
  7. 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;
  8. Prior to submittal of a Final Plat application, drainage improvements as approved by the City on 5/15/17 shall be completed and accepted by the City as per City DEV File 16-1296;
  9. Prior to submittal of a Final Plat application, the plat shall be revised removing "Subdivision" from the title. In addition, the lots shall be relabeled 2A and 2 Revised or 2A and 2B;
  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. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (9 to 0 with Braun, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney, Schmidt and Vangraefschepe voting yes and none voting no)
8. No. 17RZ032 - Fountain Springs Square Subdivision  
A request by KTM Design Solutions, Inc for Franklin Simpson to consider an



application for a **Rezoning from Light Industrial District to General Commercial District** for that portion of Lot 2 of Fountain Springs Square Subdivision located in the N½ of the SE¼ of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the NW corner of Lot 3 of Fountain Springs Square Subdivision, located in the N½ of the SE¼, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence N10°28'04"W, a distance of 26.00 feet; thence N10°24'55"W, a distance of 64.25 feet; thence curving to the right with an arc length of 112.63 feet, with a radius of 611.89 feet, with a chord bearing of N04°26'26"W, with a chord length of 112.47 feet; thence N01°32'59"E, a distance of 103.66 feet, to the point of beginning; Thence first course: S70°41'23"E, a distance of 385.18 feet; Thence second course: N61°45'25"E, a distance of 44.85 feet; Thence third course: N28°28'02"W, a distance of 35.57 feet; Thence fourth course: N70°41'23"W, a distance of 407.37 feet; Thence fifth course: S01°32'59"W, a distance of 59.85 feet, to the point of beginning, more generally described as being located northeast of the intersection of South Plaza Drive and Fountain Springs Drive.

**Hoogestraat moved, Golliher seconded and unanimously carried recommend that the Rezoning request from Light Industrial District to General Commercial District be approved. (9 to 0 with Braun, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney, Schmidt and Vangraefscupe voting yes and none voting no)**

9. No. 17RZ033 - Fountain Springs Square Subdivision

A request by KTM Design Solutions, Inc for Franklin Simpson to consider an application for a **Rezoning from General Agricultural District to General Commercial District** for that portion of Lot 2 of Fountain Springs Square Subdivision located in the N½ of the SE¼ of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the NW corner of Lot 3 of Fountain Springs Square Subdivision, located in the N½ of the SE¼, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; thence N10°28'04"W, a distance of 26.00 feet, to the point of beginning; Thence first course: N10°24'55"W, a distance of 64.25 feet; Thence second course: on a curve turning to the right with an arc length of 112.63 feet, with a radius of 611.89 feet, with a chord bearing of N04°26'26"W, with a chord length of 112.47 feet; Thence third course: N01°32'59"E, a distance of 103.66 feet; Thence fourth course: S70°41'23"E, a distance of 385.18 feet; Thence fifth course: S61°45'25"W, a distance of 282.33 feet; Thence sixth course: S79°31'56"W, a distance of 98.92 feet, to the point of beginning, more generally described as being located northeast of the intersection of South Plaza Drive and Fountain Springs Drive.

**Hoogestraat moved, Golliher seconded and unanimously carried to recommend that the Rezoning request from General Agricultural District to General Commercial District be approved. (9 to 0 with Braun, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney, Schmidt and Vangraefscupe voting yes and none voting no)**

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

\*12. No. 17PD036 - Rushmore Center

A request by KTM Design Solutions, Inc for Chrisbro Hospitality, LLC. to consider an application for an **Initial and Final Planned Development to allow a hotel** for Tract A of Rushmore Center, located in Section 39, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the North LaCrosse Street and Eglin Street intersection.

Lacock presented the application and reviewed the associated slides. Lacock stated that this will be a two phased development with the 218 room hotel being developed in Phase I and a restaurant to be developed in Phase II. Lacock stated that the applicant is requesting an Exception to allow a height of four stories and 49 feet in lieu of the maximum allowed height of four stories and 45 feet noting that the height exception is to allow the architectural feature of a parapet and staff recommends that the Exception be granted. Lacock also noted that staff recommends that the Exception to waive the requirement to plant trees in a minimum required four landscaped parking islands be denied as the landscaping plans show that there are enough islands to allow for the planting of trees. Staff recommends that the application for an Initial and Final Planned Development to allow a hotel be approved with stipulations.

In response to a question from Quasney regarding parking spaces, Lacock clarified that the parking requirements are being met for the hotel development of Phase I, stating that the proposed restaurant is a part of Phase II and would require a Major Amendment to the Planned Development which would address the parking for that phase. Fisher clarified that the application before the Planning Commission is for Phase I only and that that phase shows the applicant is providing the required parking plus an additional 10 parking spaces over the required parking spaces for a hotel.

Quasney commented on the number of Exceptions that have been granted for height and wondered if this should be changed as these Exceptions continue to be requested and granted.

Hoogestraat stated that he likes the landscaping with smaller islands and would rather see plantings other than trees. Fisher spoke to the reasons trees are considered an essential part of landscaping including the break they bring to the hardscaped paving.

**Caesar moved, Gollither seconded and carried that the Initial and Final Planned Development Overlay to allow a hotel be approved with the following stipulations:**

- 1. An Exception is hereby granted to allow a height of four stories and 49 feet in lieu of the maximum allowed height of four stories and 45 feet as shown on the submitted elevations;**
- 2. The Exception to waive the requirement to plant trees in the minimum required four landscaped parking islands is hereby denied. A**

- Minimum of four landscaped islands shall continually be provided and maintained. A Minimum of 175,435 landscape points shall be provided for Phase I. All landscaping shall be continually maintained in a live vegetative state;
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 Initial and 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 218 parking spaces shall be provided for Phase I. Phase II as proposed shall require a Major Amendment to the Planned Development; and,
  5. The Initial and Final Planned Development Overlay shall allow for a 218 room hotel. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with an amendment to the Planned Development in compliance with Chapter 17.50.050(G) of the Rapid City Municipal Code. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (8 to 1 with Braun, Caesar, Gollither, Herr, Hoogestraat, Huus, Schmidt and Vangraefschepe voting yes and Quasney 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. 17PD048 - Copperfield Vistas Subdivision

A request by Renner Associates, LLC for Tescher Development, LLC to consider an application for a **Major Amendment to a Planned Development to allow a townhome in the Low Density Residential District** for proposed Lot 1A and 1B of Block 7 of Copperfield Vistas Subdivision, legally described as Lot 1 of Block 7 of Copperfield Vistas Subdivision, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3228 Homestead Street.

Lacock presented the application noting that the applicant is requesting an Exception to reduce the front yard setback from 25 feet to 20 feet. Lacock said that as the standard setback in the Low Density Residential District on a sub-collector street is 20 feet granting the Exception would place this setback in line with other properties in the neighborhood and staff is recommending that the Exception be granted and that the application be approved with stipulations.

In response to a question from Quasney on setbacks Fisher clarified that the standard front yard setback is 20 feet if not along a collector or arterial street, but that in what staff considers an oversight, townhomes are specifically required to

have a 25 foot front yard setback. Fisher noted that staff plans to address this discrepancy.

In response to a comment from Herr on the number of units in the townhome, Fisher stated that the stipulations will be revised to identify the townhome as a two-unit townhome.

**Hoogestraat moved, Caesar seconded and unanimously carried to approve the Major Amendment to the Planned Development Overlay to allow a townhome in the Low Density Residential District with the following stipulations:**

- 1. An Exception is hereby granted to reduce the minimum required front yard setback from Copperfield Drive from 25 feet to 20 feet; and,**
- 2. This Major Amendment to the Planned Development Overlay shall allow a two-unit townhome in the Low Density Residential District. Any change in use that is a permitted use in the Low Density Residential 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 Low Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney, Schmidt and Vangraefschepe 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.***

14. No. 17PD049 - Section 9, T1N, R8E

A request by Dwight and Linda Peterson to consider an application for a **Final Planned Development Overlay to allow an oversized garage with Exceptions** for Lots 5 and 6 of the SW1/4 of the NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2918 and 2926 Garden Lane.

Lacock presented the application and reviewed the associated slides showing that there are currently two dwellings located on the property. Lacock stated that the applicant is planning to construct a 3,072 Morton building and a new dwelling on the property. Lacock explained that a primary use such as a dwelling must exist on a property prior to an accessory structure and as the applicant plans to construct the Morton building before constructing the new dwelling, the applicant is requesting an Exception to temporarily allow two primary structures on the property with the stipulation that prior to issuance of a Certificate of Occupancy for the new dwelling, the trailer home shall be removed from the property. Additionally an Exception request to allow the 546 square foot garage and a 3,072 square foot storage shed for a total square footage of 3,618 square feet,

larger than the maximum allowed 1,500 square feet and an Exception to allow an accessory structure with a height of 18 feet in lieu of the maximum allowed height of 15 feet. Based on the location of and placement of the access to the accessory structure, staff recommends the aforementioned Exceptions be granted. However, staff recommends that the Exception request to waive the requirement to pave the first 50 feet of the driveway be denied to assist in reducing the tracking on to the paved public right-of-way. Lacock stated that the applicant is removing two existing driveway accesses to the property. Lacock stated that staff is recommending that the application be approved with stipulations which includes the recommendation to deny the Exception to paving the driveway.

In response to a question from Caesar regarding how staff will ensure that the second residence would be removed, Fisher stated that the final inspection prior to issuance of a Certificate of Occupancy would require that the second residence be removed. Fisher stated that the Planning Commission could amend the stipulations of approval to identify a specific time at which the item would come before them again to confirm the second residence had been removed which would include a site inspection. Fisher further noted that financing and insurance institutions generally require a Certificate of Occupancy which would not be issued until the second residence had been removed so staff believes this stipulation will not be an issue.

Linda Peterson, 2826 Garden Lane, who is the applicant, stated that she will not want to have the trailer in her backyard. She spoke to the numerous other driveway accesses along Garden Lane that are not paved stating that the cost is restrictive and requests that they be allowed to not pave the driveway to allow them to use those funds for other uses.

Hoogestraat stated that as this property is unique being agricultural in nature he inquired if they could reach a compromise to allow the owner to post surety to allow them a designated time to complete the paving. Herr indicated that one paving season is the general time granted, but said that he believes the paving of the first 50 feet is critical to controlling dust creation and tracking issues.

**Quasney moved, Caesar seconded and unanimously carried to approve the Final Planned Development Overlay to allow an over-sized garage with the following stipulations:**

- 1. An Exception is hereby granted to allow 546 square foot garage and a 3,072 square foot storage shed for a total square footage of 3,618 square feet, larger than the maximum allowed 1,500 square feet;**
- 2. An Exception is hereby denied to waive the requirement to pave the first 50 feet of the driveway;**
- 3. An Exception is hereby granted to temporarily allow two primary structures on the property with the stipulation that prior to issuance of a Certificate of Occupancy for the new dwelling, the trailer home shall be removed from the property;**
- 4. An Exception is hereby granted to allow an accessory structure with a height of 18 feet in lieu of the maximum allowed height of 15 feet; and,**

5. **The Final Planned Development shall allow for an oversized garage. The proposed structure shall not be used for commercial purposes or as a second residence. In addition, the storage shed 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. (9 to 0 with Braun, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney, Schmidt and Vangraefschepe voting yes and none voting no)**

15. No. 17AN006 - Section 29, T1N, R7E

A request by KTM Design Solutions, Inc for Dean Hamm Trust to consider an application for a **Petition for Annexation** for that portion of W1/2NE1/4SE1/4 of Portrush Road; less Red Rock Estates less row; all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the NW Corner of that part of W1/2NE1/4SE1/4 located N of Portrush Rd Less Red Rock Estates And Less ROW, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; thence S01°53'49"W, a distance of 220.31 feet, to the point of beginning; Thence first course: N80°34'53"E, a distance of 227.23 feet; Thence second course: on a curve turning to the left with an arc length of 137.68 feet, with a radius of 337.92 feet, with a chord bearing of N68°54'35"E, with a chord length of 136.73 feet; Thence third course: on a curve turning to the right with an arc length of 281.44 feet, with a radius of 461.88 feet, with a chord bearing of N74°41'40"E, with a chord length of 277.11 feet; Thence fourth course: S87°52'08"E, a distance of 45.55 feet; Thence fifth course: S01°51'05"W, a distance of 518.04 feet; Thence sixth course: N88°03'11"W, a distance of 601.69 feet; Thence seventh course: N09°23'33"W, a distance of 342.51 feet; Thence eighth course: N80°34'53"E, a distance of 9.57 feet, to the point of beginning, more generally described as being located southeast of the intersectin of Muirfield Drive and Portrush Road.

Hanzel presented the application and reviewed the associated slides. Hanzel stated that the annexation meets all the statutory requirements and staff recommends that the Petition for Annexation be approved.

**Hoogestraat moved, Caesar seconded and unanimously carried to recommend that the Petition for Annexation be approved. (9 to 0 with Braun, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney, Schmidt and Vangraefschepe voting yes and none voting no)**

Fisher requested that Items # 16 and # 18 be taken together.

16. No. 17RZ029 - Section 29, T1N, R7E

A request by KTM Design Solutions, Inc for Dean Hamm Trust to consider an application for a **Rezoning from No Use District to Medium Density Residential District** for that portion of W1/2NE1/4SE1/4 of Portrush Road; less Red Rock Estates less row; all located in Section 29, T1N, R7E, BHM, Rapid

City, Pennington County, South Dakota. More fully described as follows: Commencing at the NW Corner of that part of W1/2NE1/4SE1/4 located N of Portrush Rd Less Red Rock Estates And Less ROW, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; thence S01°53'49"W, a distance of 220.31 feet, to the point of beginning; Thence first course: N80°34'53"E, a distance of 227.23 feet; Thence second course: on a curve turning to the left with an arc length of 137.68 feet, with a radius of 337.92 feet, with a chord bearing of N68°54'35"E, with a chord length of 136.73 feet; Thence third course: on a curve turning to the right with an arc length of 281.44 feet, with a radius of 461.88 feet, with a chord bearing of N74°41'40"E, with a chord length of 277.11 feet; Thence fourth course: S87°52'08"E, a distance of 45.55 feet; Thence fifth course: S01°51'05"W, a distance of 518.04 feet; Thence sixth course: N88°03'11"W, a distance of 601.69 feet; Thence seventh course: N09°23'33"W, a distance of 342.51 feet; Thence eighth course: N80°34'53"E, a distance of 9.57 feet, to the point of beginning, more generally described as being located southeast of the intersection of Muirfield Drive and Portrush Road.

18. No. 17RZ030 - Section 29, T1N, R7E

A request by KTM Design Solutions, Inc for Storage Place, Inc. to consider an application for a **Rezoning from No Use District to Office Commercial District** for that portion of E1/2NE1/4SE1/4 less LOT H1, less row and less that part lying in Rapid City boundaries located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the NW Corner of that part of W1/2NE1/4SE1/4 located N of Portrush Rd Less Red Rock Estates And Less ROW, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence S01°53'49"W, a distance of 220.31 feet; thence N80°34'53"E, a distance of 227.23 feet; thence curving to the left with an arc length of 137.68 feet, with a radius of 337.92 feet, with a chord bearing of N68°54'35"E, with a chord length of 136.73 feet; thence curving to the right with an arc length of 281.44 feet, with a radius of 461.88 feet, with a chord bearing of N74°41'40"E, with a chord length of 277.11 feet; thence S87°52'08"E, a distance of 45.55 feet, to the point of beginning; Thence first course: S87°52'08"E, a distance of 28.16 feet; Thence second course: S02°11'28"W, a distance of 110.04 feet; Thence third course: S87°51'39"E, a distance of 380.55 feet; Thence fourth course: N02°10'58"E, a distance of 109.97 feet; Thence fifth course: S87°51'49"E, a distance of 207.24 feet; Thence sixth course: S42°38'25"E, a distance of 14.22 feet; Thence seventh course: S01°51'07"W, a distance of 505.79 feet; Thence eighth course: N88°03'11"W, a distance of 625.90 feet; Thence ninth course: N01°51'05"E, a distance of 518.04 feet, to the point of beginning, more generally described as being located southwest of the intersection of Dunsmore Road and Portrush Road.

**Hoogestraat moved, Schmidt seconded and unanimously carried to continue the Request to rezone property from the Request to rezone property from No Use District to Medium Density Residential District (17RZ029) and the Request No Use District to Office Commercial District (17RZ030) to the November 9, 2017 Planning Commission Meeting. (9 to 0 with Braun, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney, Schmidt**

**and Vangraefscshepe voting yes and none voting no)**

17. No. 17AN007 - Section 29, T1N, R7E

A request by KTM Design Solutions, Inc for Storage Palace, Inc. to consider an application for a **Petition for Annexation** for that portion of E1/2NE1/4SE1/4 less LOT H1, less row and less that part lying in Rapid City boundaries located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the NW Corner of that part of W1/2NE1/4SE1/4 located N of Portrush Rd Less Red Rock Estates And Less ROW, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence S01°53'49"W, a distance of 220.31 feet; thence N80°34'53"E, a distance of 227.23 feet; thence curving to the left with an arc length of 137.68 feet, with a radius of 337.92 feet, with a chord bearing of N68°54'35"E, with a chord length of 136.73 feet; thence curving to the right with an arc length of 281.44 feet, with a radius of 461.88 feet, with a chord bearing of N74°41'40"E, with a chord length of 277.11 feet; thence S87°52'08"E, a distance of 45.55 feet, to the point of beginning; Thence first course: S87°52'08"E, a distance of 28.16 feet; Thence second course: S02°11'28"W, a distance of 110.04 feet; Thence third course: S87°51'39"E, a distance of 380.55 feet; Thence fourth course: N02°10'58"E, a distance of 109.97 feet; Thence fifth course: S87°51'49"E, a distance of 207.24 feet; Thence sixth course: S42°38'25"E, a distance of 14.22 feet; Thence seventh course: S01°51'07"W, a distance of 505.79 feet; Thence eighth course: N88°03'11"W, a distance of 625.90 feet; Thence ninth course: N01°51'05"E, a distance of 518.04 feet, to the point of beginning, more generally described as being located southwest of the intersection of Dunsmore Road and Portrush Road.

Hanzel presented the application and reviewed the associated slides. Hanzel stated that the Annexation meets all of the requirements and staff recommends that the Petition for Annexation be approved.

In response to a question from Quasney regarding traffic impact of additional development and plans for proposed roadways in the area, Fisher stated that that future development is anticipated to trigger a traffic impact study, but that currently this application does not trigger such requirements. Fisher also reviewed the history of discussions regarding additional access, noting that no solution was reached.

Kip Harrington stated that the City is conducting a study for roadway improvements in that area and anticipates having more information sometime next spring.

**Caesar moved, Hoogestraat seconded and unanimously carried to recommend that the Petition for Annexation be approved. (9 to 0 with Braun, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney, Schmidt and Vangraefscshepe voting yes and none voting no)**

19. Discussion Items  
None



20. Staff Items

Fisher informed the Planning Commission that Carla Cushman from the Attorney's Office will be providing Exparta Communication training at the November 9, 2017 Planning Commission.

Ken Young informed the Commission that the Community Planning and Development Department is starting a program called Coffee with Planners which will be launched November 8, 2017. Young stated that the meeting is anticipated to be an opportunity to present current plans and projects and to allow questions and interaction with the public and he hopes that the commissions will consider attending.

21. Planning Commission Items

A. Election of Officers

Braun opened the floor to nominations.

**Herr nominated Erik Braun as Chairman, Caesar seconded. (9 to 0 with Braun, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Schmidt, Vangraefschepe and Vidal voting yes and none voting no)**

**Braun nominated Galen Hoogestraat as Vice Chair, Quasney seconded. (9 to 0 with Braun, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Schmidt, Vangraefschepe and Vidal voting yes and none voting no)**

**Caesar nominated Huus as Secretary, Schmidt seconded. (9 to 0 with Braun, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Schmidt, Vangraefschepe and Vidal voting yes and none voting no)**

Herr requested paper copies be made available for Planning Commissioners to review during the meeting. Young agreed that copies would be provided until new tables or laptops could be made available.

**There being no further business, Caesar moved, Schmidt seconded and unanimously carried to adjourn the meeting at 8:04 a.m. (9 to 0 with Braun, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney, Schmidt, Vangraefschepe and Vidal voting yes and none voting no)**