

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 24, 2015

MEMBERS PRESENT: Erik Braun, Karen Bulman, Galen Hoogestraat, Linda Marchand, and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: John Brewer, Mark Jobman, Dennis Popp, Kay Rippentrop, Steve Rolinger and Andrew Scull

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Dale Tech, Carla Cushman and Andrea Wolff.

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

*9. No. 15PD001 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Chad Zandstra Construction, LLC to consider an application for a **Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure** for Lot 5 of Block 13 of Elks Country Estates, located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3744 Padre Drive.

Lacock presented the application noting that this application has been continued numerous times by Planning Commission to allow for the completion of the drainage improvements to the property. Lacock briefly reviewed the application recalling that the location of the building on the property created a reduced set back from the property line requiring the vacation of the utility and minor drainage easement on the property. Lacock reviewed the slides showing that the drainage improvements have been completed noting that engineering staff believes they will be sufficient to manage the surface water. Lacock said staff recommends that the application for a **Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure** be approved with stipulations.

Sheri Dietterle, neighbor, spoke to her concerns about drainage issues. Dietterle showed photos of the crawl space of her home showing the damage she believes has been caused by the drainage issues and presented information she has researched regarding issues associated with excess moisture within structures. Dietterle stated that she has addressed these concerns at the previous meetings and that she does not feel she has received any resolution.

Kale McNaboe, of Sperlich Consulting, agent for the applicant, spoke to the issues associated with the drainage on the property. McNaboe stated that due to the encroachment of the house into the setback, the easement was vacated and also agreed that the initial work was not as good as it could have been. McNaboe stated that efforts had been made to resolve these issues and stated that he was not sure if the moisture issue is due to ground water.

Swank stated that he was uncomfortable with the offered solutions.

Braun stated that he was also uncomfortable with the solutions offered, stating that although he believes the engineered drainage improvements that have been done are good, they are specifically for surface drainage and asked if there was anything that could be done in regards to possible ground water.

Bulman stated that she was also uncomfortable with the issue that the neighboring property owner is suffering, but that at this point that it is an issue between the property owner and the developer. Tech stated that it is not possible to define if there is a water table issue without doing further testing and that the issue would fall to the property owner and the developer.

Hoogestraat moved to approve with stipulations, Bulman seconded.

Cushman confirmed Scott's question that the City has reviewed and addressed the surface drainage issue and that further action needed would be between the property owner and the developer. Cushman also stated that should this item be appealed to the City Council, that her recommendation would be the same.

Hoogestraat moved, Bulman seconded and carried to approve the Major Amendment to the Planned Development to reduce the minimum required side yard setback with the following stipulation:

- 1. An Exception is hereby granted to reduce the minimum required side yard setback for the existing structure from eight feet to five feet. Any redevelopment of the property shall be in compliance with the minimum required setbacks. (4 to 1 with Braun, Bulman, Hoogestraat and Marchand voting yes and Swank 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.