

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
February 25, 2016

MEMBERS PRESENT: John Brewer, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand, Steve Rolinger, Kimberly Schmidt, Andrew Scull and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Kay Rippentrop

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Patsy Horton, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Bulman called the meeting to order at 7:18 a.m.

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

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

**Motion by Rolinger seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations with the exception of Items 4. (9 to 0 with Brewer, Bulman, Hoogestraat, Jobman, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)**

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

1. Approval of the February 4, 2016 Planning Commission Meeting Minutes.
- \*2. No. 15UR025 - Northern Heights Subdivision  
A request by Alex Novak for Novations Group Consulting for SBA Communications and Verizon Wireless to consider an application for a **Conditional Use Permit to allow a cellular communication mono-pole** for Lot 3 of Tract A of Block 1 of Northern Heights Subdivision, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 611 Lindbergh Avenue.

**Staff recommends that the Conditional Use Permit to allow a cellular communication tower be approved with the following stipulation:**

1. **Upon submittal of a Building Permit, a grading plan, drainage plan, storm water quality treatment plan, and an erosion and sediment control plan shall be submitted for review and approval;**
2. **The proposed landscaping and screening fence shall be installed as proposed on the site plan submitted by the applicant; and,**
3. **The Conditional Use Permit shall allow a 100 foot high monopole**

cellular communication tower with an additional 5 foot lightning rod and an associated equipment pad. The tower shall be designed for co-location and a Building Permit shall be required for the construction of the additional equipment pads. Changes to the proposed tower or equipment shelter(s) that do not meet the criteria of Chapter 17.54.030(l) of the Rapid City Municipal Code shall require a Major Amendment. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use 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.*

3. No. 16PL004 - Carlin Subdivision

A request by Sperlich Consulting Inc for Joseph Carlin to consider an application for a **Preliminary Subdivision Plan** for Lot 11A, Lot 11B Lot 11C and Lot 11D of Lot 11 of Carlin Subdivision, Lot 11 Less the east 165.9 feet of the south 334.43 feet of Carlin Subdivision located in the NW1/4 of the SE1/4 of Section 11, T1N, R8E, BHM, Rapid City, South Dakota, more generally described as being located north of the intersection of Carlin Street and Crane Drive.

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

1. **Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to address redlined comments. In addition, the redlined comments shall be returned with the Development Engineering Plan application;**
2. **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. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for Carlin Street shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 34 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains with one additional foot of right-of-way 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;
4. Upon submittal of a Development Engineering Plan application, construction plans for a future collector street located along the north lot line as per the City's Major Street Plan shall be submitted for review and approval. In particular, the construction plans shall show the dedication of the south half of the 68 foot wide right-of-way, or 34 feet, and constructed with a minimum 34 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains 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. If an Exception to waive the 34 foot wide right-of-way for the future collector street located along the north lot line is not obtained, then a Variance shall be obtained from the Pennington County Zoning Board of Adjustment to reduce the minimum 25 foot wide setback for the existing structures located on proposed Lot 11A to the street right-of-way. In addition, a copy of the approved Variance shall be submitted with the Final Plat application;
  6. Upon submittal of a Development Engineering Plan application, a complete site plan shall be submitted for review and approval identifying the structures located on the property to ensure compliance with the Pennington County Zoning Ordinance. In addition, the site plan shall include the location of all wells, water service lines, on-site wastewater treatment systems and drainfields to ensure that setback requirements and utility easements are being provided as needed. Prior to approval of the Development Engineering Plan application, any land use issues shall be resolved with Pennington County;
  7. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval if subdivision improvements are required. The drainage plan shall address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. The drainage plan shall also address how drainage from the proposed development will be mitigated as to not impact the Hawthorne Ditch. In addition, the plat document shall be revised to provide drainage easements as necessary;
  8. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval if applicable;
  9. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required;
  10. Upon submittal of a Development Engineering Plan application, water

- and sewer plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual or Exception(s) shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. If a private well is proposed to be utilized, then well data from an existing well or a nearby well shall be submitted to show that a well in this area can provide flows sufficient for development;
11. If fire flows cannot be provided at each individual lot, then upon submittal of a Final Plat application, as an alternative to providing fire flows a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures;
  12. Upon submittal of a Final Plat application, a Covenant Agreement securing ownership and maintenance of a shared well shall be submitted for review and approval if the property is to be served by a shared well. In addition, the plat document shall be revised to secure utility easements as needed;
  13. 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;
  14. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  15. Prior to submittal of a Final Plat application, the note on the plat document shall be revised to read: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations";
  16. Upon submittal of a Final Plat application, written documentation shall be submitted from the Hawthorne Ditch Company indicating concurrence with the proposed plat;
  17. Prior to submittal of a Final Plat application, a copy of approved Wastewater Operating Permits from Pennington County shall be submitted for review and approval for the two existing on-site

wastewater systems;

18. Prior to submittal of a Final Plat application, the plat title shall be revised to include Lot 11E. In addition, the formerly section shall be revised to read Lot 11, less the East 165.9 feet of the South 334.43 feet of Lot 11, all of Carlin Subdivision;
19. Prior to submittal of a Final Plat application, the existing excessive debris and vehicles located on the property in violation of Pennington County Ordinance 106 shall be addressed and written documentation from Pennington County shall be submitted indicating that the issue has been resolved;
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).

5. No. 16PL010 - Davis Meadows Subdivision

A request by Howe Land Surveying for Mavis Madison to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Davis Meadows Subdivision, legally described as the unplatted balance of the SE1/4 of the NW1/4 Less Lots H1, H2, H3 and Less Lot C of Section 31, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Wide View Drive and Nemo Road.

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

1. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to address redlined comments. In addition, the redlined comments shall be returned with the Development Engineering Plan application;
2. 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;
3. Upon submittal of a Development Engineering Plan application, construction plans for Nemo Road shall be submitted for review and approval showing the street located in a minimum 100 foot wide right-of-way and constructed with a 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and dual water mains 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. The right-of-way shall be dedicated such that 50 feet of right-of-way will exist from the existing centerline of the street towards the proposed platted property;

4. Upon submittal of a Development Engineering Plan application, construction plans for Wide View Drive shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains 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, a drainage plan shall be submitted for review and approval addressing subdivision improvements, if required, and identifying the 100 year storm boundary. In addition, the plat document shall be revised to provide drainage easements, including the area of the 100 year storm boundary;
6. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required;
7. Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual 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. If a private well is proposed to be utilized, then well data from an existing well or a nearby well shall be submitted to show that a well in this area can provide flows sufficient for development;
8. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual 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. Since a private on-site wastewater system is proposed to be utilized, the following note shall be placed on the plat: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a

conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations”;

9. Upon submittal of a Development Engineering Plan application, access to both of the proposed lots shall be identified. If access to Lot 2 is provided from an access easement extending from Sun Ridge Road across an adjacent property, then a copy of the recorded access easement shall be submitted with the Final Plat application;
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 plat title shall be revised to include “(formerly a portion of SE1/4NW1/4 of Section 31, T2N, R7E)”;
13. Prior to submittal of a Final Plat application, the property shall be rezoned by Pennington County to allow a 1.877 acre lot and a 16.934 acre lot in the General Agriculture District or a lot size Variance shall be obtained from the Pennington County Zoning Board of Adjustment to reduce the minimum lot size requirement in the General Agriculture District from 40 acres to 1.877 acres and 16.934 acres, respectively;
14. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording at the Register of Deed’s Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures or the applicant shall demonstrate that fire flows are being provided;
15. Upon submittal of a Final Plat application, a Covenant Agreement or some other document securing ownership and maintenance of Lot 2 shall be submitted for recording at the Register of Deed’s Office if it is determined that a buildable area does not exist on the proposed lot;
16. 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,
17. 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. 16UR001 - Rapid City Greenway Tract

A request by Rapid City Area School District to consider an application for a **Conditional Use Permit to allow a garden, shed and fence for the school in the Flood Hazard District** for Tract 19 Less Lot H1 (also in Section 35, T2N, R7E) of Rapid City Greenway Tract, located in Section 36, T2N, R7E, BHM,

Rapid City, Pennington County, South Dakota, more generally described as being located at 215 Mt. Rushmore Road.

**Staff recommends that the Conditional Use Permit to allow a garden, shed and fence for the school in the Flood Hazard District be approved with the following stipulation:**

- 1. The Conditional Use Permit shall allow the proposed garden, shed and fence for the school to be located in the Flood Hazard District. Any change in use that is a permitted use in the Flood Hazard District and in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Flood Hazard 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.***

\*7. No. 16UR002 - Rapid City Greenway Tract

A request by Austin Konold and Colleen VanderMay to consider an application for a **Conditional Use Permit to allow a tent for a wedding in the Flood Hazard District** for Tract 1 and 2 and Lot A and B of Tract 3 (also in Section 8, T1N, R7E) of Rapid City Greenway Tract, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2092 Park Drive.

**Staff recommends that the Conditional Use Permit to allow a tent for a wedding in the Flood Hazard District be approved with the following stipulation:**

- 1. The Conditional Use Permit shall allow a tent for a wedding in the Flood Hazard District from June 4, 2016 through June 5, 2016. Any change in use that is a permitted use in the Flood Hazard District and in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Flood Hazard 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.***

8. No. 16CA001 - Amendment to the Comprehensive Plan to adopt the County Heights Drainage Basin Design Plan

A request by City of Rapid City - Public Works to consider an application for a



**Amendment to the Comprehensive Plan to adopt the County Heights Drainage Basin Design Plan** for portions of Sections 2, 3, 10, 11, 14, 15 and 23, T1N, R8E and portions of Sections 34 and 35, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Elk Valley Road and Jolly Lane, south of Cheyenne Blvd and North of Green Valley Drive.

**Staff recommends that the Amendment to the Comprehensive Plan to adopt the County Heights Drainage Basin Design Plan Amendment be approved.**

9. No. 16TP004- Acknowledge the 2015 Traffic Count Book

**Staff recommends acknowledging the 2015 Traffic Count Book report.**

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

4. No. 16PL007 - Dewald's Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc. for Kevin Thom to consider an application for a **Preliminary Subdivision Plan** for proposed Lot C of Dewald's Subdivision, legally described as a parcel of land located in the Southwest One Quarter of the Northwest One Quarter (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section Twelve (12) in Township One North (T1N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, to be known as Lot C of Dewald's Subdivision and more fully described as follows: Commencing at the northwest corner of said Section Twelve (12) in Township One North (T1N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, said corner being common to the southwest corner of Section One (1), the southeast corner of Section Two (2) and the northeast corner of Section Eleven (11) in said Township One North (T1N), Range Six East (R6E), and said corner being marked with an original stone; Thence, southerly on the common section line of said Sections Twelve (12) and Eleven (11), South 00 degrees 07 minutes 00 seconds East a distance of 1317.33 feet more or less to the point of beginning, said point being located on the 1/16th section line and also known as the north 1/16th corner common to said Sections Eleven (11) and Twelve (12) and said point being marked by a rebar with survey cap LS 1771; thence, South 77 degrees 00 minutes 38 seconds East a distance of 880.00 feet more or less to a point marked by a rebar with survey cap LS 6565; thence, South 17 degrees 57 minutes 30 seconds East a distance of 295.31 feet more or less to a point marked by a rebar with survey cap LS 6565; thence, South 4 degrees 36 minutes 31 seconds West a distance of 193.73 feet more or less to a point marked by a rebar with survey cap LS 6565; thence, South 30 degrees 35 minutes 14 seconds West a distance of 747.00 feet more or less to a point on the  $\frac{1}{4}$  section line and said point being marked by a rebar with survey cap LS 6565; thence, westerly on the  $\frac{1}{4}$  section line South 89 degrees 44 minutes 46 seconds West a distance of 550.00 feet more or less to the west  $\frac{1}{4}$  corner of said Section Twelve (12), said point being located on the section line common to said Sections Eleven (11) and Twelve (12) and being marked by a USFS aluminum monument; thence,

northerly on the section line common to said Sections Eleven (11) and Twelve (12), North 0 degrees 07 minutes 10 seconds West a distance of 658.69 feet more or less to a point marked by a rebar with survey cap LS 3835, said point is common to the southeast corner of the North One Half of the Southeast One Quarter of the northeast One quarter (S ½ SE ¼ NE ¼ ) and the northeast corner of the South One Half of the Southeast One Quarter of the Northeast One Quarter (S ½ SE ¼ NE 1/4 ) of said Section Eleven (11); thence, continuing northerly on the section line common to said Sections Eleven (11) and Twelve (12), North 00 degrees 07 minutes 46 seconds West a distance of 658.64 feet more or less to the point of beginning, more generally described as being located east of 2667 Cavern Road.

Scull stated that he would be abstaining from this item due a conflict of interest.

**Rolinger moved, Marchand seconded and unanimously recommended that the Preliminary Subdivision Plan be approved with the following stipulations;**

- 1. Prior to submittal of a Final Plat application, the property shall be rezoned by Pennington County to allow a 22.88 acre lot or a lot size Variance shall be obtained from the Pennington County Zoning Board of Adjustment to reduce the minimum lot size requirement in the General Agriculture District from 40 acres to 22.88 acres;**
- 2. Prior to submittal of a Final Plat application, the plat document shall be revised to include the following statement: “Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install a total wastewater containment system for each lot. Prior to installation of such system, plans stamped by a Registered Professional Engineer shall be submitted and approved by the City of Rapid City or Pennington County, whoever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations.”;**
- 3. Upon submittal of a Final Plat application, the applicant shall demonstrate that adequate fire flows are available or as an alternative to providing fire flows, a Covenant Agreement shall be submitted for recording at the Register of Deed’s Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures;**
- 4. Upon submittal of a Final Plat application, a Covenant Agreement securing ownership and maintenance of a shared well shall be submitted for review and approval if the property is to be served by a shared well. In addition, the plat document shall be revised to secure utility easements as needed; and,**
- 5. Upon submittal of a Final Plat application, the proposed Road**

**Maintenance Agreement for the access and utility easement shall be recorded and a copy of the recorded document submitted with the application. (8 to 0 to 1 with Brewer, Bulman, Hoogestraat, Jobman, Marchand, Rolinger, Schmidt, and Swank voting yes and none voting no, and Scull abstaining)**

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

\*10. No. 14PD033 - Fox Run Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc., for Dr. Jim Castleberry, Cornerstone Rescue Mission to consider an application for a **Review of Major Amendment to a Planned Development to allow a group home for transitional housing** for Lot 1 of Block 1 of Fox Run Subdivision, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 Fox Run Drive.

Lacock reviewed the history of this application noting that it had been approved November 6, 2014 with the stipulation that it be reviewed six months following approval. In May 2015, during review it was noted that the applicant had not initiated operation and it was decided to review six months following receipt of a Certificate of Occupancy which was obtained in August of 2015 and is up for the six month review as required by the stipulation of approval. Lacock stated that no complaints or service calls had been received by the Rapid City Police or Code Enforcement. Lacock noted that they had received a letter in opposition from the Terracita Home Owner Association. Lacock stated that based on the fact that there have been no issues reported to date and that the facility is providing a needed service to the community, staff recommends that the **Review of Major Amendment to a Planned Development to allow a group home for transitional housing** be approved.

**Brewer moved, Scull seconded and unanimously carried to approve the Review of a Major Amendment to a Planned Development to allow a group home as transitional housing be approved with the following stipulations:**

- 1. The previously granted Exception to reduce the minimum required side yard setback from the south property line from 25 feet to 20 feet 8 inches is hereby acknowledged;**
- 2. The previously granted Exception to allow a maximum lot coverage of 31.6% in lieu of 30% is hereby acknowledged;**
- 3. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a Certificate of Occupancy, a six foot high opaque screening fence shall be installed around the parking lot and dumpster location;**
- 5. A minimum of 12 parking spaces shall be provided. One of the parking spaces shall be handicap "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 6. A minimum of 34,512 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;

7. Any new signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for all signs;
8. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
9. All applicable provisions of the adopted International Fire Code shall continually be met;
10. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment; and,
11. The Final Planned Development shall allow for a group home for transitional housing to be operated in compliance with the applicant's operational plan. A maximum of eight women with children, a female veteran, and four staff members shall use the facility. A maximum of 36 residents and 4 employees shall be allowed. Any expansion to the use of the structure or the number of residents shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use or is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development. A mission, detoxification center, or detention center shall not be allowed. (9 to 0 with Brewer, Bulman, Hoogestraat, Jobman, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)

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

- \*11. No. 15PD029 - Forest Hills Subdivision  
A request by Kent R. Hagg to consider an application for a **Final Planned Development Overlay to allow an oversized garage in the Low Density Residential District** for Lot B of Forest Hills Subdivision, located in the NW1/4 of the SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1224 Skyline Drive.

Lacock stated that the applicant has requested that the item be continued to the March 24, 2016 Planning Commission meeting.

**Rolinger moved, Scull seconded and unanimously carried that the Final Planned Development Overlay to allow an oversized garage be continued to the March 24, 2016 Planning Commission meeting. (9 to 0 with Brewer, Bulman, Hoogestraat, Jobman, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)**

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

\*12. No. 16PD001 - Robbinsdale Addition #10

A request by Conrad's Big C Signs to consider an application for a **Major Amendment to a Planned Development Overlay to revise the sign package** for Lot 4 of Block 24, of Robbinsdale Addition #10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 224 E. Minnesota Street.

Laroco presented the application and reviewed the associated slides. Laroco noted the sign, although existing, was not included as part of the original sign package and that the applicant is requesting that the proposed sign be allowed to remain in its current location as a Major Amendment to the sign package. Laroco noted that the criteria to be considered in reviewing this sign as a part of the Planned Development allows for the request for unique design, including setbacks and sign placement and use of the property as a part of the Planned Development. Laroco stated that after reviewing those criteria staff believes this is the best option and that staff recommends that the **Major Amendment to a Planned Development Overlay to revise the sign package** be approved with stipulations.

In response to question from Scull as to why this request is different from the request heard by the Zoning Board of Adjustment for a sign in the setbacks, Fisher stated that the difference between this and the previous sign that was denied by the Zoning Board of Adjustment is that the Planned Development allows review of the design and layout of signage whereas the previous request was to acquire a Variance without the flexibility allowed by a Planned Development. Fisher also noted that the option to submit a request for a Planned Development was an option for both applicants but was not opted for by the first applicant.

In response to a question from Brewer if this sign was in the site triangle, Laroco confirmed that this is not located in a site triangle.

**John moved, Linda seconded and unanimously carried to approve that the requested Major Amendment to the Planned Development with the**

**following stipulations:**

1. **The requested Exception to reduce the setback for a ground sign from 10 feet to 1 foot is hereby granted. All other requirements of the Rapid City Sign Code shall be continually maintained. The addition of Light Emitting Diode (LED) message centers or signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained prior to construction of the sign;**
2. **The stipulations of approval of the previously approved Planned Development on the property, File #99PD006, are hereby acknowledged;**
3. **This Major Amendment to the Planned Development shall allow for construction of a ground sign on property zoned Medium Density Residential District. All requirements of the Medium Density Residential District shall be maintained unless specifically stipulated as a part of this Major Amendment, the previously approved Major Amendment, or a subsequent Major Amendment to the Planned Development. All uses permitted in the Medium Density Residential District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses shall require a Major Amendment to the Planned Development. (9 to 0 with Brewer, Bulman, Hoogestraat, Jobman, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)**

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

\*13. No. 16PD002 - Orchard Meadows Subdivision

A request by Dream Design International, Inc for Moyle Petroleum Company to consider an application for a **Final Planned Development Overlay to construct a convenience store with gas sales, carwash and an on-sale liquor establishment in conjunction with a restaurant** for Track B and the East 61 feet of Tract A of Orchard Meadows, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of East Highway 44 and Elderberry Boulevard.

Laroco presented the application and reviewed the associated slides. Laroco pointed out that this is located in an area where development is currently expanding. Laroco reviewed the location, dimensions and design of the signs on the property noting that the applicant is requesting a Light Emitting Diode message center as part of the sign package and pointed out that Planning Commission has requested that these type of signs be reviewed on an individual basis. Laroco noted that the sign poles that are begin requested as a part of the sign package meet the Sign Code but not with the Comprehensive Plan. Laroco also noted that there are residential dwellings across Highway 44, but that the

width of Highway 44 creates a viable separation between the residences and the commercial uses. Laroco noted access will be taken from Elderberry Boulevard and Lytle Lane. Laroco stated that staff finds that the uses are appropriate and that if Planning finds that the signs are appropriate they recommend that the **Final Planned Development Overlay to construct a convenience store with gas sales, carwash and an on-sale liquor establishment in conjunction with a restaurant** be approved with stipulations.

Fisher clarified that the signage meets Sign Code, but does not meet with the Comprehensive Plan for signs located in an Entrance Corridor and Gateway and that the Planning Commission could request adjustments to the signage if they feel necessary as part of the Planned Development.

In response to a question from Swank whether approving these poles sign creates a precedent, Cushman stated that since the Planning Commission reviews each item based on separate criteria it would not.

Discussion followed.

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

- 1. If Planning Commission should determine that the proposed pole signage and LED message center are appropriate for the location, then prior to issuance of a building permit, revised plans shall be submitted showing the location, design, and dimensions of all signage. If the Planning Commission should determine that the proposed signage is not appropriate for the location, then revised plans shall be submitted showing the location, design, and dimensions of all signage and to reflect any required revisions to the sign package. A revised landscaping plan shall be submitted in either case to ensure any revisions to the sign package do not adversely impact the proposed landscaping. All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;**
- 2. Prior to issuance of a building permit, revised plans shall be submitted showing that all encroachments into the Rapid Valley water main/utility/drainage easements have been removed;**
- 3. Prior to issuance of a building permit, approval of the proposed utility service and any necessary agreements shall be obtained from Rapid Valley Sanitary District;**
- 4. Prior to issuance of a building permit, all redline comments shall be addressed and redlined plans shall be returned to Community Planning and Development Services;**
- 5. Prior to issuance of Certificate of Occupancy for the proposed car wash, a Lot Line Adjustment Plat shall be completed to relocate the common lot line between existing Tracts A and B, and;**
- 6. This Final Planned Development shall allow for the development of a two-phased commercial development. The first phase of development**

consists of a convenience store with gas sales and an on-sale liquor establishment operating in conjunction with a full-service restaurant. The second phase will consist of a car wash. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of a future Major Amendment to the Planned Development. All uses permitted within the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (9 to 0 with Brewer, Bulman, Hoogestraat, Jobman, Marchand, Rolinger, Schmidt, Scull and Swank 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.*

Bulman recused herself from Items #14 and #15 and handed the gavel to Rolinger at this time. Scull stated that he would be abstaining from both Items # 14 and #15 and left the dais at this time.

14. No. 16TI001 - Sections 26 and 27, T1N, R7E

A request by Black Hills Corporation to consider an application for a **Resolution to Create Rushmore Gateway Corridor Tax Increment District and Project Plan** for Lot 1 of C2B Addition located in Sections 26 and 27 of T1N, R7E, BHM and that portion of vacated Catron Boulevard right-of-way adjacent to Lot 1 of C2B Addition located in Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on Plat filed as Document A201307411 in the Office of the Pennington County Register of Deeds; Lot 2 of TLC Subdivision located in the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on Plat filed in Book 35 of Plats on Page 43 in the Office of the Pennington County Register of Deeds; and Catron Boulevard right-of-way adjacent to Lot 1 of C2B Addition located in the SW1/4SW1/4 of Section 26 and the 27 and Lot 2 of TLC Subdivision located in the NE1/4 of Section 27 all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located in the southwest corner of the intersection of S. US Highway 16 and Catron Boulevard.

Horton noted that she is changing the application to only create the District and that the Project Plan will be addressed separately at a later date.

Horton stated that in 2011 state law was changed to allow more language for Tax Increment Financing usage. Horton reviewed the basis of Tax Increment Financing and reviewed that for Black Hills Corp to maintain their headquarters in the Rapid City area and the value to the area based on revenue and employment options the approval of this Tax Increment District are sound reasons. Horton reviewed slides showing the proposed Tax Increment District



area and the proposed improvements which include the building of the Black Hills Corporation headquarters, the construction of an access road, a primary road, a traffic signal and public utilities. Horton said that this district will overlap with Tax Increment District 70 noting that the increment will go to the payment of the existing Tax Increment District 70, then to pay for the new District itself. Horton briefly reviewed Tax Increment District 70 stating that the improvements for the signal and other improvements have been finished, but these costs have not been certified.

Horton reviewed that all the current Tax Increment Districts sit at 2.9 percent of the overall revenue and all that this and the following Tax Increment District would place the Tax Increment District percentage at 3.2 percent, which is well below the 10 percent limit for Tax Increment District.

Jafar Karim, Director of Corporate Affairs for Black Hills Corporation, reviewed the Tax Increment Financing request noting that it will stimulate revenue and growth he reviewed the history of Black Hills Power. He stated that the company is spread throughout numerous states and locations within the city and that the centralization of their headquarters would solidify their services and retains the headquarters in Rapid City. Karim said this would allow for both for the current and future opportunities within the city. Karim noted that the development of the Tax Increment District is in agreement with the Comprehensive Plan.

Cushman clarified that the request before the Planning Commission is solely the creation of the Tax Increment District.

Hoogestraat requested information on the how the Tax Increment District will impact other taxing entities. Horton stated that that the district will generate approximately \$20 million.

Rolinger briefly reviewed Tax Increment Financing and noted that this is probably the best use of the Tax Increment Financing and that it will help to speed the payment of another Tax Increment District and urges the approval of this request.

Brewer stated that he would also be abstaining from this item.

**Swank moved, Marchand seconded and unanimously carried to recommend that Rushmore Gateway Corridor Tax Increment District be approved. (6 to 0 to 3 with Hoogestraat, Jobman, Marchand, Rolinger, Schmidt and Swank voting yes and none voting no, and Brewer, Bulman and Scull abstaining)**

15. No. 16TI002 - Section 26, T1N, R7E  
A request by KS West, LLC and SK East, LLC to consider an application for a **Resolution Creating Rushmore Redevelopment Corridor aka Buffalo Crossing Tax Increment District and Project Plan** for Tract 1 of the Waterslide Addition, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; the unplatted balance of the

S1/2SE1/4NW1/4; the unplatted balance of the NE1/4SW1/4, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and a portion of the Catron Boulevard dedicated right-of-way extending from the eastern boundary of South Dakota State Highway 16 dedicated right-of-way to the eastern boundary of Wellington Drive dedicated right-of-way, located in the NW 1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast corner of the intersection of S. US Highway 16 and Catron Boulevard.

Horton reviewed the application noting that this is an economic Tax District. She reviewed the associated slides and maps for the proposed Tax Increment District stating that the site was previously the location of the Rushmore Water Slide, recently torn down leaving the land open for development. Horton reviewed the Public Improvements including the creation of Healing Way, a water line for a future water tank, a turning lane for the Wellington residents and a signal at Catron and Wellington. Horton reviewed the figures for the improvements and financing costs and the revenue projections noting an \$85,000,000 construction improvement in the property. Horton noted that this Tax Increment District also lies within a part of Tax Increment District 70 and also reviewed the anticipated payoff period for the Tax Increment Districts. Horton reviewed the growth allowed by the Tax Increment Financing over the last few years. Horton reviewed the development anticipated with the Tax Increment District including a restaurant, a hotel and additional residences. Horton stated that recommends the Tax Increment Revenue Committee recommended approval.

Rolinger stated that the improvements provided by the proposals will greatly benefit the community.

Hani Shaffi, 528 Kansas City Street, spoke to the development for this Tax Increment Finance noting many of the same criteria addressed by Horton.

**Swank moved, Brewer seconded and unanimously carried to recommend that the Resolution Creating Rushmore Redevelopment Corridor aka Buffalo Crossing Tax Increment District and Project Plan be approved. (7 to 0 to 2 with Brewer, Hoogestraat, Jobman, Marchand, Rolinger, Schmidt and Swank voting yes and none voting no and Bulman and Scull abstaining)**

Bulman took the gavel back at this time and noted that there was a speaker request form for Item # 2, which had already been acted on, Bulman stated that they would hear the comments and that if the speaker then wished to further protest the action they would be able to appeal the item to City Council.

Mark Ebach, 1514 Phil court, spoke to the placement of the cellular tower so close to his home. He stated that he does not feel that the placement of this tower meets the criteria of the neighborhood. Ebach noted that he has recently spent a large sum on improvements to his property and that this may affect the value of his property.

Bulman thanked Ebach for his comments and noted that since Planning Commission had taken action on the item but that he could appeal the decision to the City Council. Fisher stated that staff will assist Mr. Ebach with the appeal if that is his decision.

16. Discussion Items

A. Major Street Plan Revisions – Kip Harrington

Harrington identified that there are areas on the Major Street Plan that need to be revised and requested that Planning Commission's concurrence for these changes.

Planning Commission concurred with the revisions to the Major Street Plan.

Harrington returned to request Planning Commission make a motion to direct staff to proceed with the revisions to the Major Street Plan.

Rolinger moved, Swank seconded and unanimously carried to direct staff to proceed with the revisions to the Major Street Plan. **(6 to 0 with Brewer, Bulman, Jobman, Marchand, Rolinger and Swank voting yes and none voting no)**

B. Short Term Rentals – Rob Laroco

Laroco reviewed how short term rentals had come to the attention of staff, noting that this is a changing and growing business in the Rapid City area creating the need to be addressed. Laroco noted that South Dakota Codified Law allows for rental of houses or room for less than 14 days a year without requirement for additional review. Laroco noted that this proposed ordinance is to address those that fall outside of this limited usage. Laroco briefly overviewed what could be required including possible inspections, background check, fees, and saturation.

Discussion followed regarding what Planning Commission thinks staff should include in this ordinance.

**Brewer moved, Rolinger seconded to continue the Planning Commission past 9:00 a.m. (6 to 0 with Brewer, Bulman, Jobman, Marchand, Rolinger and Swank voting yes and none voting no)**

Brett suggested that this item also be brought to City Council to allow more input.

**Rolinger moved, Brewer seconded and unanimously carried to direct staff to move forward on the ordinance and to have City Council review. (6 to 0 with Brewer, Bulman, Jobman, Marchand, Rolinger and Swank voting yes and none voting no)**

17. Staff Items

Fisher informed the Planning Commission that Brett Limbaugh has accepted a position in Colorado and that March 11, 2016 will be his last day.

18. Planning Commission Items

Bulman spoke to the variances between the Comprehensive Plan verses the Sign Code and how are they to be enforced.

Hoogestraat and Schmidt left the dais at this time.

Rolinger thanked staff for being prepared for the different applications addressing items that seem the same and that explaining the difference between a Variance and a Planned Development helped them make their decisions.

Brewer agreed but noted that Sign Ordinance trumps Comprehensive Plan so that if there are such differences the Sign Code would have to be considered the basis and that eventually the sign code needs to be addressed.

Discussion followed.

19. Committee Reports

- A. City Council Report (February 15, 2016)  
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

**There being no further business, Brewer moved, Rolinger seconded and unanimously carried to adjourn the meeting at 9:12 a.m. (6 to 0 with Brewer, Bulman, Jobman, Marchand, Rolinger and Swank voting yes and none voting no)**