

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 6, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Eirik Heikes, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: John Herr, Eric Ottenbacher. Bill Evans Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Kip Harrington, Sarah Hanzel, Tim Behlings, Todd Peckosh, Wade Nyberg 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 3 be removed from the Consent Agenda for separate consideration.

Motion by Bulman seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations with the exception of Item 3. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the April 22, 2021 Planning Commission Meeting Minutes.

*2. No. 21PD009 - Founders Park Subdivision

A request by Stanley Design Group for FPDP Enterprises, LLC to consider an application for a **Final Planned Development Overlay to allow the construction of an office building** for Lot 4 of Founders Park Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 235 Founders Park Drive.

Planning Commission approved the Final Planned Development Overlay to construct an office building with the following stipulations:

1. **Hereby acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to 21.4 feet;**
2. **Hereby acknowledge the previously granted Exception to reduce the minimum required rear yard setback from 25 feet to 10 feet;**
3. **Upon submittal of a Building Permit, red-lined comments shall be addressed;**
4. **All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this 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; and,
5. **The Final Planned Development Overlay shall allow for a two-story office building. All uses permitted in the Office Commercial District shall be permitted, contingent upon the approval of a Building Permit. Any change in use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development.**

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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

4. No. 21RZ012 - Blue Marlin Estates

A request by John Roberts for Richard and Jennifer Kincaid to consider an application for a **Rezoning request from Low Density Residential District to Light Industrial District** for Lot 1 of Blue Marlin Estates, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, less metes and bounds more fully described as follows; commencing at the northeast corner of Lot 1 of Blue Marlin Estates located in Section, T2N, R8E, BHM, Rapid City Pennington County, South Dakota the point of beginning ; Thence, first course: S89°52'14"W, a distance of 203.79';; Thence, second course: S00°10'00"E, a distance of 220.13';; Thence third course; S89°54'30" E a distance of 204.39';; Thence, fourth course: N°00'37"E a distance of 220.27" to the said point of beginning, more generally described as being located at 3775 Dyess Avenue.

Planning Commission recommended approval of the Rezoning request from Low Density Residential District to Light Industrial District.

---END OF CONSENT CALENDAR---

*3. No. 21PD015 - Section 19, T1N, R8E

A request by Ferber Engineering for Lloyd Companies to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Government Lot 1 less Gemstone Subdivision, less North 80 Subdivision less Lot H-1 and less right-of-way; Government Lot 2 less North 80 Subdivision less portion described by metes and bounds more fully described as follows; commencing at a found rebar marking the northwest corner of Lot 1B of North 80 Subdivision, a point located on the west line of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence (1) North 2°04'41" East, 490.26 feet to a point on the east right-of-way line of Parkview Drive, said point being the beginning of a non-tangent curve concave westerly, said curve having a radius of 638.00 feet, to which a radial line bears South 68°41'58" East; Thence (2) northerly along said curve through a central angle of 2°06'45" an arc distance of 23.52 feet to a found plastic cap marked Hanson RLS 6251; Thence (3) South 87°55'04" East, 626.20 feet to a found plastic cap marked Hanson RLS 6251, said point being on the west right-of-way line of Shelby Avenue; Thence (4) South 2°06'42" West, 293.16 feet to a found plastic cap marked Hanson RLS 6251, said point being the point of curvature of a curve concave easterly, said curve having a

radius of 226.00 feet; Thence (5) southerly along said curve through a central angle of 26°27'21" an arc distance of 104.35 feet to found plastic cap marked Hanson RLS 6251; Thence (6) South 24°20'01" East, 101.26 feet to the point of tangency of a curve concave westerly, said curve having a radius of 174.00 feet, to which a radial line bears North 65°30'39" East; Thence (7) southerly along said curve through a central angle of 9°58'12" an arc distance of 30.28 feet to a point of deflection; Thence (8) North 87°54'43" West, 242.90 feet to a plastic cap marked Hanson RLS 6251; Thence (9) North 87°53'56" West, 235.44 feet to a plastic cap marked Hanson RLS 6251; Thence (10) North 87°55'31" West, 234.70 feet to the point of beginning, (also known as BHP Lot 1) less H2, H3, H4 and less right-of-way, more generally described as being located northwest of the intersection of Shelby Avenue and Stumer Road.

Lacock stated that staff had received a letter of concern on this item and reviewed the application and associated slides. Lacock said that the property owner to the south is requesting additional landscaping or fence to provide separation and privacy and that the applicant is willing to make changes to the landscaping plan to accommodate this request. Lacock said the stipulations would be revised to include placing an evergreen buffer along the south property line upon submittal of a building permit. Lacock noted that there is a request for an Exception request to reduce the number of landscaped islands from four to two contingent upon the four proposed landscape peninsulas being revised to include one tree per peninsula. Lacock stated that staff supports granting the Exception and recommends approval of the Final Planned Development Overlay to allow an apartment complex with the revision to the stipulations.

Quasney stated that he would be abstaining due to conflict of interest.

In response to a question from Heikes regarding defining acceptable trees for landscaping, Lacock clarified that information is provided at the time of submittal of the Building Permit and aligns with the list of approved species.

In response to a question from Vidal regarding the property owner and the government's concern regarding the property, Lacock noted that the property to the south is leased by a government entity stating that they requested the additional screening.

Bulman thanked the applicant for their willingness to work with the neighbors.

Bulman moved to approve with the additional stipulation as proposed by staff, Vidal seconded and the Planning Commission approved the Final Planned Development Overlay to allow an apartment complex with the following stipulations:

- 1. An Exception is hereby granted to reduce the number of landscaped islands from four to two contingent upon the four proposed landscape peninsulas being revised to include one tree per peninsula;**
- 2. Prior to submittal of a Building Permit, the applicant shall coordinate with the Fire Department to revise the parking plan to provide adequate space for emergency vehicle turning movements;**
- 3. Upon submittal of a Building Permit, the landscape plan shall be revised to relocate two trees outside of the 50-foot wide major drainage**

- easement; In addition, 4 evergreen trees shall be provided along the south property line;
4. Upon submittal of a Building Permit, the site plan shall be revised to show interior pedestrian circulation connecting the open space areas to the apartment buildings;
 5. All signage shall meet the requirements of the Rapid City Sign Code. Any proposed electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,
 6. This Final Planned Development Overlay shall allow a 148-unit apartment complex. Any change in use that is a permitted use in the Medium 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 Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 to 1 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Stuck and Vidal voting yes and none voting no and Quasney abstaining)

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

---BEGINNING OF REGULAR AGENDA ITEMS---

***5. No. 21PD013 - Original Town of Rapid City**

A request by Renner Associates, LLC for Mike Kuhl of Pennington County Buildings and Grounds to consider an application for a **Initial Planned Development Overlay to allow a crisis care center** for Lot 25 thru Block of 107 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Quincy Street and 3rd Street.

Hanzel presented the application and reviewed the associated slides noting that it is associated with the Pennington County Care Center and is an expansion of that complex, with a 14,000 square foot building to the south of the existing structure. It will allow the construction of a facility to provide mental health care and mental health crisis stabilization to no more than 16 patients according to the operations plan. This would be in addition to the other services provided by the Care Center. Hanzel noted the applicant is requesting five Exceptions including an Exception to reduce the required amount of parking for the Pennington County Care Campus from 117 to 101 is hereby granted. Changes to the uses or operation of the site which result in an increase in the required amount of parking will require a Major Amendment to the Planned Development. Part of the reason for this request is the unique clientele of the center's services are not anticipated to have vehicles, as well as availability of parking in the parking structure and availability of on-street parking. Staff feels these conditions justify the parking reduction. The remaining Exceptions include an Exception to reduce the required rear yard setback from 25 feet to 15 feet from the alley, an Exception to reduce the required street side yard setback from 25

feet to 3 feet and an Exception to allow an 8 foot encroachment into the 25 foot setback for the purposes of canopy structures on patios. These Exceptions are supported by the location being in the downtown area where these setbacks are typical.

Hanzel noted the submitted plans show a canopy that would span the alley, noting that construction of this canopy would require the vacation of the alley right-of-way. Hanzel noted this may not be part of the final plan, but the applicant wanted to include it in case it does. Hanzel stated that staff recommends granting the Exceptions and approval of the Initial Planned Development Overlay to allow a crisis care center with stipulations as noted in the Project Report. Hanzel further stated that staff commends the County in the work they have put into this facility and the services offered by the campus.

In response to questions from Braun, asking if previous parking reductions have been viable or not, Hanzel confirmed that the parking has shown to be adequate and it appears this will not be an issue.

In response to a question from Vidal regarding concerns on this issue during previous reviews of associated projects, Fisher stated that staff believes this will not create an issue due to the unique clientele.

Kyle White, 3907 Parkridge Drive, said that he and his wife own 809 4th Street, which they use as a rental property. White spoke to his concerns with parking in the area. He questioned the long term uses of the buildings in this area and the continued reduction of parking in this area as the uses could change which would then create or contribute to a parking issue and he asked the Planning Commission to keep this in mind when making these decisions.

Fisher stated that the property is in a Planned Development Overlay, which will allow the review of any change of use and allow the future review of parking and use.

Quasney agreed that he feels parking is an issue and thanked Mr. White for speaking on the issue.

In response to a question from Stuck regarding the change of use process, Hanzel stated that the change of use would trigger an amendment to the Planned Development, which would be reviewed by the Planning Commission.

In response to a question from Braun on the notification required for a vacation of alley right-of-way, Fisher reviewed procedure stating that publication is required but signage or mailings are not required.

Vidal moved, Heikes seconded and the Planning Commission approved the Initial Planned Development with the following stipulations:

- 1. An Exception to reduce the required amount of parking for the Pennington County Care Campus from 117 to 101 is hereby granted. Changes to the uses or operation of the site which result in an increase in the required amount of parking will require a Major Amendment to the Planned Development;**
- 2. An Exception to reduce the required rear yard setback from 25 feet to 15**

- feet from the alley is hereby granted;
3. An Exception to reduce the required street side yard setback from 25 feet to 3 feet is hereby granted;
 4. An Exception to allow an 8 foot encroachment into the 25 foot setback for the purposes of canopy structures on patios is hereby granted;
 5. Prior to submittal of a Final Planned Development Overlay Application, the alley shall be vacated, or the site plan shall be revised, removing the canopy structure spanning the alley;
 6. Upon submittal of a Final Planned Development Overlay Application, a parking plan in accordance with Chapter 17.50.270.H.4 will show the location of the 2 required ADA spaces, of which at least one must be van accessible;
 7. Upon submittal of a Final Planned Development Overlay Application, a landscape plan shall be submitted in compliance with Chapter 17.66 of the Rapid City Municipal Code providing the required 13,443 points;
 8. Prior to Issuance of a Building Permit, a developmental lot agreement will be secured;
 9. Acknowledge the Exceptions from 16PD051 as follows:
 - An Exception to reduce required parking from 241 to 67
 - An Exception to allow the existing 4 foot front yard setback, 0-foot rear yard setback to remain
 - An Exception to reduce the required landscaping islands from 4 to 0; and,
 - An Exception to reduce the required side yard setback for commercial parking adjacent to a residential use from 12 feet to 0 feet.
 10. Acknowledge the Exceptions from 18PD035 as follows:
 - 11. An Exception to reduce the required side yard setback for commercial parking adjacent to a residential use from 12 feet to 0 feet on the west side of the parking lot; and
 - An Exception to reduce required parking from 296 to 85.
 11. All signage shall comply with the requirements of the Rapid City Municipal Code. No Light Emitting Diode (LED) message centers are being approved as a part of this Initial Planned Development Overlay. The future addition of any LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign; and,
 12. This Initial Planned Development shall allow a Crisis Care Facility as part of the Pennington County Care Campus. All requirements of the Public District shall be maintained unless specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Amendment to the Planned Development. All uses permitted in the Public District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the Public District or uses which increase the required amount of parking on the site shall require an Amendment to the Planned Development. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

The Rapid City Planning Commission's action on this item is final unless any

party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.

*6. No. 21PD014 - Abys Feed and Seed Condominium

A request by Stephen Jeremy Briggs to consider an application for a **Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a music and art venue** for Unit 1 and 1/2 interest in common area of Abys Feed and Seed Condominium, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, more generally described as being located at 412 5th Street, Suite 400 and 500.

Lacock reviewed the application and reviewed the associated slides, noting it is located in the downtown “east of 5th” area where pedestrian activity like this is being promoted. Lacock said the applicant is proposing an art and music venue to be called “Seed Studios” that will offer two studios for music rehearsal, art rooms and indoor and outdoor seating for events. Lacock said that outdoor musical events would be held in the courtyard area and would be held weekdays after 5:30 p.m. and all day on weekends. This event driven type of business is supported in this location as it will work with the free parking in the parking garage across the street on 5th Street and the promotion of pedestrian uses in this area. The applicant is requesting an Exception to reduce the minimum required parking spaces from 44 parking spaces to 30 parking spaces and to 0 parking spaces during outdoor events operated in compliance with the submitted operations plan and staff is in support with granting the Exception and recommends approval of the Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a music and art venue with stipulations.

Heikes commended the project for its versatility and the creation of entertainment and uses with creative thinking.

In response to a question from numerous Planning Commissioners on the specifics of the on-sale and if others in the complex can join in the use, Lacock noted that this is specific for this use and location separate from any others in the area. Fisher further clarified the use and operation of the on-sale as they are specific to the operator noting that as part of the review performed by the Finance Department when issuing the actual license, the operator’s background is checked.

In response to a question from Braun about the outdoor use, Lacock stated that the on-sale is for this specific applicant and could not be used by the other renters in the building. Lacock clarified that part of Briggs plan is to host outdoor events.

In response to a question from Bulman on how the applicant planned to operate the outdoor events in relation to the control of on-sale liquor, Stephen Jeremy Briggs, the applicant, stated that the customers will be checked at the 4th Street entrance and marked appropriately during events and that the alley would be limited to re-entry only with security that would check passes. Briggs also stated that each alcohol purchase would require ID for purchase.

In response to a question from Braun on the area that is included in the on-sale,

Lacock clarified that the entire court yard is included. Briggs stated that the area included in the reviewed options including over 21 events and mixed age events and that bracelets and markings would clearly identify those over 21 and those who are not.

In response to a question from Arguello whether the studios would be sound proofed, Brink confirmed that they were so they would not create an issue for the surrounding units.

In response to Golliher's question if the Fire Department or Emergency Service have concerns with the lay out and access, Behlings stated that they have reviewed this configuration over the years noting that this will ensure the structures will be Fire Sprinkler protected and the access is not an issue as the alley will remain accessible.

Caesar spoke to the collaborative nature of the property and commends them.

Golliher moved, Caesar seconded, and the Planning Commission approved the Major Amendment to a Planned Development with the following stipulations:

- 1. Acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to zero feet for the existing structures located on the property. Any future redevelopment of the property shall be constructed in compliance with the Zoning Ordinance;**
- 2. Acknowledge the previously granted Exception to waive the landscaping requirement;**
- 3. An Exception is hereby granted to reduce the minimum required parking spaces from 44 parking spaces to 30 parking spaces and to 0 parking spaces during outdoor events operated in compliance with the submitted operations plan;**
- 4. Prior to issuance of a sign permit, the sign(s) shall obtain review and approval through the Historic Sign Review Board. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Major Amendment to a Planned Development Overlay. The inclusion of any LED message centers shall require a Major Amendment to the Planned Development Overlay. A sign permit shall be obtained for each sign; and,**
- 5. The Major Amendment to a Planned Development shall allow an on-sale liquor establishment in conjunction with a music and art venue. Any expansion of the on-sale liquor establishment in conjunction with a music and art venue or change in the operations plan / hours of operation shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use shall require a Building Permit. Any change in use that is a Conditional Use shall require a Major Amendment. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be

submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.

*7. No. 21UR007 - Mann Subdivision No. 2

A request by Robert Heckel to consider an application for a **Major Amendment to a Conditional Use Permit to allow outdoor music in conjunction with an existing on-sale liquor establishment** for Lot 1 and Lot 3 of Mann Subdivision No. 2, located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3468 Sturgis Road.

Fisher presented the application reviewing the previous applications associated with this property and stating that this request is to allow temporary outdoor music during the construction phase. Fisher stated the venue would be located to the back of the property and would operate Friday and Saturday evenings until 10:00 p.m. Fisher reviewed the operational plan noting that the venue would be within the fenced area and access would be from within the building. Fisher said that staff is recommending approval of the Major Amendment to a Conditional Use Permit to allow outdoor music in conjunction with an existing on-sale liquor establishment with stipulations, noting that the outdoor venue would cease by October 31, 2021. Fisher further noted that this will provide a trial run to see if there are any noise or other issues created by the outdoor music and noted that if the applicant did wish to request a permanent outdoor music venue it would require an additional Major Amendment to the Conditional Use Permit.

In response to a question from Heikes on the two adjacent properties to the proposed outdoor venue, Fisher noted that currently they are mostly open area and that the timing of the venue reduces the impact on the surrounding business as they will be closed.

Quasney commented that the short term use is a good opportunity to test the use and asked if there will be outdoor music use after completion of construction. Fisher said that would require an additional Major Amendment to the Conditional Use Permit that would come before the Planning Commission for review and approval.

Caesar thanked the applicant for working with staff on this as she hopes that there is a possibility for future use.

Braun stated that he is happy to see a long unused building begin use and bring back some vitality to this area.

Vidal moved, Caesar seconded and the Planning Commission approved the Major Amendment to the Conditional Use Permit to allow outdoor music in conjunction with a temporarily expanded on-sale liquor establishment with the following stipulations:

- 1. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;**
- 2. The proposed on-sale liquor establishment shall operate in compliance**

- with the submitted operations plan and all approved plans. Changes in the operator or operation of this facility shall require a Major Amendment to the Conditional Use Permit; and,
3. The Conditional Use Permit shall allow the temporary expansion of an existing on-sale liquor establishment called "The Iron PHNX" to include a temporary outdoor seating area and temporary outdoor stage, for the hosting of live music events on Friday and Saturday nights until 10:00 pm, until October 30, 2021, the date by which the construction of the recently approved expansion (File #21UR004) is anticipated to be complete. Any further expansion of the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. 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. All requirements of the General Commercial District shall be continually maintained. Any permitted use in the General Commercial District shall be allowed with a Building Permit. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

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

8. No. 21PD016 - Johnson Ranch Subdivision - A request by KTM Design Solutions, Inc for Yasmeen Dream LLC to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Lot EF REV, Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2016 and 2030 Provider Boulevard.

Lacock presented the application noting that the Initial Planned Development Overlay (File #20PD035) and an associated Rezoning request (20RZ041) had been previously reviewed and after much discussion approved by the Planning Commission. Lacock reviewed that the Planning Development Overlay had been appealed to City Council, who upheld the Planning Commission's approval. Lacock noted that there was much discussion on proposed changes such as mature trees as a buffer, amending the Traffic Impact Study, limiting light and movement of the dumpsters and staff believes the applicant has attempted to address some of the concerns. Lacock reviewed that one of the buildings was moved from the north property line to the south to allow for the dumpsters to be moved away from the south property line. The landscape plan shows the mature trees, which were part of the request from City Council along the south property line. Lacock pointed out that one of the stipulations of approval requires that prior to issuance of a Certificate of Occupancy, a Major Amendment to the Planned Development shall be submitted for the proposed park identifying the play equipment and mature landscaping. Lacock noted that the mixed use design of the Johnson Ranch development is what is looked for in this type of larger development. Lacock also noted that the revised Traffic Impact Study shows that the traffic is anticipated to decrease with

the change of use from commercial to residential, so no further public improvement should be needed. Lacock noted that the park will provide a buffer and open usable space for residents and staff recommends approval of the Final Planned Development Overlay to allow an apartment complex with stipulations of approval.

Arquello asked about location and square footage of park, Lacock noted that the specific location or actual size is not yet defined but it will be required prior to issuance of the Certificate of Occupancy. Lacock did note that the original plan showed it located to the south of the property and included a half basketball court, walking path and a parking lot for those users who live further out to park in for use. Lacock said that there have been discussions to expand the park but no final plans have been presented, but noted that the approval of the park is required prior to the issuance of a Certificate of Occupancy per the stipulations of approval. Arquello stated his concern is that the park remains a requirement and is not lost during final planning.

In response to a question from Arquello regarding drainage issues. Lacock explained that the applicant is working with the Public Works Department to address the drainage and will have it addressed prior to issuance of a Building Permit.

Heikes asked for definition of mature tree, Fisher noted that is hard to define and it depends on the location and available space noting that the Urban Forester with the Rapid City Parks Division will be involved with that portion of the project. Heikes recommended to focus on the viability of the tree over the size of the tree.

Kyle Trealor, Dream Design International, Inc., discussed plans and expectations for the trees for longevity rather than initial impact.

In response to a question from Stuck about ownership of the property and its relationship to the stipulation of requirement for the park to be built, Lacock agreed that the situation is unique but the parties are working together to ensure the park is provided. Braun noted that stipulation No. 7 addresses this requirement.

Caesar questioned who will own the park and who will maintain it. Fisher reviewed some of the design options of the park from start to current noting that these changes are a part of the planning process and the applicant has worked with staff to make it work. Lacock stated that the management of the park will be transferred to the Rapid City Parks Department.

Various Planning Commissioners discussed their concerns that there be an assurance as to when the park will be constructed. Fisher clarified that the stipulation requires that prior to the issuance of the Certification of Occupancy for the apartment complex, a Major Amendment to the previously approved Planned Development addressing the park be submitted for review and approval.

Vidal moved, Caesar seconded and the Planning Commission approved the Final Planned Development Overlay to allow an apartment complex with the following stipulations:

- 1. A minimum of 225 parking spaces shall be provided with seven being ADA accessible. In addition, one of the ADA accessible spaces shall be**

“van accessible”;

2. A minimum of 183,707 landscape points shall continually be provided and maintained. The row of mature trees located on the adjacent lot shall be planted prior to issuance of a Certificate of Occupancy;
3. A minimum of 60,000 square feet of open space shall continually be provided;
4. Prior to submittal of a Building Permit, water and sewer plans shall be submitted for review and approval to Rapid Valley Sanitary District. A copy of the approval shall be submitted with the Building Permit;
5. Upon submittal of a Building Permit, a lighting plan shall be submitted for review and approval showing the location and type of lighting on the buildings;
6. Upon submittal of a Final Planned Development Overlay application, a revised drainage plan shall be submitted for review and approval addressing stormwater quality;
7. Prior to issuance of a Certificate of Occupancy, a Major Amendment to the Planned Development shall be submitted for the proposed park identifying the play equipment and mature landscaping;
8. All signage shall meet the requirements of the Rapid City Sign Code. Any proposed electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,
9. This Final Planned Development Overlay shall allow a 150-unit apartment complex. Any change in use that is a permitted use in the Medium 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 Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

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

9. Discussion Items
None

10. Staff Items
Fisher noted that Planning Department has hired Karl Bauer who will be joining our staff May 17, 2021.

Fisher also noted that a working session with Planning Commission and possibly City Council will be scheduled in the near future to discuss Medical Cannabis and hopes that Planning Commission will be able to participate.

11. Planning Commission Items

None

There being no further business, Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:29 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)