

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
December 6, 2018

MEMBERS PRESENT: Karen Bulman, Racheal Caesar, Mike Gollither, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney and Vince Vidal. Jason Salamun, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Eric Ottenbacher, and Justin Vangraefschepe

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

**Caesar 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.**

**Motion by Bulam seconded by Gollither and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (8 to 0 with Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vidal voting yes and none voting no)**

**Consent Calendar**

**The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar by any Planning Commissioner, staff member, or audience member, for separate consideration:**

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

1. Approval of the November 21, 2018 Planning Commission Meeting Minutes.
2. No. 18OA014 - Ordinance Amendment to Update the Requirements for Private Garages  
A request by City of Rapid City to consider an application for **An Ordinance Amendment to Update the Requirements for Private Garages by Amending Sections 17.04.315, 17.08.030J, 17.10.030N, and 17.38.030L of the Rapid City Municipal Code**  
  
**Planning Commission recommended that the Ordinance Amendment to Update the Requirements for Private Garages by Amending Sections 17.04.315, 17.08.030J, 17.10.030N, and 17.38.030L of the Rapid City Municipal Code be approved.**
3. No. 18PL106 - Schamber Subdivision #2  
A request by KTM Design Construction, Inc for Triple R Corporation to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1AR, 2AR and 3AR of Schamber Subdivision #2, legally described as Lots 1 and 2 and the

east 45 feet of Lot 3 of Block 6 of Schamber Subdivision, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Twin Elms Drive and Schamber Street.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

- 1. Prior to submittal of a Development Engineering Plan, the construction drawings shall be revised to address redline comments or an Exception to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. The redlined comments shall be returned to Engineering Services. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Schamber Street shall be submitted for review and approval showing the dedication of 13.5 additional feet of right-of-way and the construction of 8 additional feet of pavement and street light conduit or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Schamber Street or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Twin Elms Drive shall be submitted for review showing the dedication of 13.5 additional feet of right-of-way and the construction of 8 additional feet of pavement and street light conduit or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Schamber Street or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In particular, the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. Utility easements shall also be secured as needed;**
- 5. 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 shall be submitted for review and approval if subdivision improvements are required;**
- 6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual and the Red Dale Drainage Basin Plan shall be submitted for review and approval if subdivision improvements are required. The**

drainage plan shall demonstrate that stormwater is being detained to pre-developed/historic rates and provides stormwater quality. In addition, drainage easements shall be secured as needed;

7. Upon submittal of a Development Engineering Plan application, the applicant shall clarify if the development on proposed Lot 3AR is a duplex or a townhome. If it is a townhome, then the plat document shall be revised to show a proposed common lot line separating the two units. If the use is a duplex, then construction plans shall be submitted for review and approval showing the removal of the second water and sewer service to the property;
8. 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. The utility plans shall also be reviewed and approved by the South Dakota Department of Environment and Natural Resources. The private utility layout plan shall also be submitted to the respective utility companies. All final engineering reports shall be signed and sealed by a Professional Engineer;
9. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
11. Prior to submittal of a Final Plat application, Variances shall be obtained to reduce the minimum required setbacks to the existing structures as a result of the dedication of right-of-way and/or new lot lines. In addition, the plat document shall be revised to provide a minimum lot size of 6,500 square feet for a single family residence and 8,000 square feet for a duplex or lot size Variances shall be obtained to allow a 4, 502 square foot and a 5,438 square foot lot size, respectively;
12. Prior to submittal of a Final Plat application, the plat title shall show the proposed legal description as ‘Lots D, E and F of Block 6 in Schamber Addition No. 3 (Formerly Lots 1, 2 and the E45 ft. of Lot 3 in Block 6 of the NW1/4NE1/4 of Section 9, T1N, R7E...)’;
13. 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,
14. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

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

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

Fisher requested that Items #4, #5 and #6 be heard together.

4. No. 18RZ027 - Section 23, T1N, R7E  
A request by KW Commercial for Samuelson Development, LLC to consider an application for a **Rezoning request from General Agricultural District to Office Commercial District** for the western most 400 feet of Tract 1 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road.
5. No. 18RZ028 - Section 23, T1N, R7E  
A request by KW Commercial for Samuelson Development, LLC to consider an application for a **Rezoning request from General Commercial District to Office Commercial District** for Tract 1, exclusive of the western most 400 feet of the SW1/4 of the NW1/4 and Lots D thru E of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road.
- \*6. No. 18PD029 - Section 23, T1N, R7E  
A request by KW Commercial for Samuelson Development, LLC to consider an application for a **Initial Planned Development Overlay to allow an apartment development** for Lot D and E and Tract 1 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road.

Fisher reviewed the applications noting the two Rezoning requests and the associated Initial Planned Development to allow the construction of an apartment complex are contingent on the other. Fisher noted that this property is located along the Mount Rushmore Gateway Corridor and within an area identified by the Future Land Use Plan as Employment District. Fisher noted that the proposed complex includes five 4-story apartment buildings along with garages and a community building. Fisher identified that the garages that are indicated to be located along the Mount Rushmore Road and Fox Road will have to be relocated as accessory structures are not allowed in the front yard of the property. Fisher reviewed the height limits stating that the current zoning of General Commercial District allows for a 4-story 45 foot high structure, whereas rezoning to Office Commercial District reduces that to 3-story 35 feet. Fisher then reviewed existing structures in the area that have height Exceptions noting that they have a lower site elevation or larger setbacks which helps to reduce the impact of the additional height. Fisher explained that the setbacks on these structures range from 400 feet to 1000 feet and that one had been required to reduce the ground elevation of the structure by 16 feet to lessen the height appearance. Fisher reviewed slides that showed how the roofline of the proposed 4-story structures would sit in relationship to existing structures. Fisher stated that staff is requesting Planning Commission to decide the viability of the height Exception as well as whether the density is appropriate for the area. Fisher explained that density includes the number of residents as well as traffic that will be created by the density.

Fisher reviewed staff's requests which include the berm landscaping along Fox

Road and Mount Rushmore Road, moving the garages from the front of the property and the required open space per unit. Fisher noted that a sidewalk would be required to be installed at that time a building permit was obtained. Fisher further called out that in previous platting, improvement to Fox Road was required and Surety for these improvements posted. To date, those improvements have not been completed and the Surety held will not cover these costs. Fisher also noted that the possibility of soil contamination from the previous use of a gold company on the property would be addressed as the construction proceeds.

Fisher reviewed the options should the height Exception be denied, including noting that the applicant could either maintain a similar design but lose units or add a building; however, the required open space and required parking will have to be met.

Fisher noted that there were a number of people in the audience who wished to speak to the item and encouraged the Planning Commission to listen to their concerns and vet the item thoroughly.

Mary Casey, 2050 Fox Road stated that she would wait to make comment.

Bob Rosenquist, 5151 Berglund Road, spoke to his concerns regarding the increase of residential density by approximately 700 persons noting that this is the general population of Hill City stating it is too many people on too small an area and hopes the Planning Commission vote against the request.

Robert Durst 5353 Berglund Road, said that the neighborhood meeting that was held by the Samuelson Group on Monday, December 3, 2018, was well attended and offered an option for conversation between the parties. However, Durst stated that it was apparent at the end of the meeting that no changes were being considered by the developer. Durst referenced the Planning Commission's comments on other recent applications in the area that structures in this area be in character of the neighborhood and not injurious. Durst stated that life expectancy of these structures is around a 100 years, so decisions made today would have long term effect on not just the neighborhood, but the entirety of Rapid City and the Black Hills.

Becky Durst, 5353 Berglund Road, Durst stated she agreed with the comments made by Robert Durst.

Joe Seyvar, 4600 Skyline Drive, said he was concerned with the traffic that this creates noting that there is already an existing issue with traffic and this will make it worse.

Jeff Bendt, 5411 Berglund Road, agreed with the concerns to density noting the limited area of 10 or 11 acres of the 14 acres could be developed because of the area lost to the detention pond. Bendt noted that the existing Copper Ridge complex is 14 developable acres and has buffer zones surrounding that development. Bendt noted that the traffic calculation for each unit calculates to 11 which create a major issue. He also spoke to his concern regarding a 48 foot tall

building so close to the Highway and along the Gateway Corridor.

Jodi Bendt, 411 Berglund Road, stated she supports Jeff Bendt's comments.

Robert Kruse, 5510 Berglund Road, stated that he completely agrees with the neighbors concerns stating it is just seems to him to be the wrong project for the site.

Tammi Kruse, 5510 Berglund Road, stated that she also agrees with the concerns of her neighbors and that she opposes the project.

Bob Brandt, stated he was the General Contractor on the Copper Ridge Apartment Complex and requested the Planning Commission to consider the next 15 year development of the area stating that this is the fastest growing corridor in the City and that he believes the design is a good option for the area. Brandt stated that the other complex

Aaron Christensen, 5508 Berglund Road, stated that he is building a house in the area and he is opposed to the project and agrees with his neighbors.

Nancy Jensen, 5440 Vista Plaines Vista, stated that she is opposed to this development stating she believes it will be like a wall along the corridor. Jensen reiterated that there are already traffic issues on Mount Rushmore Road, Enchantment Road and other access roads onto Mount Rushmore Road and she feels that the proposed complex is too much in too small an area. Jensen noted that the height limit is three stories and wonders why Exceptions continue to be granted disregarding the existing limit.

Jason Bryce, 4105 Berglund Road, said as he listened to the comments made on the intense development of the Mount Rushmore Gateway Corridor and referenced the section of the Rapid City Comprehensive Plan goal for Gateway Corridors which reads "the focus should be protection of scenic views, landscaping and natural character rather than on intense development' stating that development is expected but that this development is not what is wanted for this area. Bryce further stated that based on the enormity of the complex, the proximity to the roads, the lack of setbacks and the surrounding single family homes and the nature of the area the development does not fit the desired growth and should be denied.

Cliff Bienart, 2150 Skyland Ranch Road, stated that although he does not live adjacent to the property, he does use the service road and is exposed to the traffic on the road already created by the churches and schools located along this section of Mount Rushmore Road without adding approximately 500 additional cars into the mix. Bienart said he understands the need for growth, but believes this is not the right area for such high density.

Lawrence Kosteneski, 2040 W. Main, Centerline, acknowledge the increased traffic in the area, he understands the concerns regarding traffic, stating traffic will be an issue regardless as this area develops. Kosteneski stated that the road improvements will be addressed as a portion of this project. Kosteneski spoke to

the investment involved with the requested project and the work that has gone into planning this project. He clarified that this is just an Initial Planned Development and that nothing will be built until Planning Commission approves the Final Planned Development Plan.

Chris Long, 433, Westberry Drive, KW Real Estate, working with Samuelson on the project, stated that this project does fit into the Future Land Use Plan noting it creates a buffer between General Commercial Districts and Residential District. Long stated that their research shows the need for this type of residential option in the area that is defined as an Employment District. Long urged avoidance of the “not in my backyard” mentality regarding this project and hopes that the Planning Commission will approve the application.

John Samuelson Jr., Samuelson Development, spoke to the traffic studies that they have done for the existing Copper Ridge Apartments along Mount Rushmore Road. Samuelson noted that there are numerous access options for this location, whereas the Copper Ridge complex has only one and the Traffic Study for the existing complex did not require any improvements, so they anticipate this project to be OK. He did state that they will, however, be doing a traffic study. Samuelson addressed the request for four stories indicating they need four stories to justify installing elevators, whereas three stories would not. He stated that the availability of elevators make all units ADA accessible, opening these units up to retirees and other markets. He mentioned that the desire to retain the natural setting and topography at the back of the lot moved this design forward, by going upward rather than adding more buildings. Samuelson stated that they are currently not using the maximum density of the property. Regarding the placement of the garages, Samuelson showed examples of a project done in another city with garages to the front of the property, stating that they wanted the garages to the front to help to create a separation to the road. He spoke to the demographic information used to arrive at this proposed project and the design of the actual structures. He stated that they had to have a certain number of units to meet their business plan. Regarding the changing the exterior style of the structure to better match the area, Samuelson said they had other designs, but it would not be their preference to do so.

Fisher clarified that it is not a requirement of a Planned Development to provide elevations of what a structure will look like unless an Exception is requested at which time staff is able to request such elevations. She further explained that when elevations are provided as they are in this case, the plans that are provided are the plans that are approved and any changes to those plans must be presented for approval.

In response to a question from Vidal regarding alternatives that were proposed at the neighborhood meeting, Durst stated that they had requested a reduction of density and were informed that would not meet the business plan. Additionally, the options of townhomes and to have the architecture design work into the surrounding development in the area were also deemed not to be viable options.

Fisher stated that the proposed roofline will be approximately 15 feet higher than the steeple of the church located along Mount Rushmore Road and Black Hills

Corp Headquarters building in the surrounding area.

In response to Vidal's question on options, Samuelson stated that this project design is based on a design recently completed in Sioux Falls and the number of units are required to meet the Class A levels their properties operate within.

Quasney stated that he has reviewed the Comprehensive Plan stating that he uses the Plan as a guide and he hopes that developers, designers and architects do the same. Quasney specifically addressed Gateway Corridors, noting that he sits on the Mount Rushmore Road Beatification Committee, calling out that the goal of the Comprehensive Plan is to advance the growth of Rapid City and Gateway Corridors per the Plan do not identify this is the area for this large of a project.

Hoogestraat stated that he does not feel he can support the height Exception. He notes that the current zoning of General Commercial District on the front parcel of land would allow a commercial building of a height of 45 feet to be built solely by pulling a building permit if it meets all criteria without Planning Commission review. Hoogestraat stated that it is the rezoning to allow the higher density residential use and then requesting a height Exception to allow a larger structure that he does not like, whereas a smaller project would be a better option.

Huus noted that he understands that traffic is always going to be an issue as development moves into this area and that these issues can be fixed. He stated it is inevitable that there will be changes to the feel and look of the area. However, he does not feel that the four story building is the look and feel that is wanted this close to Mount Rushmore Road. He proposed that maybe the back buildings be allowed to be four stories with the front buildings being three stories.

Bulman stated that the complexes offered by Samuelson are fine quality structures and she knows that people wish to live in them. She noted that she lives out in this area and drives Mount Rushmore Road everyday and has watched the growth and development in the area. Bulman stated that she understands the need for more apartments in the area, but the size and scale of this project is overwhelming and she doesn't believe this is the appropriate location for this size of project. Bulman stated that she would like the zoning to stay the same noting that the neighbors who had reviewed the zoning of surrounding area and were okay with what would be built in that zoning, but that they are opposed to the rezoning which changes the potential development in the area.

In response to a question from Hoogestraat if a reduction to three stories was an option, Samuelson stated that they would entertain the option.

**Hoogestraat moved to approve the Rezoning Requests; to Deny Exception to allow 4-story, 48.4 foot high apartment structure(s); and to approve the Initial Planned Development Overlay with stipulations, Herr seconded.**

Fisher clarified that all stipulations will be required to be met including parking, open space, and setbacks which defines the number of units that will fit on the



property.

In response to Caesar's question why elevators are not included in three story buildings Samuelson stated that the break-even point is at four stories.

In response to Caesar's question if it was possible to approve the Rezoning Request and deny the Planned Development, Fisher stated that she encouraged Planning Commission to approve or deny all three as they are all in conjunction to each other.

**Bulman make a substitute motion to continue to the January 10, 2019 Planning Commission. Motion failed for lack of second.**

A roll call vote was called. Vote was 4 to 4 motion fails.

Fisher consulted with the attorney and it was confirmed that the tie vote means the action failed and the items are therefore denied.

Fisher discussed the Appeal process and notice of Appeal.

**Hoogestraat moved, Herr seconded that the Rezoning request from General Agricultural District to Office Commercial District in conjunction with the associated Initial Planned Development application (File# 18PD029) be recommended for approval, and;**

**That the Rezoning request from General Commercial District to Office Commercial District in conjunction with the associated Initial Planned Development application be recommended for approval (File# 18PD029), and;**

**That the Initial Planned Development Overlay be approved with the following stipulations:**

- 1. An Exception is hereby denied to allow 4-story, 48.4 foot high apartment structure(s);**
- 2. Upon submittal of a Final Planned Development application, the site layout shall be revised removing the accessory structures from the front yard(s);**
- 3. A minimum 58 foot setback shall be maintained along the west lot line, a section line highway;**
- 4. Upon submittal of a Final Planned Development Overlay application, a landscape plan shall be submitted for review and approval. In particular, the landscape plan shall include a minimum of 469,068 landscape points and 11 landscape islands. Each landscape island shall contain a minimum of 100 square feet and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. In addition, the landscape plan shall include perimeter bermed landscaping with coniferous trees to create a buffer along Fox Road and Mount Rushmore Road;**
- 5. Upon submittal of a Final Planned Development Overlay application, a parking plan shall be submitted for review and approval. In particular, the parking plan shall provide 1.5 parking spaces per unit with ADA parking in compliance with Chapter 17.50.270.H of the Rapid City**

- Municipal Code;**
6. Upon submittal of a Final Planned Development Overlay application, the site layout shall be revised identifying a minimum of 400 square feet of usable open space per unit. The open space shall include play and recreational area(s) and pedestrian walkways for the tenants;
  7. Upon submittal of a Final Planned Development Overlay application, plans for the swimming pool in compliance with Chapter 17.50.320 of the Rapid City Municipal Code shall be submitted for review and approval;
  8. Upon submittal of a Final Planned Development Overlay application, a sign package in conformance with Chapter 17.50.080 of the Rapid City Municipal Code shall be submitted for review and approval if signage is being proposed. No electronic signs are being approved as a part of this Initial Planned Development Overlay. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign;
  9. Upon submittal of a Final Planned Development Overlay application, a lighting plan shall be submitted for review and approval. All outdoor lighting shall continually 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;
  10. Upon submittal of a Final Planned Development Overlay application, the elevations for the proposed garages and community room shall be submitted for review and approval;
  11. Upon submittal of a Final Planned Development Overlay application, a drainage plan shall be submitted for review and approval;
  12. Upon submittal of a Final Planned Development application, a Traffic Impact Study shall be submitted for review and approval by the City and South Dakota Department of Transportation. In addition, any improvements needed to accommodate the increase in traffic generated by the proposed use shall be completed prior to issuance of a Certificate of Occupancy;
  13. The property shall be rezoned to Office Commercial District and a Final Planned Development Overlay shall be approved prior to issuance of a building permit; and,
  14. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Initial and/or Final Planned Development Overlay. However, due to a tie vote the motion failed and the application is denied. (4 to 4 with Herr, Hoogestraat, Huus, and Vidal voting yes and Bulman, Caesar, Gollhofer and Quasney voting no)

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

\*7. No. 18PD035 - Original Town of Rapid City

A request by Upper Deck Architects for Pennington County Building and Grounds to consider an application for a **Major Amendment to a Planned Development Overlay to expand the boundaries of a medical and detox facility** for Lot 1 thru 16; Lot 25 thru 28; the W1/2 of vacated 3rd Street, Block 107, Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 Kansas City Street.

Herr stepped away from the dais at this time. Bulman left the meeting at this time.

Lacock presented the application and reviewed the associated slides. Lacock addressed the Exception to reduce the required amount of parking on the property from 296 spaces to 85 spaces. 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 and the Exception to reduce the minimum required setback for a commercial parking lot to a residential use from 12 feet to 0 feet, provided that a 6-foot-tall white vinyl screening fence is provided adjacent to the residential use as indicated on submitted plans. Lacock explained that the County is working to purchase the existing residential property which would remedy the Exception for the fencing and that the reduction in parking is less than the initial requested. The unique operation plan and the on-street parking also minimizes the impact of the Exception and staff recommends that the Exceptions be granted and the Major Amendment to a Planned Development Overlay to expand the boundaries of a medical and detox facility be approved with stipulations.

Herr returned to the dais.

**Huus moved, Herr seconded and the Planning Commission carried that the requested Major Amendment to the Planned Development be approved with the following stipulations:**

- 1. An Exception to reduce the required amount of parking on the property from 296 spaces to 85 spaces 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 minimum required setback for a commercial parking lot to a residential use from 12 feet to 0 feet is hereby granted, provided that a 6-foot-tall white vinyl screening fence is provided adjacent to the residential use as indicated on submitted plans;**
- 3. Acknowledge the Exception granted to reduce the required front yard setback along Kansas City Street from 25 feet to 4 feet;**
- 4. Acknowledge the Exception to reduce the required rear yard setback from 25 feet to 0 feet;**
- 5. Acknowledge the Exception to reduce the required setback from commercial parking to a residential use from 12 feet to 0 feet is hereby granted, provided that a 6-foot-tall white vinyl screening fence is**

- provided adjacent to the residential use as indicated on submitted plans;
6. Acknowledge the Exception to reduce the required amount of landscaping islands for the site from 4 to 0;
  7. 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 Major Amendment to a Planned Development. 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,
  8. This Major Amendment to the Planned Development shall allow a medical facility and detox facility with additional parking on the property. All requirements of the Public District shall be maintained unless specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major 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 a Major Amendment to the Planned Development. (7 to 0 with Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney 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.*

Hoogestraat moved, Vidal seconded and the Planning Commission carried unanimously to continue the Planning Commission Meeting past 9:00,.

- \*8. No. 18UR013 - East Mall Business Center Subdivision  
A request by Ferber Engineering, Inc for Black Mountain Development, LLC to consider an application for a **Conditional Use Permit to allow a car wash and to allow two electronic message reader board signs** for Lot 1 of Block 2 of East Mall Business Center Subdivision, located in Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of 1-90, south of E. Mall Drive.

Green presented the application and reviewed the associated slides, noting that applicant is proposing to build a car wash in conjunction with a convenience store. Green further stated that the proposed development is part of a larger development associated with a large retail super store. Green explained that the retail super store would be reviewed as a separate building permit application and that the Conditional Use Permit is specific to the car wash and convenience store. Green further explained that the parking and landscaping requirements for the development were calculated to address the entire development, including the retail super store. Green noted that the applicant is requesting three on

premise LED signs and that at Planning Commission direction, any Conditional Use Permit application with LED signage be reviewed by the Planning Commission. Green identified that the sign on the northeast corner of the property will be a 15 foot high monument sign with LED signage to show fuel prices. The sign in the southeast corner of the property adjacent to Interstate 90 is proposed to be a 50 foot high monument sign with LED signage. Green stated that the proposed sign exceeds the maximum allowable height of a sign in the General Commercial District, which is 45 feet. And the sign on the northwest corner of the property is proposed to be a 30 foot high monument sign with LED signage. The combined footage of LED signage is 326.5 square feet, which exceeds the 60 square feet allowed LED sign footage. Green noted that one of the stipulations of approval is that the applicant complies with the Sign Code or a Variance must be obtained. Planning Commission recommended the Conditional Use Permit to allow a car wash be approved with stipulations.

Herr stepped away from the dais at this time.

Fisher clarified that the applicant is requesting approval of the car wash and if the Planning Commission find the LED signs to be appropriate, the size of the signs will be addressed separately by a Variance request.

**Golliher moved, Quasney seconded and the Planning Commission carried that the Conditional Use Permit to allow a car wash be approved with the following stipulations:**

- 1. If the Planning Commission determines that electronic reader board signs are appropriate for this location, then a sign permit shall be obtained. Prior to issuance of a sign permit, the electronic reader board signs shall be designed to comply with the Sign Code or a Variance from the Zoning Board of Adjustment shall be obtained. The balance of the proposed signage shall continually conform to the Sign Code. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. Any additional proposed electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,**
- 2. The Conditional Use Permit shall allow for a two-lane tunnel car wash in the General Commercial District. Any expansion of the car wash shall require a Major Amendment to the Conditional Use Permit. All uses permitted in the General Commercial District shall be permitted. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (6 to 0 with Caesar, Golliher, Hoogestraat, Huus, Quasney 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. No. 18PD033 - Section 14, T1N, R7E

A request by Bob Brandt to consider an application for a **Final Planned Development Overlay to allow an oversized garage** for the W1/2 of the NE1/4 of the NW1/4 of the SW1/4 and the north 141 feet of the W1/2 of the SE1/4 of the NW1/4 of the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1780 Skyline Ranch Road.

Herr returned to the dais at this time.

Lacock presented the application noting that this item had been continued at the November 21, 2018 Planning Commission meeting to allow the applicant to present revised elevations. Lacock noted that staff has received revised elevations showing the structure being moved 30 feet north or back from Skyline Ranch Road and additional rock accent being added to the west elevation and horizontal siding that will closer match the residential structure. Additionally the applicant is proposing to paint the exposed foundation to match the dwelling. The applicant did not revise any of the other sides as the east faces the house, the north faces the trees and the south side is greenhouse with the berm reducing the amount of glass showing. Lacock noted that staff has received six letters of concern which have been linked to the online item. Lacock presented staff's recommendation that the Final Planned Development Overlay to allow an oversized garage be approved with stipulations.

Salamun left the dais at this time.

Marnie Gould, 1850 Skyline Ranch Road, stated that she requests that the request be denied. Gould noted that the location and the scope of the structure, stating that the other such structures in the area that have been called out, including hers, are located further from the road.

Cliff Bienert, 2150 Skyland Ranch Road, stated that he attended the initial meeting and spoke against the request and still opposes the request. He stated that he feels the size, style and location of the structure being unbecoming to the nature of the neighborhood stating that all of the changes are solely window dressing.

Debra Bienert, 2150 Skyland Ranch Road, stated her concerns regarding the size and scope of the building. Bienert noted that the entire south side which is the side that will face Skyline Ranch road is the glass section of the greenhouse so none of the architectural revisions will be seen by the main access road. She hopes that the Commission denies the request.

Jay Shultz, speaking on behalf of his parents, Don and Frankie of 2109 Skyline Ranch Road, stated that they had submitted a letter in opposition. Schultz stated that he feels the metal building, the large greenhouse and open carport do not

meet the level of character, quality or materials of the surrounding homes. Shultz indicated that the size of the proposed building is 70 percent larger than the existing home and he believes is inappropriate. He hopes the Planning Commission denies the application.

In response to a question from Caesar regarding what is considered when calculating oversize status, Lacock stated that it is the building footprint and not or gross floor area.

In response to a question from Bob Brandt if the property owner to the east of the property had submitted a letter, Lacock stated that Mr. White had submitted a letter which states he would support if modifications to the structure were made. Brandt stated that Mr. White has a large out building and then addressed the other oversized buildings in the area. Brandt reviewed the modifications that were made and requests that the application be approved.

Hoogestraat thanked the applicant for making the requested revisions noting that there are other out-buildings in the area and feels it is unfair to say that this building is not allowed due to character and moved to approve with revised plans.

In response to Quasney questioning the building location, Lacock reviewed the revised plans and the proposed location.

Comments made by Herr without use of the audio system. Caesar requested direction on Parliamentary Procedure. Fisher stated that a vote was needed to call the question.

**Herr called the question, Hoogestraat seconded. Caesar request a vote on the calling of the question (6 to 1 with Gollither, Herr, Hoogestraat, Huus, Quasney and Vidal voting yes and Caesar voting no)**

Fisher clarified that the Planning Commission action to approve is final unless appealed within the 7 day appeal period to the City Council.

**Hoogestraat moved, Herr seconded and the Planning Commission determined that the proposed elevations are appropriate and approved the Final Planned Development Overlay to allow an over-sized garage with the following stipulations:**

- 1. An Exception is hereby granted to waive the requirement to pave the first 50 feet of the driveway;**
- 2. An Exception is hereby granted to allow accessory structures to include a garage, carport, and greenhouse measuring 3,968 square feet in size, in lieu of the maximum allowed 1,500 square feet;**
- 3. All outdoor lighting shall continually 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;**
- 4. The applicant shall continue to coordinate with the Rapid City Fire Department to implement the Wildland Fuels Mitigation Plan;**

5. Upon submittal of a Building Permit, the proposed garage elevations on the west side shall include: red rock accents on the exposed foundation, two columns 30 inches in width of red rock accents, dark trim and doors to match the dwelling, and horizontal lap siding constructed of a fire resistant material. In addition, the exposed foundation wall on the south side of the structure shall be painted to match the dwelling. A minimum 265 foot front yard setback from the south property line shall be maintained;
6. Prior to issuance of a Building Permit, the site plan shall be revised to show sidewalk along Skyline Ranch Road or a Variance from the City Council shall be obtained; and,
7. The Final Planned Development Overlay shall allow for an over-sized garage, carport, and greenhouse for the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the structure shall not be used as a rental unit. Any change in use that is a permitted use in the Park Forest District shall require a Building Permit. Any change in use that is a Conditional Use in the Park Forest District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (6 to 1 with Gollither, Herr, Hoogestraat, Huus, Quasney and Vidal voting yes and Caesar 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.***

10. Discussion Items  
None
11. Staff Items  
Fisher thanked the Planning Commission for their hard work over the last year.
12. Planning Commission Items  
None

**There being no further business, Hoogestraat moved, Herr seconded and unanimously carried to adjourn the meeting at 9:25 a.m. (7 to 0 with Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vidal voting yes and none voting no)**