

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
January 10, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Mike Quasney, Justin Vangraefschepe and Vince Vidal. Jason Salamun, Council Liaison was also present.

MEMBERS ABSENT: Curt Huus and Eric Ottenbacher

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, Kelly Brennan, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:16 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.**

**Motion by Golliher seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

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

1. Approval of the December 6, 2018 Planning Commission Meeting Minutes.

\*2. No. 18PD037 - Big Sky Business Park

A request by KTM Design Solutions, Inc. for Dakota Heartland, Inc. to consider an application for a **Final Planned Development Overlay to allow a Goodwill Store** for Lot 3A of Block 1 of Big Sky Business Park located in the W1/2 of the SW1/4 of the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 611 Timmons Boulevard.

**Planning Commission approved the Final Planned Development Overlay to allow a Goodwill store with the following stipulations:**

1. **Prior to issuance of a Building Permit, a 40 foot wide by 40 foot long Shared Access Easement shall be recorded along the common lot line between the subject property and the adjacent property north of the subject property;**
2. **Upon submittal of a Building Permit, site plans shall be revised to show a minimum of one ADA Van Accessible parking space. The Van Accessible space shall show an access aisle on the passenger side of the vehicle that is a minimum of 96 inches wide; and,**
3. **The Final Planned Development shall allow a Goodwill store in the General Commercial District. All requirements of the General Commercial District shall be maintained unless specifically authorized**

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
January 10, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Mike Quasney, Justin Vangraefschepe and Vince Vidal. John Salamun, Council Liaison was also present.

MEMBERS ABSENT: Curt Huus and Eric Ottenbacher

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, Kelly Brennan, Tim Behlings, Todd Peckosh, Ted Johnson, Wade Nyberg and Andrea Wolff.

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

1. Approval of November 8, 2018 Zoning Board of Adjustment Meeting Minutes.

**Quasney moved, Hoogestraat seconded and the Zoning Board of Adjustment unanimously carried to approve the November 8, 2018 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

2. No. 18VA014 - Robbinsdale Addtion No. 9

A request by Sandra Arnold to consider an application for a **Variance to reduce the side yard set back that abuts a street from 25 feet to 15.9 feet** for Lot 61 of Block 1 of Robbinsdale Addition No. 9, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3308 Locust Street.

Lacock presented the application and reviewed the associated slides. Lacock reviewed the required 100 foot right-of-way required for a minor arterial street and the 25 foot side yard setback that abuts a street, noting that the proposed garage would encroach 9.1 feet into that setback. Lacock stated that staff's position is that reasonable use of the property exists. Lacock noted that that there is sufficient room to enlarge the garage to the back rather than to the side without exceeding setbacks. Based on these findings staff recommends that the Variance to reduce the side yard set back that abuts a street from 25 feet to 15.9 feet be denied.

In response to a question from Quasney whether this would make the garage oversized, Lacock stated that it would not, it's just the Variance to the setback that is at issue.

Sandra Arnold, 3308 Locust Street, noted that she had moved to this location to help care for her mother and that the additional stall would allow interior parking for all of their vehicles. She stated that there appears to be adequate space between the proposed garage and the road with the wide boulevard. She

acknowledges the possibility of building to the back but spoke to the inconvenience this option creates as it would require parking in tandem.

Bulman spoke to her thoughts on the request for the Variance stating that she understands the inconvenience of moving cars, but that the Variances are usually granted for when there are restrictions to land use such as sloping and other topographical restrictions so she did not think this request qualified.

**Bulman moved, Golliher seconded and the Zoning Board of Adjustment unanimously carried that the Variance request to reduce the side yard setback that abuts a street from 25 feet to 15.9 feet be denied based on Criteria that reasonable use of the property exists. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

3. No. 18VA015 - Gateway Addition

A request by FMG Engineering for M Hill Business Plaza LLC to consider an application for a **Variance to reduce front yard setback from 25 feet to 2.9 feet** for a parcel 147 square feet in the SE corner and 3 feet X 147 feet vacated Omaha Street, abutting on the north side; and Lots 1 thru 5 and adjacent vacated alleys less a 20 feet X 35 feet tract in the NW corner of said Lot 1, all located in Block 18 of Gateway Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1401 West Omaha Street.

Lacock presented the application and reviewed the slides stating that the South Dakota Department of Transportation is acquiring additional right-of-way along West Omaha Street to make public improvements. This will create a new lot line for the property. Lacock noted that there is an existing building on the property that is currently non-conforming. A portion of the building will be removed and will actually increase the setback from the existing zero feet to 2.9 feet. Lacock stated that this Variance benefits the public good and staff recommends that the Variance be approved for the existing structure only and any redevelopment of the property or damage over 50 percent of the structures value would require that the new structure comply with the minimum required setbacks.

**Bulman moved, Caesar seconded and the Zoning Board of Adjustment unanimously carried to approve the Variance request to reduce the front yard setback from 25 feet to 2.9 feet be approved for the existing structure only based on Criteria is in line for the public good. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

4. Discussion Items

None

5. Staff Items

None

6. Zoning Board of Adjustment Items  
None

**There being no further business, Caesar moved, Golliher seconded and unanimously carried to adjourn the meeting at 7:16 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefscupe and Vidal voting yes and none voting no)**

as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the General Commercial District or uses which increase the required amount of parking on the site shall require a Major Amendment to the Planned Development. No electronic reader board signs are being approved as part of this Final Planned Development Overlay. All electronic reader board signs shall require review and approval of a Major Amendment to the Final Planned Development Overlay.

*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.*

3. No. 18TI002 - Park Hill Subdivision No. 7

A request by Sperlich Consulting, Inc for Park Hill Development, Inc. to consider an application for a **Resolution Creating Park Hill Tax Increment District and Approving Project Plan** for a portion of the unplatted balance of the N1/2 of the NE1/4 of the SE1/4 and a portion of the unplatted balance of the SE1/4 of the NE1/4 less right-of-way, located in the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, SouthDakota. A portion of the dedicated right-of-way of Sidney Drive located in the NE1/4 of the SE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. The Vacated right-of-way of Wilma Street located in the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. A portion of the dedicated right-of-way of Wilma Street located in the SE1/4 of the NE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. Lot H1 of the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota, more generally described as being located north of Sydney Drive, east of Smith Avenue and west of Cambell Street.

**Planning Commission continued the Resolution Creating Park Hill Tax Increment District and Approving Project Plan to the February 7, 2019 Planning Commission meeting at the applicant's request.**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

\*4. No. 18PD036 - Rushmore Center

A request by KTM Design Solutions, Inc for Chrisbro 4 LLC to consider an application for a **Major Amendment to a Planned Development Overlay to allow an electronic reader board** for Tract A of Rushmore Center Subdivision,

located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 825 Eglin Street.

Lacock presented the application and reviewed the associated slides. Lacock noted that the property is currently being developed as a Tru Hotel by Hampton Hotels. Lacock noted that the proposed total area of 51.5 square feet for the proposed LED Message board is under the maximum allowed 60 square feet of signage. Lacock noted that this application is before the Planning Commission as requested due to the LED signage and staff recommends that the **Major Amendment to a Planned Development Overlay to allow an electronic reader board** be approved with stipulations.

**Caesar moved, Hoogestraat seconded and the Planning Commission determined that the electronic reader board sign is appropriate for the location, and approved the Major Amendment to a Planned Development with the following stipulations:**

1. **Acknowledge the previously granted Exception to allow a height of four stories and 49 feet in lieu of the maximum allowed height of four stories and 45 feet;**
2. **All signage shall meet the requirements of the Rapid City Sign Code. Any expansion to the proposed electronic reader board sign or new 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;**
3. **A Minimum of 218 parking spaces shall be provided for Phase I. Phase II shall require a Major Amendment to the Planned Development; and,**
4. **The Major Amendment to a Planned Development Overlay shall allow for a hotel with an electronic reader board sign measuring 51.5 square feet in size. Phase II shall require a Major Amendment to the Planned Development. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschep 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.***

- \*5. No. 18UR014 - Original Town of Rapid City  
A request by Erin Krueger for 5th and Main Furniture by Freeds to consider an application for a **Conditional Use Permit to allow on-sale liquor in association with an existing furniture store** for Lot 17 thru 23 of Block 76 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 at 430 Main Street.

Green presented the application and reviewed the associated slides stating that the per the applicant's Letter of Intent they are proposing the hold events and request to be able to offer complementary beer or wine during these events. Green stated that the applicant's Letter of Intent indicates that these events will be held in areas in the north section of the building away from the main sales floor both during business hours and after hours with the post business events being by invitation. Green stated that staff recommends that the **Conditional Use Permit to allow on-sale liquor in association with an existing furniture store** be approved with stipulations.

In response to a question from Quasney regarding the use, Fisher explained that this is expected to be for special events such as classes and seminars.

**Quasney moved, Gollither seconded and the Planning Commission approved the Conditional Use Permit to allow on-sale liquor use in conjunction with an existing furniture store with the following stipulation(s)**

1. **All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; All signs, including banners or grand opening or special event advertisements are subject to historic review; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit;**
2. **The Conditional Use Permit shall allow on-sale liquor in conjunction with special events for the furniture store. Any expansion or change in the proposed on-sale liquor use shall require a Major Amendment to the Planned Development Overlay. Any change in use that is a permitted use in the Central Business District shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschep 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. Discussion Items

7. Staff Items

- A. Comprehensive Plan Amendment to update Future Land Use map and table

Kelly Brennan, Long Range Planner, stated that a review of the Comprehensive Plan identified numerous updates that need to be made

to the Comprehensive Plan. Brennan requested direction from the Planning Commission to make amendments to the Comprehensive Plan Brennan stated that this Comprehensive Amendment should come before the Planning Commission within the next couple of months at which time specifics will be addressed.

**Bulman moved, Quasney seconded and the Planning Commission unanimously carried to authorize staff to proceed with the Amendments to the Comprehensive Plan, Gollither seconded and unanimously carried. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschep and Vidal voting yes and none voting no)**

B. Review of meeting protocol and procedures

Fisher noted the importance of proper microphone use and to remember to pose questions through the Chairman to ensure that everyone's comments are audible for future review online and for preparation of meeting minutes.

Young noted that there is a Joint Work Session with the Planning Commission and City Council, Thursday, January 17, 2019 at 6:30 p.m., in the 3<sup>rd</sup> Floor Meeting room to review the Tax Increment Financing revisions that are being proposed. He indicated that a notice had been sent and that email including an FAQs List will be sent and requested that if there are any additional questions Planning Commissioners thought should be added he requests that they let him know so they can be included. Young stated that the revised plan will be sent out via email in the next couple of days and hopes that everyone will try to attend.

8. Planning Commission Items  
None

**There being no further business, Caesar moved, Gollither seconded and unanimously carried to adjourn the meeting at 7:31 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschep and Vidal voting yes and none voting no)**