

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
June 20, 2019

MEMBERS PRESENT: Karen Bulman, John Herr, Curt Huus, Eric Ottenbacher, Mike Quasney, Justin Vangraefschepe and Vince Vidal. Jason Salamun, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Racheal Caesar, Mike Gollhofer, Galen Hoogestraat,

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

Bulman called the meeting to order at 7:42 a.m.

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

**Motion by Huus seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations. (7 to 0 with Bulman, Herr, Huus, Ottenbacher, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the June 6, Planning Commission Meeting Minutes.

2. No. 19PL026 - Westwind Subdivision

A request by KTM Design Solutions, Inc for G & G Investments, LLP to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 7 of Block 1, Lots 5 and 6 of Block 5 and Lot 1 of Block 6 of Westwind Subdivision, legally described as the N1/2 of Government Lot 3; the N1/2 of Government Lot 4 less Lots H1 and H2, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Elk Vale Road and Anamosa Street.

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

1. **Upon submittal of a Development Engineering Plan application, the redline comments on the construction plans and the Master Plan shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval or the approval of an Exception shall be required. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
3. **Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be**

- accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;
4. Upon submittal of a Development Engineering Plan application, construction plans for Neel Street and Degeest Drive, collector streets, shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way with an additional 10-feet of right-of-way the first 200-feet extending south from the future intersection of E. Anamosa Street and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or the approval of an Exception shall be required. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
  5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. The plans shall show the water mains in Neel Street and Degeest Drive being looped. In addition, easements shall be provided as needed;
  6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, easements shall be provided as needed;
  7. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, no inter-basin transfer of stormwater shall be allowed. Easements shall also be dedicated as needed;
  8. 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;
  9. Upon submittal of a Development Engineering Plan application, the Master Plan shall be revised to show the extension of Neel Street and Degeest Street to the north lot line of the property in compliance with

the City's Major Street Plan or a Comprehensive Plan Amendment to the Major Street shall be submitted for review and approval eliminating and/or relocating the collector streets;

10. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
12. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements;
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.

\*3. No. 19PD025 - Gateway Business Park Subdivision

A request by KTM Design Solutions, Inc for Sickies Holding, LLC to consider an application for a **Final Planned Development Overlay to allow a parking area** for Lot 4A, Block 1 of Gateway Business Park Subdivision, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of E. Mall Drive and Outfitter Road.

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

1. Prior to submittal of a Building Permit, the applicant shall confirm that access will be allowed via Outfitter Drive as proposed or the site plan shall be revised accordingly;
2. Prior to issuance of a Building Permit, construction plans shall be revised to address all redlined comments;
3. Prior to issuance of a Building Permit, the site plan shall be revised to show all ADA parking spaces with a minimum striped aisle width of 5 feet and a minimum "Van Accessible" aisle width of 8 feet;
4. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. 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 Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. 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,
5. The Final Planned Development Overlay shall allow a parking area in the

**General Commercial District.** All requirements of the General Commercial District shall be maintained unless specifically authorized 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.

***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. 19PL047 - Dollar General Rapid City

A request by AAB Engineering, LLC for Rupe Helmer Group to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Block 1 of Dollar General Rapid City, legally described as a tract of land within part of the SW1/4 of the NE1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Haines Avenue just north of Kathryn Avenue.

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

1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application.
2. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;
3. Upon submittal of a Development Engineering Plan application, construction plans for Haines Avenue shall be submitted for review and approval showing the dedication of four additional feet of right-of-way and the installation of sewer main along the full frontage of Haines Avenue or an Exception shall be required. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public

- improvements;
6. **Prior to submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval or an Exception shall be required. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
  7. **Prior to submittal of a Final Plat application, the plat title shall be revised to show the name of the subdivision as “Dollar General Subdivision” in lieu of “Dollar General Rapid City”;**
  8. **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,**
  9. **Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
5. No. 19RZ020 - Dollar General Rapid City  
A request by AAB Engineering, LLC for Rupe Helmer Group to consider an application for a **Rezoning Request from General Agricultural District to General Commercial District** for a tract of land within part of the Southwest Quarter of the Northeast Quarter of Section 24, Township 2 North, Range 7 East of the Black Hills Meridian, City of Rapid City, Pennington County, South Dakota and more particularly described as follows: commencing at the center 1/4 corner of Section 24; Thence S89°50’15”E on the south line of the Southwest Quarter of the Northeast Quarter a distance of 38.48 feet to the northwest corner of Lot 1 of East Haines Subdivision said point being located on the south line of the Southwest Quarter of the Northeast Quarter; Thence S89°50’15”E on the north line of said Lot 1 and the south line of the Southwest Quarter of the Northeast Quarter a distance of 5.72 feet to the east line Lot H2 also being the easterly right of way of Haines Avenue and the Point Of Beginning; Thence N00°06’13”E on the east line of Lot H2 a distance of 222.00 feet; Thence S89°50’15”E a distance of 182.00 feet; Thence S00°06’13”W a distance of 222.00 feet to a point on the north line of Lot 1 of East Haines Subdivision said point also being on the south line of the Southwest Quarter of the Northeast Quarter; Thence N89°50’15”W on said north line of Lot 1 of East Haines Subdivision and the south line of the south line of the Southwest Quarter of the Northeast Quarter a distance of 182.00 feet to the Point of Beginning and the end of this boundary description. said proposed lot is 0.93 acres and is subject to all reservations, utility agreements, easements and rights of way of record or ascertainable by visual inspection, more generally described as being located east of Haines Avenue just north of Kathryn Avenue.

**Planning Commission recommended that the Rezoning request from General Agricultural District to General Commercial District be approved.**

6. No. 19RZ021 - Market Square Subdivision  
A request by Jim Letner for Market Square, LLC to consider an application for a **Rezoning Request from Light Industrial District to Office Commercial District** for Lot 2 and Lot 3 of Market Square Subdivision, located in the SW1/4 of the SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest corner of the intersection of E. Saint Charles Street and Creek Drive.

**Planning Commission recommended that the Rezoning request from Light Industrial District to Office Commercial District be approved.**

7. 19TP015 - 2020 – 2023 Rapid City Area Transportation Improvement Program – Draft Report

**Planning Commission recommended acknowledgement of the 2020-2023 Rapid City Area Transportation Improvement Program – Draft Report.**

8. 19TP016 - East Rapid City Traffic and Corridor Analysis Study – Final Report (Informational Item)

**Planning Commission recommended approval of the East Rapid City Traffic and Corridor Analysis Study Final Report.**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

9. No. 10TI004 - Elk Vale Road/Homestead  
A request by City of Rapid City to consider an application for a **Dissolve Tax Increment District No. 42** for NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City,

Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.

Horton briefly reviewed TID 42 stating that it was created in 2003 in the area east of Elk Vale Road, south of Interstate 90 and north of Homestead Street. Horton identified that there was one public improvement, which was the construction of a water reservoir to serve the eastside community. Horton reviewed the costs and the valuation base value was \$1.32 million in 2003 and \$40.5 million in 2018. Horton stated that upon dissolving the District, any remaining funds from the \$706,000 in 2018 tax revenues will be distributed as follows; 59.5% to the Rapid City School District, 24% to the County, 16% to the City and 0.12% to the Water District. Horton stated that staff recommends approval to Dissolve Tax Increment District No.

**Vidal moved, Quasney seconded and the Planning Commission recommended that the Dissolution of TID 42 be approved. (7 to 0 with, Bulman, Herr, Huus, Ottenbacher, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

Lacock requested that Items #10, #11, #12 and #13 be taken concurrently.

\*10. No. 19PD017 - Legacy Subdivision

A request by KTM Design Solutions, Inc for Legacy Land Company to consider an application for an **Initial Planned Development Overlay to allow a duplex development** for a portion of Block 1 of Legacy Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northeast corner of Block 1, Legacy Subdivision, being common with the northwest corner of Lot 1, Block 6, The Meadows Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being the point of beginning; Thence first course: with the westerly boundary of said The Meadows Subdivision, S 21°12'01" E, a distance of 81.45 feet; Thence second course: continuing with said westerly boundary, S 21°09'25" E, a distance of 81.68 feet; Thence third course: continuing with said westerly boundary, S 21°05'47" E, a distance of 97.37 feet; Thence fourth course: continuing with said westerly boundary, S 20°48'11" E, a distance of 97.77 feet; Thence fifth course: continuing with said westerly boundary, S 21°28'48" E, a distance of 97.03 feet; Thence sixth course: continuing with said westerly boundary, S29°54'37"W, a distance of 82.60 feet; Thence seventh course: leaving said westerly boundary, N59°59'30"W, a distance of 145.55 feet; Thence eighth course: on a curve turning to the left with an arc length of 663.16 feet, with a radius of 493.00 feet, with a chord bearing of S81°21'10"W, with a chord length of 614.28 feet; Thence ninth course: on a curve turning to the right with an arc length of 180.45 feet, with a radius of 207.00 feet, with a chord bearing of S67°47'23"W, with a chord length of 174.79 feet; Thence tenth course: N87°14'14"W, a distance of 315.87 feet, to a point common with the southeast corner of Lot 10, Block 2 of Robbinsdale No. 11; Thence eleventh course: with the easterly boundary of said

Robbinsdale No. 11, N01°59'03"E, a distance of 236.37 feet; Thence twelfth course: continuing with said easterly boundary, N01°47'01"E, a distance of 194.99 feet; Thence thirteenth course: continuing with said easterly boundary, N02°31'46"E, a distance of 114.94 feet; Thence fourteenth course: with the southerly boundary of Minnesota Estates Subdivision, S87°18'10"E, a distance of 269.02 feet; Thence fifteenth course: with the westerly boundary of Hampden Hills Townhomes Subdivision, S01°06'41"W, a distance of 53.57 feet; Thence sixteenth course: with the southerly boundary of said Hampden Hills Townhomes Subdivision, S87°17'28"E, a distance of 389.89 feet; Thence sixteenth course: with the easterly boundary of said Hampden Hills Townhomes Subdivision, N02°00'48"E, a distance of 119.44 feet; Thence seventeenth course: with the southerly boundary of MJK Subdivision, S88°01'33"E, a distance of 407.19 feet; to the point of beginning, more generally described as being located west of Derby Lane at the current western terminus of Kentucky Lane.

11. No. 19RZ011 - Legacy Subdivision

A request by KTM Design Solutions, Inc for Legacy Land Company to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** for a portion of Block 1 of Legacy Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwest corner of Block 1, Legacy Subdivision, being common with the northeast corner of Lot 5, Block 1, Robbinsdale No. 11, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being the point of beginning; Thence first course: with the southerly boundary of Minnesota Estates Subdivision, S87°18'10"E, a distance of 269.02 feet; Thence second course: with the westerly boundary of Hampden Hills Townhomes Subdivision, S01°06'41"W, a distance of 53.57 feet; Thence third course: with the southerly boundary of said Hampden Hills Townhomes Subdivision, S87°17'28"E, a distance of 389.89 feet; Thence fourth course: leaving said southerly boundary, S 02°03'11" W, a distance of 283.94 feet; Thence fifth course: on a non-tangent curve turning to the left with an arc length of 229.58 feet, with a radius of 493.00 feet, with a chord bearing of S56°09'24"W, with a chord length of 227.51 feet; Thence sixth course: on a curve turning to the right with an arc length of 180.45 feet, with a radius of 207.00 feet, with a chord bearing of S67°47'23"W, with a chord length of 174.79 feet; to a point common with the southeast corner of Lot 10, Block 2 of Robbinsdale No. 11; Thence seventh course: N87°14'14"W, a distance of 315.87 feet to a point common with the southeast corner of Lot 10, Block 2 of Robbinsdale No. 11; Thence eighth course: with the easterly boundary of said Robbinsdale No. 11, N01°59'03"E, a distance of 236.37 feet; Thence ninth course: continuing with said easterly boundary, N01°47'01"E, a distance of 194.99 feet; Thence tenth course: continuing with said easterly boundary, N02°31'46"E, a distance of 114.94 feet; to the point of beginning, more generally described as being located west of Derby Lane between the current terminus of Kentucky Lane and Hanover Drive.

12. No. 19RZ012 - Legacy Subdivision

A request by KTM Design Solutions, Inc for Legacy Land Company to consider an application for a **Rezoning from Low Density Residential District II to Medium Density Residential District** for a portion of Block 1 of Legacy Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more



fully described as follows: commencing at the northeast corner of Block 1, Legacy Subdivision, being common with the northwest corner of Lot 1, Block 6, The Meadows Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being the point of beginning; Thence first course: with the westerly boundary of said The Meadows Subdivision, S 21°12'01" E, a distance of 81.45 feet, Thence second course: continuing with said westerly boundary, S 21°09'25" E, a distance of 81.68 feet; Thence third course: continuing with said westerly boundary, S 21°05'47" E, a distance of 97.37 feet; Thence fourth course: continuing with said westerly boundary, S 20°48'11" E, a distance of 97.77 feet; Thence fifth course: continuing with said westerly boundary, S 21°28'48" E, a distance of 97.03 feet; Thence sixth course: continuing with said westerly boundary, S29°54'37"W, a distance of 82.60 feet; Thence seventh course: leaving said westerly boundary, N59°59'30"W, a distance of 145.55 feet; Thence eighth course: on a curve turning to the left with an arc length of 433.58 feet, with a radius of 493.00 feet, with a chord bearing of N85°18'22"W, with a chord length of 419.74 feet; Thence ninth course: N02°03'11"E, a distance of 283.94 feet to a point common with the southeast corner of Hampden Hills Subdivision; Thence tenth course: with the easterly boundary of said Hampden Hills Subdivision, N02°00'48"E, a distance of 119.44 feet; Thence eleventh course: with the southerly boundary of MJK Subdivision, S88°01'33"E, a distance of 407.19 feet; to the point of beginning, more generally described as being located west of Derby Lane at the current western terminus of Kentucky Lane.

13. No. 19PL034 - Legacy Subdivision

A request by KTM Design Solutions, Inc for Legacy Land Company to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Block 1 and Lot 1 thru 20 and Common Lot of Block 2 of Legacy Subdivision, legally described as Legacy Subdivision, located in the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Derby Lane at the current western terminus of Kentucky Lane.

Lacock stated that the four associated applications for Legacy Subdivision, an Initial Planned Development Overlay to allow a duplex development (19PD017), a Rezoning from Low Density Residential District to Medium Density Residential District (19RZ011), a Rezoning from Low Density Residential District II to Medium Density Residential District (19RZ012) and a Preliminary Subdivision Plan (19PL034) had been continued at the May 23, 2019 Planning Commission meeting to allow the applicant to meet with staff to address issues. Following the meeting, the applicant requested that the applications be withdrawn and as such Lacock stated that staff is recommending that the Planning Commission acknowledge the applicants withdrawal of the Initial Planned Development Overlay to allow a duplex development (19PD017), the Rezoning from Low Density Residential District to Medium Density Residential District (19RZ011), the Rezoning from Low Density Residential District II to Medium Density Residential District (19RZ012) and the Preliminary Subdivision Plan (19PL034).

**Vidal moved, Huus seconded and the Planning Commission unanimously carried to acknowledged applicant's withdrawal of the Initial Planned Development Overlay to allow a duplex development; and,**

**Acknowledged the applicant's withdrawal of the Rezoning from Low Density Residential District to Medium Density Residential District; and,**

**Acknowledged the applicant's withdrawal of the Rezoning from Low Density Residential District II to Medium Density Residential District; and**

**Acknowledged the Planning Commission the applicant's withdrawal of the Preliminary Subdivision Plan. (7 to 0 with, Bulman, Herr, Huus, Ottenbacher, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

\*14. No. 19PD022 - Section 14, T1N, R7E

A request by Williams and Associates Architecture for LGE Land, LLC to consider an application for a **Final Planned Development Overlay to allow a residence with an oversized garage** for the W1/2 of the NW1/4 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 northeast of the intersection of Skyline Ranch Road and Skyline Court.

Lacock presented the application and reviewed the associated slides. Lacock noted that this area is comprised of larger homes on larger lots that are generally three acres per lot with this property being five acres. Lacock stated that the applicant is proposing to construct a single family dwelling with two attached garages and are requesting an Exception to allow the two attached garages measuring 2,752 square feet in size, in lieu of the maximum allowed 1,500 square feet. Lacock stated that staff supports the Exception request for the oversized garage based on the overall design of the structure that these garages will be built on two different levels on opposite sides of the dwelling thus reducing the overall impact of the garages. Lacock identified that the applicant is also requesting an Exception to allow a height of three-stories in lieu of 2½-stories noting that staff supports the request as the overall height does not exceed the 35 feet height limit due to the use of the topography of the property and the design which places the lower garages away from Skyline Ranch Road, built into the slope which gives the appearance of a 2 ½ story structure. Lacock stated that staff recommends that the Exceptions be granted and the Final Planned Development Overlay to allow a residence with an oversized garage be approved with stipulations.

In response to a question from Quasney regarding the height, Lacock responded due to the design using the topography of the property, the house will not appear to be taller than other homes in the area.

In response to the question from Huus regarding a public comment on the proposed removal of trees on the property, Lacock stated one of the stipulations will require the applicant to work with the Fire Department on a Wildland Fuels Mitigation Plan.

Andy Scull, 266 Cavern Road, Scull Construction, contractor for the project, stated in response to the question on tree removal stated that they plan to remove the minimal number of trees to allow construction and safety. Scull did ask if sidewalk would be required as Skyline Ranch Road is a private drive. Peckosh clarified that it would be required to be built to City Standards so sidewalk will be required or a Variance must be obtained from the City Council.

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

**Quasney moved, Vidal seconded Planning Commission approved the Final Planned Development Overlay to allow an over-sized garage with the following stipulation**

- 1. An Exception is hereby granted to allow a height of three-stories in lieu of 2½-stories;**
- 2. An Exception is hereby granted to allow two attached garages measuring 2,752 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. Prior to issuance of a Building Permit, the applicant shall coordinate with the Rapid City Fire Department to adopt and implement a Wildland Fuels Mitigation Plan;**
- 5. Prior to issuance of a Building Permit, the site plan shall be revised to show sidewalk along Skyline Ranch Road or the approval of a Variance from the City Council shall be required; and,**
- 6. The Final Planned Development Overlay shall allow for an over-sized garage 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 0 to 1 with, Bulman, Herr, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no and Vangraefschep 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.***

\*15. No. 19PD023 - CD Rounds Subdivision

A request by Scull Construction for Pink Cabin, LLC to consider an application for a **Major Amendment to a Planned Development Overlay to allow a retail development** for Lot 9 thru 24 of Block 11 of CD Rounds Subdivision, located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 3645 Sturgis Road.

Green presented the application and reviewed the associated slides noting that this is the third phase of development of the old Freed's Furniture building on Sturgis Road. Green reviewed the prior phases of development on the property including an archery center, a child care facility and retail space located in separate areas of the property. A Major Amendment to the Planned Development in October of 2018

(File #18PD030) allowed an additional child care center on the northern section of the property, however the child care will not be going forward and the applicant is requesting that the area previously designated for that use now be designated for retail space. The applicant is requesting an Exception to reduce the parking requirement from 103 parking spaces to 71 parking spaces based on the applicant's operational plan and staff is in support of that request. Green presented staff's recommendation that the Major Amendment to a Planned Development Overlay to allow a retail development be approved with stipulations.

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

**Vidal moved, Ottenbacher seconded Planning Commission approved the Major Amendment to a Planned Development Overlay to allow a retail development with the following stipulations:**

- 1. An exception is hereby granted to reduce the parking requirement from 103 parking spaces to 71 parking spaces based on the applicant's operational plan;**
- 2. The previously granted exception is hereby acknowledged to reduce the required landscape points from 36,000 to 13,500;**
- 3. The previously granted exception is hereby acknowledged to allow 32 parking stalls adjacent to back into the Sturgis Road right-of-way;**
- 4. The previously granted exception is hereby acknowledged to waive the screening fence requirement contingent upon an evergreen screening consisting of shrubs and trees being provided between property line on the west side of the lot;**
- 5. All landscaping along the adjacent street right(s)-of-way shall be maintained so that sight triangles are not obstructed;**
- 6. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development Overlay. 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 Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. 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,**
- 7. The Major Amendment to a Planned Development Overlay shall allow for an archery range, childcare center, church, and retail development. Any change in use that is a permitted use in the General Commercial District that does not increase the parking requirement 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 General Commercial District or that increases the parking requirement shall require review and approval of a Major Amendment to the Planned Development Overlay. (6 to 0 to 1 with, Bulman, Herr, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no and Vangraefschepe 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.***

\*16. No. 19PD024 - Marlin Industrial Park

A request by Shanon Waldner for WV, LLC to consider an application for a **Major Amendment to a Planned Development Overlay to expand an existing on-sale liquor use in conjunction with a micro-brewery** for Lot 23 of Marlin Industrial Park, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4624 Creek Drive, Suite 6.

Lacock reviewed the application and associated slides noting that the Major Amendment to the Planned Development that was approved in 2017 initially allowed the micro-brewery as part of the Planned Development and this Major Amendment is a request to expand that micro-brewery for storage area and an event area that can be used for overflow seating if needed. Lacock noted that the proposed expansion does not increase the parking requirements. Lacock presented staff's recommendation to approve the Major Amendment to a Planned Development Overlay to expand an existing on-sale liquor use in conjunction with a micro-brewery with stipulations.

**Vidal moved, Vangraefschepe seconded and the Planning Commission approved the requested Major Amendment to a Planned Development to expand an existing one-sale liquor use in conjunction with a micro-brewery with the following stipulations:**

- 1. The applicant shall coordinate with the City Water Reclamation Division for pretreatment and sewer discharge industrial monitoring requirements. Upon submittal of a Building Permit, revised utility or plumbing plans shall be submitted for review and approval if additional infrastructure is required;**
- 2. 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 the Planned Development. The inclusion or addition of any LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be obtained on each sign, and;**
- 3. This Major Amendment to the Planned Development Overlay shall allow for the expansion of a micro-brewery into the adjacent suite measuring 1,600 square feet in size. The micro-brewery shall operate in compliance with the submitted operations plan. Any further expansion of use shall require a Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Planned Development. (7 to 0 with, Bulman, Herr, Huus, Ottenbacher,**

Quasney, Vangraefschepe 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.***

\*17. No. 19UR011 - Pine Hills Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc for Overclock, LLC to consider an application for a **Conditional Use Permit to allow for on-sale liquor use in conjunction with a video lounge** for property generally described as being located at 4095 Sturgis Road.

Green presented the application and reviewed the associated slides. Green stated that the applicant is proposing to operate a video gaming lounge that will offer e-sports which includes on-line gaming, video gaming and virtual reality. Green noted that the property was originally located in the County and as such there are issues such as landscaping and parking that will be brought into compliance as part of this application. Green noted that based on the proposed use and operational plan staff does not anticipate the use to create an adverse effect on the neighborhood. Green stated that staff recommends that the Conditional Use Permit to allow for on-sale liquor use in conjunction with a video gaming lounge be approved with stipulations.

Fisher noted that the proposed use will not be a deterrent and offers a great opportunity to bring the building into compliance in the area of parking, fire code and landscaping.

In response to a question regarding the signage, Daniel Byers, applicant noted that the signage will be lit but will not have an LED message center.

In response to question from Ottenbacher on waiving the requirement for a screening fence between the Commercial use and Residential properties that are along the back of the property, Green stated that due the difference in height a fence would not provide screening as intended. Green clarified that the Exception to the screening fence was processed as a separate file that was reviewed and approved administratively by the Director of the Department of Community Development.

**Vidal moved, Ottenbacher seconded and the Planning Commission approved the Conditional Use Permit to allow on-sale liquor use in conjunction with a video gaming lounge approved with the following stipulations:**

- 1. Prior to issuance of a Building Permit, the site plan shall be revised to show a minimum of 37 parking spaces, including a minimum of 2 ADA spaces. At least one ADA space must be shown as "Van Accessible";**
- 2. Prior to issuance of a Building Permit, an Access Permit shall be obtained from the South Dakota Department of Transportation;**
- 3. 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; and,
4. The Conditional Use Permit shall allow on-sale liquor in conjunction with a video gaming lounge. Any expansion or change in the proposed on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial 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 General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with, Bulman, Herr, Huus, Ottenbacher, Quasney, Vangraefschepe 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.*

18. No. 19CA002 - Comprehensive Plan Amendment to revise the Rapid City Future Land Use Plan

A request by City of Rapid City to consider an application for a **Comprehensive Plan Amendment to revise the Rapid City Future Land Use Plan.**

Brennan noted that back in January staff requested Planning Commission sponsor an amendment to the Comprehensive Plan noting that one of the goals of the Comprehensive Plan is for staff to review and periodically make adjustments to the Comprehensive Plan to ensure that it stays current. Brennan reviewed the numerous changes that are being addressed with this amendment including changes to Future Land Use designations and a few changes to the zoning designation table. Brennan noted that these changes are a combination of cleaning up existing issues and development driven changes. Brennan noted that in completing this amendment that going forward staff will attempt to address amending the Comprehensive Plan "Plan Rapid City" approximately every 6 months.

In response to a question from Vidal why these areas are being changed and others have not been, Brennan noted that these are corrections or changes that will bring uses and zoning into compliance. Brennan noted that not all changes are addressed here and that staff will be continuing to identify and make corrections and anticipates bringing those changes forward around the end of the year.

In response to a question from Huus regarding how changes are made and if land owners notification is required and if public input is considered Brennan clarified that as a Planning Commission sponsored action according to South Dakota Codified Law Planning Commission sponsored actions do not require mailings or property notification. In response to Huus's concern that changes are being made to property without notice to owners that might affect their future plans, Brennan further clarified that these changes are generally either bringing the Future Land

Use into agreement with what is already there or is what the developers have indicated they would like the property to develop as.

Fisher clarified that many of these changes are based on master plans that have been provided by local developers, whereas the existing Comprehensive Plan was prepared based on an out-of-state consultant who based it on a more general vision of what was projected for future land use. Fisher stated again that this is generally to bring the areas in line with the use that is being developed.

In response to Quasney's comment that the City needs to remember to stay true to the Comprehensive Plan as it relates to the good of the community and not solely to the developer, Brennan noted that the Comprehensive Plan is reviewed each time a rezone is proposed.

Young further clarified that this is a continued effort on the part of staff to allow the concurrence between zoning and land use.

In response to a question from Bulman on a recent approval of a rezoning of a piece of property to allow a church in a Light Industrial District, Brennan stated that staff did not support the Rezoning request and if that use goes away staff would hope to see that zoning returned to Industrial.

Salomon stated that he believes that good planning makes good neighbors and he thinks the Comprehensive Plan is a great tool and even when the City Council makes exceptions to the Plan he believes it is more towards a balancing between projected use and actual use.

Brennan reviewed the changes that were made to the zoning categories that identify those uses that are allowed. Brennan noted that these changes recognize there were uses that were not previously addressed, stating this is loosening those categories and allowing land use to be used as a tool and not a secondary layer of zoning. Brennan noted specifically that the Public designation was added as a secondary use to all categories and that Urban Commercial was added to the Downtown Mixed Use and Mixed Use Commercial categories as it had not been included previously being it is a brand new zoning district.

Young noted the added language to the Comprehensive Plan "Additional Uses and Zoning Districts may be deemed appropriate by the Community Development Director. The secondary uses within a land use category generally means that a use is acceptable under favorable conditions and/or to a limited extent. Secondary uses cannot be characterized as the predominant use." Young believes this language will provide a little more guidance on the use of and understanding of secondary uses.

Bulman stated that she believes this is a good way to update the Comprehensive Plan and to keep it as an active guideline for planning growth and development.

**Vidal moved, Quasney seconded and the Planning Commission recommended that the Comprehensive Plan Amendment to revise the Rapid City Future Land Use Plan be approved. (7 to 0 with, Bulman, Herr, Huus,**



**Ottenbacher, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

19. Discussion Items  
None

20. Staff Items  
Fisher reminded the Planning Commission that there is no July 5, 2019 Zoning Board of Adjustment/Planning Commission meeting and that the next meeting will be July 25, 2019. Fisher wished everyone a happy 4<sup>th</sup> of July holiday.

21. Planning Commission Items  
None

**There being no further business, Vial moved, Justin seconded and unanimously carried to adjourn the meeting at 8:44 a.m. (7 to 0 with, Bulman, Herr, Huus, Ottenbacher, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**