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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 5, 2019

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Eirik Heikes, John Herr, Galen Hoogestraat, Eric Ottenbacher, Mike Quasney, and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: None

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

Braun called the meeting to order at 7:55 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 5 in accordance with the staff recommendations. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 22, 2019 Planning Commission Meeting Minutes.
2. No. 19RZ029 - North Rapid City Addition No. 2
A request by Longbranch Civil Engineering, Inc for Sara Hyde to consider an application for a **Rezoning from Neighborhood Commercial District to Medium Density Residential District** for Lots 17 thru 21 of Block 60 of North Rapid Addition No.2, located in the NE1/4 of the NW1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1006 and 1012 Farlow Avenue.

Planning Commission continued the Rezoning from Neighborhood Commercial District to Medium Density Residential District to the September 26 Planning Commission meeting.
3. No. 19RZ030 - Orchard Meadows
A request by KTM Design Solutions, Inc for Yasmeeen Dream, LLC to consider an application for a **Rezoning request from Medium Density Residential District to Office Commercial District** for a portion of Orchard Meadows, located in Section 9, T1N., R8E, BHM, City of Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest corner of Tract L of Orchard Meadows Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Thence (1) North 83°21'03" East, 26.80 feet to

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a the point of beginning; Thence (2) North 83°21'03" East, 240.92 feet to a point of non-tangency; Thence (3) North 0°10'56" East, 17.64 feet to a point of non-tangency; Thence (4) North 89°53'48" West, 239.35 feet to a point of non-tangency; Thence (5) South 0°00'00" East, 45.97 feet, more generally described as being located south of Jaffa Garden Way and west of Elderberry Boulevard.

Planning Commission recommended approving the Rezoning request from Medium Density Residential District to Office Commercial District.

4. No. 19RZ031 - Orchard Meadows

A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for a **Rezoning request from General Agricultural District to Office Commercial District** for a portion of Tract A of the W1/2SE1/4 and the E1/2SW1/4, Section 9, T1N, R8E, BHM, City of Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northeast corner of Tract A, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence (1) South 0°21'28" West, 79.19 feet to a point of non-tangency; Thence (2) North 26°11'53" West, 88.47 feet to a point of non-tangency; Thence (3) South 89°42'41" East, 39.55 feet; to the point of beginning, more generally described as being located south of Jaffa Garden Way and west of Elderberry Boulevard.

Planning Commission recommended approving the Rezoning request from General Agriculture District to Office Commercial District.

5. No. 19RZ032 - Orchard Meadows

A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for a **Rezoning request from General Agricultural District to Office Commercial District** for a portion of Orchard Meadows, located in Section 9, T1N, R8E, B.H.M., City of Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Northwest corner of Tract L of Orchard Meadows Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence (1) North 83°21'03" East, 23.11 feet to a point; Thence (2) North 83°21'03" East, 3.69 feet to a point of non-tangency; Thence (3) North 0°00'00" East, 45.97 feet to a point of non-tangency; Thence (4) North 89°28'45" West, 46.10 feet to a point of non-tangency; Thence (5) South 26°07'06" East, 2.73 feet to a point of non-tangency; Thence (6) South 21°13'42" East, 50.45 feet, more generally described as being located south of Jaffa Garden Way and west of Elderberry Boulevard.

Planning Commission recommended approving the Rezoning request from General Agriculture District to Office Commercial District.

---END OF CONSENT CALENDAR---

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---BEGINNING OF REGULAR AGENDA ITEMS---

6. No. 08TI001 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application to **Dissolve Tax Increment District No. 67** for the E1/4NE1/4 and the E1/2SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The S1/2S1/2W1/2SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 1, Lots 1, 2, 6 and 7 of Block 2, Lots 1 through 20 of Block 3 and Roberta Street right-of-way adjacent to said lots, Earleen Street right-of-way, Kateland Street right-of-way, all located in Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 5 and Lot 11 of Block 4, Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 through 17 of Block 1, Lot 1 and Lot 22 of Block 3, Lot 1 and Lot 24 of Block 4, Lot 1 and Lot 24 of Block 5, Lot 1 and 24 of Block 6, Lot 1 of Block 7, Bengal Drive right-of-way adjacent to said lots, all located in Mall Ridge Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The unplatted portion of the SW1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 7 through 16 of Block 2 and Titan Drive right-of-way adjacent to said lots, Lots 1 through 6 of Block 3, Lots 1 through 3 of Block 6 and Three Rivers Drive right-of-way adjacent to said lots, Lots 1, 2, 3A, 4A, 5, 6, and 7 of Block 7, Lots 1 through 14 of Block 8 and Bengal Drive right-of-way adjacent to said lots, Lots 18 through 22 of Block 8, all located in Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Country Road right-of-way located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A of Tract A and Lot B less Lot PE-1 of Tract A, all of Block 3, McMahon Industrial Park #2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4NE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot DE of Tract 5 of Sletten Addition, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Haines Avenue and north and south of Country Road.

Horton presented the application briefly reviewing the history of the Tax Increment District and the improvements that the Tax Increment District allowed and the associated values. Horton stated that the staff recommends to Dissolve Tax Increment District No. 67.

Caesar moved, Bulman seconded and the Planning Commission recommended approval of the Dissolve Tax Increment District No. 67. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Quasney, and Vidal voting yes and none voting no)

*7. No. 19PD033 - Shepherd Hills Subdivision

A request by Dream Design International, Inc for BH Capital 4, LLC to consider an

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application for an **Initial Planned Development Overlay to allow an apartment development** for a portion of the NW1/4SE1/4 Less Menard Subdivision and the NE1/4SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Southwest Corner of Lot 1R of Tract A of the Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence (1) North 47°12'52" East, 817.31 feet to a point of non-tangency; Thence (2) South 88°03'24" East, 641.36 feet to a point of non-tangency; Thence (3) South 14°51'37" East, 794.42 feet to a point of non-tangency; Thence (4) South 75°08'05" West, 497.13 feet to a point of non-tangency; Thence (5) North 14°51'55" West, 8.00 feet to a point of non-tangency; Thence (6) South 75°08'05" West, 16.00 feet to a point of non-tangency; Thence (7) South 14°51'55" East, 8.00 feet to a point of non-tangency; Thence (8) South 75°08'05" West, 358.97 feet to a point of non-tangency; Thence (9) North 14°51'55" West, 8.00 feet to a point of non-tangency; Thence (10) South 75°08'05" West, 16.00 feet to a point of non-tangency; Thence (11) South 14°51'55" East, 8.00 feet to a point of non-tangency; Thence (12) South 75°08'05" West, 241.52 feet to a point of non-tangency; Thence (13) North 14°50'33" West, 5.00 feet to a point of non-tangency; Thence (14) South 75°08'05" West, 51.08 feet to the beginning of a curve concave southerly; Thence (15) curving to the left with an arc length of 69.72', with a radius of 1,039.00', with a chord bearing of S 73°12'45" W, with a chord length of 69.70'; Thence (16) South 71°17'20" West, 32.55 feet to a point of non-tangency; Thence (17) North 64°12'40" West, 14.27 feet to a point of non-tangency; Thence (18) North 19°42'40" West, 475.64 feet to the beginning of a curve concave easterly; Thence (19) curving to the right with an arc length of 62.84', with a radius of 600.00', with a chord bearing of N 16°42'39" W, with a chord length of 62.81'; Thence (20) curving to the right with an arc length of 50.59', with a radius of 900.00', with a chord bearing of N 15°19'15" W, with a chord length of 50.28'; Thence (21) curving to the right with an arc length of 0.30', with a radius of 0.13', with a chord bearing of N 47°14'27" E, with a chord length of 0.24', more generally described as being located east of Anamosa, south of Menards.

Fisher presented the application and reviewed the associated slides. Fisher identified that the location of this development is at the current terminus of East Anamosa Street south of Menards noting that the future East Philadelphia Street will be constructed along the south lot line of this property. Fisher noted that the East Anamosa Streets and East Philadelphia Street will be designed to handle the anticipated traffic from the development. Fisher identified that the development will be known as the Tallgrass Apartments and will include 10 buildings with a total of 607 apartments. Fisher stated that the applicant is requesting an Exception to allow a 4-story, 56 foot high apartment development in lieu of a maximum 3-story, 35 foot high structure, and that staff supports the Exception with the stipulation that the final design of the apartment structures include elements keeping in character with the Black Hills, such as earth tone colors, wood and stone accents and a peaked shingled roof. Fisher noted that the development will be developed in three phases, Phase 1 being the three buildings on the east, Phase II being the center buildings and Phase III the buildings to the west side and that the plan is to provide open space exceeding the required 100 Square feet of open space per unit. Fisher

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stated that in lieu of a Traffic Impact Study the applicant is providing center turn lanes in East Anamosa Street and East Philadelphia Street and as such staff is not requiring a Traffic Impact Study. Fisher noted that the four story apartments are set back 1,400 feet from East North Street and they are proposing to lower the grade approximately 10 feet to lessen the impact and that the same owner owns all of the surrounding properties. Fisher further noted that the Light Industrial and General Commercial zoning to the north would be less impacted by the height and, with these considerations, staff recommends that the Exception to Height be granted with the stipulation that the design retain the projected style and the Initial Planned Development Overlay to allow an apartment development be approved.

Quasney said he applauded the applicant for their work and design, however he has some concern with the traffic access both to Elk Vale and other through roads.

Bulman stated that she believes this project will provide much needed housing and agrees that this location is an appropriate location for a four story structure.

Caesar stated that she is excited to see so much livability. In response to her question to the nearest bus access, Fisher stated that staff will review that question with Transit staff.

In response to Ottenbacher's question that the lower grade be a stipulation, Fisher stated that the stipulations could be modified to include that language.

Fisher offered a modification to stipulation No.1 to address the lowering of grade so it is recorded that the Initial Planned Development was approved with the understanding that the grading is to be lowered.

Caesar moved, Quasney seconded with the modification to the stipulations regarding lowering the grading.

Peckosh noted that the applicant has already started grading, which includes the lowering of the grade.

Caesar moved, Quasney seconded and the Planning Commission approved the Initial Planned Development Overlay with the following stipulations:

- 1. An Exception is hereby granted to allow a 4-story, 56 foot high apartment development in lieu of a maximum 3-story, 35 foot high structure with the stipulation that the final design of the apartment structures include elements keeping in character with the Black Hills, such as earth tone colors, wood and stone accents and a peaked shingled roof and that the grade be lowered as a proposed as a part of the Final Planned Development Application ;**
- 2. Prior to issuance of a Building Permit, a Final Planned Development Overlay and a Development Engineering Plan application creating the 3 proposed lots and extending E. Philadelphia Street and E. Anamosa Street shall be approved;**
- 3. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be**

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- approved;
4. Upon submittal of a Final Planned Development Overlay application, a drainage plan shall be submitted for review and approval demonstrating that water quality and detention is being provided. In addition, drainage easement shall be secured as needed;
 5. Upon submittal of a Final Planned Development Overlay application, a utility report shall be submitted for review and approval demonstrating that an adequate water supply is being provided to the property. In addition, the utility report shall address the capacity issue in the sanitary sewer downstream along S.D. Highway 44;
 6. Upon submittal of a Final Planned Development Overlay application, construction plans shall be submitted for review and approval showing pavement markings for E. Philadelphia Street and E. Anamosa Street with center turn lanes;
 7. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to show a sidewalk within the E. Anamosa Street and E. Philadelphia Street rights-of-way as they abut the subject property;
 8. 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 866,987 landscape points and 13 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 demonstrate that the required landscape points and islands are being provided for each phase of the development;
 9. 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. In addition, the parking plan shall demonstrate that the required number of spaces are being provided for each phase of the development;
 10. Upon submittal of a Final Planned Development Overlay application, the applicant shall demonstrate that a minimum of 400 square feet of usable open space per unit is being provided for each phase of the development. In addition, additional park amenities shall be added to the "Open Space" proposed in Phase One;
 11. 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;
 12. 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

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- street(s). A Sign Permit shall be obtained for each individual sign;
13. 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;
 14. Prior to submittal of a Final Planned Development Overlay, the property shall be rezoned to Medium Density Residential District; and,
 15. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Initial and/or Final Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, 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.

Lacock requested that items #8 and #9 be taken together.

- *8. No. 19PD038 - Stoneridge Subdivision #2
A request by Longbranch Civil Engineering, Inc for John Parker and Bob Scull to consider an application for a **Final Planned Development Overlay to allow a car wash** for Lot 1 of Stoneridge Subdivision #2, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of 5th Street and Parkview Drive.
9. No. 19RZ033 - Stoneridge Subdivision #2
A request by Longbranch Civil Engineering, Inc for John Parker and Rob Scull to consider an application for a **Rezoning Request from Office Commercial District to General Commercial District** for Lot 1 of Stoneridge Subdivision #2, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of 5th Street and Parkview Drive.

Lacock presented the applications and reviewed the associated slides reviewing the surrounding properties including the commercial uses as well as residential to the north. Lacock reviewed the zoning history stating that this Rezoning request is to allow a car wash, which is not a Permitted Use in the Office Commercial District, but is in the General Commercial District. Lacock also noted that General Commercial District is not a recommended use in the Future Land Use designation of Employment Center. Lacock reviewed the previous Rezoning of the adjacent property to the north to allow a bank and coffee shop with a drive through. Lacock reviewed the site plan for the proposed car wash indicating that access would be taken from Parkview Drive and that the access on 5th Street would be a right out only exit. Lacock noted that the state of the art equipment to be used and the

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layout of the car wash help to address issues such as traffic and potential smells and sound. Lacock stated that the applicant is requesting an LED message sign noting that there are two options for the sign, one being a pole sign with another being a monument sign. Lacock stated that staff has received two letters in opposition to the application stating concern that the sign and landscaping may create visibility issues. Lacock reviewed the applicant's operation plan indicating the hours of operation, additional setbacks with landscaping as well as the layout of the facilities to lessen the impact to the residential properties to the north. Lacock stated that should the Planning Commission determine this to be an appropriate location for a car wash staff, recommends approval of the Final Planned Development Overlay to allow a car wash and the Rezoning request from Office Commercial District to General Commercial District.

In response to a question from Quasney regarding the sign, Lacock noted that the placement of the sign will help to lessen the impact to the residential development. Quasney suggested that the second option, the monument sign would be the best.

In response to a question from Vidal regarding the vacuums at the gas station at the corner of Strumer, Fisher noted the distance and that there are no residences located close to that business. Vidal said that he also supports the ground sign.

Ottenbacher commented that he is concerned the sound of the vacuums will create an issue for the residences.

In response to a question from Hoogestraat whether the zoning affects whether the sign would be allowed or not, Fisher confirmed that the same sign would be allowed in the Office Commercial District as well. Hoogestraat voiced his concern that other property owners developed there due to the proposed development of the Office Commercial District zoning and he questions the Rezoning.

Bulman spoke to the concerns on the zoning, stating that the plan was to have a buffer between the commercial use of Wal-Mart to the residential use to the north.

Kale McNaboe, Longbranch Civil Engineering, Inc., McNaboe reviewed the property stating that the shape limits the potential use of the property for office use, then reviewed the layout and distance from the car wash to the closest residential property stating that it is approximately 300 feet. McNaboe addressed the placement of the proposed monument sign noting that he had not realized the location caused issue for others and that the sign could be moved to alleviate any sight issues. He also said the larger landscaping items could be reduced or moved.

John Parker, Rapid Wash, commented on past development of this kind in north Rapid and reviewed some of his other facilities in other communities. Parker stated that the newer vacuum systems are centrally operated rather than separate units as older versions and are much quieter. Parker addressed the concerns regarding smells stating that they use a filtering system which reduces smells previously associated with car washes.

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Hoogestraat moved, Herr seconded to approve with revised stipulations addressing moving the sign.

In response to a question from Caesar on placement of the sign, Fisher recommended revising the stipulation language to identify the sign location remain on 5th Street.

Caesar noted that she feels it is the design of this proposed car wash with its layout and state of the art equipment which makes this viable for this location.

Hoogestraat moved, Herr seconded and the Planning Commission determined that the proposed carwash and LED sign is appropriate and approved the Final Planned Development Overlay with the following stipulations:

- 1. The proposed LED sign shall be allowed as a monument sign only. In addition, the location of the sign, shall be along 5th Street, and the landscaping along the south lot line shall be located to minimize the obstruction to the adjacent properties to the east;**
- 2. A minimum of two parking spaces shall be provided. In addition, one of the parking spaces shall be ADA “van accessible”. A minimum of three stacking spaces shall be provided for each drive-thru lane. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 3. A six-foot high opaque screening fence shall continually be provided along the east property line where the property abuts a residential district. In addition, all landscaping shall be continually maintained and replaced when necessary;**
- 4. 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; and,**
- 5. The Final Planned Development Overlay shall allow a carwash with 20 vacuum stalls and an LED message sign measuring 45 square feet in size. Any change in use shall require the review and approval of a Major Amendment to the Planned Development, and;**

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.

Approved the Rezoning request from Office Commercial District to General Commercial District in conjunction with the associated Final Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Quasney, and Vidal voting yes and none voting no)

10. Discussion Items

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None

11. Staff Items

Braun welcomed the new members Kelly Arquello full voting member representing the 3 mile district, Eirik Heikes alternate II and the movement of Vince Vidal to full voting member and Eric Ottenbacher to alternate I.

12. Planning Commission Items

None

There being no further business, Herr moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:56 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney and Vidal voting yes and none voting no)