

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
September 5, 2019

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, 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, Ted Johnson, Wade Nyberg and Andrea Wolff.

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

1. Approval of the August 22, 2019 Zoning Board of Adjustment Meeting Minutes.

Caesar moved, Quasney seconded and the Zoning Board of Adjustment approved the August 22, 2019 Zoning Board of Adjustment Meeting Minutes.

2. No. 19VA010 - Boulevard Addition

A request by Daniel S. Palmer and Thomas E. Chase to consider an application for a **Variance to reduce the rear yard setback from 5 feet to 1-foot, to reduce the side yard setback from 5 feet to 1-foot, to reduce the front yard setback from 35 feet to 28 feet, and to increase lot coverage from 30 percent to 33 percent** for Lots 11 thru 12 of Block 28 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1121 West Boulevard.

Lacock presented the application and reviewed the associated slides. Lacock reviewed the submitted site plan showing the proposed construction noting that the kitchen expansion contributes to the Variance for lot coverage from allotted 30 percent to 33 percent, and encroaches into the setback requirements. The proposed garage addition located to the back of the existing garage would require Variances for setbacks from the side yard and rear yard from 5 feet to 1-foot and a side yard that abuts a street from 35 feet to 28 feet. Lacock confirmed that the property, which is located in the West Boulevard Historic District, has received Historic Review approval for the proposed plans.

Lacock stated that Public Works staff has indicated that the proposed garage may cause drainage issues in the alley and along the side lot line due to the known pattern of drainage versus the location of the proposed garage as well as limiting the allowable room for Public Works to maintain or work in the alley if needed. Lacock stated that should the reduced setbacks be approved, the eaves on the north of the proposed garage would need to be removed to avoid overhanging onto the adjacent property. Lacock called attention to the difficulties of maintenance with the 1-foot setback. Regarding other such setbacks that exist in the neighborhood, Lacock stated that these properties are defined as legal non-conforming, having been built prior to the existing Zoning Ordinance

and that if they were to be damaged they would be required to be rebuilt to current Zoning Ordinance standards. Lacock noted that the 1-foot setback from the rear lot line may create issues with maneuvering in and out of the garage. Lacock stated that the intent of the Zoning Ordinance is to maintain separation between structures and adjacent properties and rights-of-way for open space, drainage, and safety and that the current development of the property allows reasonable use of the land and therefore it is staff's recommendation that the Variance requests be denied as they are not the minimum adjustment necessary and there are no special circumstances that deny reasonable use of the land.

Lacock stated that the applicants were in the audience and available to answer any questions.

In response to a question from Braun regarding the lot coverage, Lacock confirmed that it is the combined additions that exceed the allowable lot coverage and that the kitchen expansion if done without the garage addition would not exceed the lot coverage.

Quasney stated that he had visited the site and he feels that the density of the area makes it hard for him to approve the reduced setbacks. In response to Quasney's question if they could separate the Variance request to allow the kitchen expansion to be built, but deny the setback Variances, Fisher clarified that if the setback Variances were denied, the lot coverage Variance would become unnecessary.

Thomas Chase and Daniel Palmer, 1121 West Boulevard, spoke to the concerns regarding the drainage issues, stating that they plan to install rain barrels to gather the runoff water from the additional garage. Chase showed photos of other visibility and access issues in alleys around the area stating that there are numerous instances and wondering why one more is such an issue. Chase reviewed an engineered drawing that showed there is maneuvering space for accessing the garage.

Palmer noted that they have visited other areas where the standard for development is less space between properties with alley access with a 12 foot right-of-way stating that the maneuvering was being successfully managed. Palmer stated that the location of the garage was done specifically for both architectural and historic reasons. He spoke to the work that they have done to meet the Historical Society standards noting that the structure will be stucco which is very low maintenance and will help alleviate the space issue for maintenance. Palmer noted that the current garage is not large enough to be used as a garage as well as the driveway along the side of the house being 10 feet wide and only 1-foot from the house, making its use exceedingly treacherous and as such they are left to park their vehicles along the street.

Palmer further noted the options that were reviewed with City staff to lessen the Variances including different placement of the garage and smaller sized garage, noting that due to the constriction of the lot, any additional construction would create set back issues, but they feel this is the best option to allow the best use. Palmer stated that they are working to maintain the historic nature of the

property. Palmer stated that he believes that the minimum parking for a property of this value is a two-car garage. Palmer also referenced the state of the surrounding roads, the damage that they have received while parking on the street and that the garage would remove vehicles from the road.

Hoogestraat commended the applicants on the efforts they have invested in their design for this project, but stated that he is uncomfortable with the 1-foot west lot line setback. In response to a question from Hoogestraat on the potential to extend the existing garage to the rear and still allow for a 5-foot side setback, Chase stated that the existing garage structure is very narrow so extending it is not an option for a two-car garage.

Chase stated that he believes that there is a lack of reasonable use of their property, as the existing garage is not actually usable as a garage since it is too narrow, in a neighborhood where there are two, three and even five car garages.

Quasney thanked the applicants for working with the Historic Society to retain the historic aspects of the. In response to Quasney's question regarding the removal of the driveway in the front of the house, Chase stated that they will remove the pavement as they do not use it due to the long narrow design. Chase said they believe this will help relieve some of the drainage issues.

Quasney discussed his discomfort with the location of the requested garage having such limited spacing from both the alley and the west property line. Quasney said that he understands that there may be other homes in the neighborhood that do not conform to current standards, but explained that part of the job of the Zoning Board of Adjustment is to avoid creating more of those with new construction and even to correct existing instances where possible.

Palmer stated that they visited the Stapleton, Colorado area and that development is implementing reduced setbacks of 4 feet between properties with alley access at 12 feet in contrast to Rapid City's 18 to 20 feet and that the concept is working well suggesting it as an example for allowing the reduced setbacks.

Quasney stated that he understands the ideas they are discussing, but that currently the City has not adopted those standards and noted that they have options and believes that they should revisit those so there is not a hardship.

Chase said that as they consider Clark Street the front of their property, placing the garage that close to the street is contrary to the Rapid City Comprehensive Plan regarding the placement of secondary structures as well as the preference for alley access.

Caesar stated that she understands that the current Zoning Ordinance is not always in line with the what is historically accurate, but that it is not the job of the Zoning Board of Adjustment to revise the Zoning Ordinance, but to make allowances when possible based on the current Ordinance and she did not see where that was possible in this instance.

Fisher addressed a point of order explaining that the applicants need to obtain the Chairman's approval to speak either in response or to offer additional subject matter.

Fisher reviewed the issues stating that due, to the age of this neighborhood, many of the structures do not meet current standards. However, Fisher pointed out that the current structure, without any additions, would not be allowed to be rebuilt at current standards. Drainage is an issue especially since the proposed design allows only a single foot for drainage which will cause issues for the neighboring properties even with the proposed additional greenspace. Regarding the existing instances in the neighborhood, Fisher stated that in no instance should those conditions be compounded. She referenced Engineering staff's review of the safety aspect of the alley use based on the current criteria and that allowing additional uses creates issues both for safety and maintenance. Fisher stated that there is reasonable use of this individual property regardless of what other properties may have and that the applicant has options that would not require all of the requested Variance.

Fisher suggested that the Variance to approve the kitchen separately from the garage is one option, another is the redesign of the garage, but in order to do that the item would need to be continued to allow the applicant time to meet with staff and review those options.

Bulman stated she had driven through the neighborhood to review the property and noted that there are a number of large homes on small lots which creates congestion, but she cannot see contributing further to congestion of the neighborhood by the allowing the 1-foot setbacks to both the side yard and back lot line. Bulman further stated that she believes there is reasonable use of the property without the additional garage and she agrees that the item should be continued to allow the options to be reviewed.

Bulman moved, Quasney seconded to continue to the October 10, 2019 Zoning Board of Adjustment meeting.

In response to a request from Palmer for the definition of what is a reasonable sized garage, Braun said that is defined by the individual property.

In response to a question from Vidal as to when construction abutting an alley was allowed, Fisher stated that the regulations were adopted in 1968. Vidal stated that the Zoning Board of Adjustment has heard what the applicant is saying, but that he cannot support the reduced setbacks and he is in favor of the continuation.

Arguello complimented the applicants on their research and their presentation, but stated that he too feels that the 1-foot setback as well as the overhang of the eaves do create issues and he agrees that there are compromises that can be made.

Hoogestraat restated that it appears the Zoning Board of Adjustment's main issue is the 1-foot setbacks and that if they could come up with an alternative that

would allow for the 5-foot setbacks he believes that the Zoning Board of Adjustment would be more likely to consider granting the Variance.

In response to Palmer's statement that if they were to change the garage they then have to meet State Historic requirements, Fisher stated that staff would set up a meeting with the owners and have the Historic Preservation Planner join that meeting and they would bring those results forward at the October 10, 2019 Zoning Board of Adjustment Meeting.

Bulman moved, Quasney seconded and the Zoning Board of Adjustment carried to continue to the October 10, 2019 Zoning Board of Adjustment meeting the Variance request to reduce the rear yard setback from 5 feet to 1-foot, to reduce the side yard setback from 5 feet to 1-foot, to reduce the front yard setback from 35 feet to 28 feet, and to increase lot coverage from 30 percent to 33 percent. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Quasney and Vidal voting yes and none voting no)

3. **Appeal by Stagecoach West Signs LLC to overturn the decision of the Building Official declaring the Stagecoach West Signs located at 4110 Mount Rushmore Road as unlawful.**

Fisher stated that the Appellant has requested that the Appeal be continued to the October 10, 2019 Zoning Board of Adjustment meeting and as such staff is recommending to continue the Appeal by Stagecoach West Signs LLC to overturn the decision of the Building Official declaring the Stagecoach West signs located at 4110 Mount Rushmore Road as unlawful be continued to the October 10, 2019 Zoning Board of Adjustment Meeting at the applicants request.

Talbot Wiazerski, of Gunderson Palmer, stated that he represents TNS who are the land owners and that they agree with the complaint, have previously notified the sign company to remove the signs and that they will be in attendance at the October 10, 2019 Zoning Board of Adjustment Meeting.

Vidal stated that he does not support the continuation because he believes the owner of the signs have been given plenty of time to remove the sign and he believes it should be addressed in a timely manner

Bulman moved, Caesar seconded and the Zoning Board of Adjustment continued the Appeal by Stagecoach West Signs LLC to overturn the decision of the Building Official declaring the Stagecoach West Signs located at 4110 Mount Rushmore Road as unlawful at the applicants request. (8 to 1 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat and Quasney voting yes and Vidal voting no)

4. Discussion Items
None

5. Staff Items
None

Zoning Board of Adjustment Minutes
September 5, 2019

6. Zoning Board of Adjustment Items
None

There being no further business, Caesar moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:55 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 5, 2019

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, 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 Gollhofer 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, Gollhofer, 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 Yasmeen 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 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---

---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, Gollither, 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 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 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 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 requiring 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 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 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.

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, Gollither, Herr, Hoogestraat, Quasney, and Vidal voting yes and none voting no)

10. Discussion Items
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)

