

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 26, 2020

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Mike Quasney, and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Eirik Heikes, John Herr, Galen Hoogestraat, Eric Ottenbacher,

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Tim Behlings,(via video) Ted Johnson, (via video) Wade Nyberg (via phone) and Andrea Wolff.

Braun called the meeting to order at 7:00 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 Caesar seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations with the exception of Items 2 and 3. (6 to 0 with Braun, Bulman, Caesar, Gollhofer, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 5, 2020 Planning Commission Meeting Minutes.

*4. No. 20PD007 - Section 3, T1N, R8E

A request by Longbranch Civil Engineering, Inc for BFD Development, LLC to consider an application for a **Revocation of Planned Development Designation** for Government Lot 1, located in the NE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northern terminus of Haakon Street.

Planning Commission approved of the Planned Development Designation Revocation in conjunction with the associated Rezoning requests.

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

5. No. 20RZ014 - Section 3, T1N, R8E

A request by Longbranch Civil Engineering, Inc for BFD Development, LLC to consider an application for a **Rezoning request from Neighborhood Commercial District to Low Density Residential District** for a parcel of land 400 feet by 400 feet in the northeastern most corner of Government Lot 1, located in the NE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South

Dakota, more generally described as being located northern terminus of Haakon Street.

Planning Commission recommended approval of the Rezoning request from Neighborhood Commercial District to Low Density Residential District.

6. No. 20RZ015 - Section 3, T1N, R8E

A request by Longbranch Civil Engineering, Inc for BFD Development, LLC to consider an application for a **Rezoning request from Office Commercial District to Low Density Residential District** for the east 710 feet of Government Lot 1 of Section 3 less a parcel of land 400 feet by 400 feet in the northeast most corner of Government Lot 1, located in the NE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northern terminus of Haakon Street.

Planning Commission recommended approval of the Rezoning request from Office Commercial District to Low Density Residential District.

7. No. 20RZ016 - Section 3, T1N, R8E

A request by Longbranch Civil Engineering, Inc for BFD Development, LLC to consider an application for a **Rezoning request from Medium Density Residential District to Low Density Residential District** for the west 600 feet of Government Lot 1, located in the NE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northern terminus of Haakon Street.

Planning Commission recommended approval of the Rezoning request from Office Commercial District to Low Density Residential District.

*8. No. 20PD009 - Robbinsdale Addition No. 10

A request by Longbranch Civil Engineering, Inc for Walgar Development Corp. to consider an application for a **Final Planned Development to allow residential development** for Lots 5 thru 8 of Block 19, Lots 5 thru 7 of Block 20 and Lots 4 thru 6 of Block 22 of Robbinsdale Addition No. 10, located in the S1/2 of the NW1/4 of the NW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Hanover Drive and Winfield Street.

Planning Commission approved the Final Planned Development Overlay to allow a residential development with the following stipulations:

1. Upon submittal of a building permit for a 4-plex unit, a detailed landscape plan in compliance with the Landscape Regulations shall be submitted for review and approval;
2. Upon submittal of a building permit for a 4-plex unit, a detailed parking plan in compliance with the Parking Regulations shall be submitted for review and approval; and,
3. The Final Planned Development Overlay shall allow a residential development in the Medium Density Residential District in compliance with the applicant's site plan for the development. All requirements of the Medium Density Residential District shall be maintained unless specifically authorized pursuant to Chapter 17.50 of the Rapid City

Municipal Code. All uses permitted in the Medium Density Residential District which do not increase parking requirements shall be permitted contingent upon an approved building permit. All conditional uses in the Medium Density Residential 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.

9. 20TP006 - Rapid City Year End 2019 Population Estimate

Planning Commission recommended approving the Rapid City Year End 2019 Population Estimate.

---END OF CONSENT CALENDAR---

Braun confirmed that the items were to be taken together.

*2. No. 20PD005 - Schnasse Addition

A request by Black Hills Habitat for Humanity to consider an application for a **Major Amendment to a Planned Development Overlay to allow a single-family residential use** for Tract B of Lot 1 thru 4 of Block 6 of Schnasse Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 611 Herman Street.

3. No. 20RZ013 - Schnasse Addition

A request by Black Hills Habitat for Humanity to consider an application for a **Rezoning request from Office Commercial District to Medium Density Residential District** for Tract B of Lot 1 thru 4 of Block 6 of Schnasse Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 611 Herman Street.

Quasney stated that he requested the items be pulled from the Consent agenda because he has concerns regarding the residential use for the property in regards to the railroad proximity.

Green reviewed the application noting that residential is currently a permitted use but that due to the pending revision to the Zoning Code to remove residential uses from Office Commercial District, this request is being made to allow the use after the change to the zoning. Green noted that the applicant is requesting an Exception to allow a side yard setback of 3 feet in lieu of 8 feet required for the existing detached accessory structure along the norther lot line which staff notes is adjacent to the railroad right-of-way and will not encroach on any other structures so staff supports granting the Exception.

Fisher noted that the applicant is requesting the Major Amendment to the Planned Development at staff's request due to the pending revision of the Office Commercial District to remove residential use. Fisher stated that she appreciates

Quasney's concern for the rail road tracks proximity, but noted that the property is currently used as a residence as are numerous other properties in the area as well as other areas near the railroad tracks that dissect the city.

Quasney acknowledged Fisher's comments, but restated his concerns regarding the closeness to the railroad tracks saying that this is a chance to correct a wrong.

In response to questions from Vidal on the use of and owner of the railroad tracks, staff stated that the number of trains that run on the tracks is unknown and that the tracks are owned by the railroad authority. Vidal stated that he grew up near railroad tracks and believes the proximity will not be an issue.

Fisher stated that the property is currently zoned Office Commercial with a residence on the property and noted that that the only reason this request is being reviewed by the Planning Commission is that at one time it was the general practice for everything to be placed in a Planned Development Overlay and as such the change of use required the Major Amendment to the Planned Development otherwise the applicant would have been able to change the use without review.

In response to Bulman's question whether a fence could be on the property, Green stated that it would be allowed.

Golliher moved, Caesar seconded and the Planning Commission approved Major Amendment to the Planned Development Overlay to allow a single-family residential use in conjunction with approval of the associated Rezoning request (File# 20RZ013) with stipulations as noted below:

- 1. An Exception is hereby granted to allow a side yard setback of 3 feet in lieu of 8 feet required for the existing detached accessory structure;**
- 2. The Major Amendment to a Planned Development Overlay shall allow a single-family residence on the property. Any change in use that is a permitted use in the Medium Density Residential District shall require a review and approval of a Building Permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay; 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.

Planning Commission recommended approval of the Rezoning request to rezone a parcel of land from Office Commercial District to Medium Density Residential District in conjunction with approval of the associated Major Amendment to a Planned Development Overlay application (File# 20PD005). (5 to 1 with Braun, Bulman, Caesar, Golliher and Vidal voting yes and Quasney voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

10. No. 20RZ017 - Menard Subdivision

A request by Renner Associates LLC for Creek Drive Land, LLC to consider an application for a **Rezoning request from Medium Density Residential District to Light Industrial District** for Lot 2 of Block 3 of Menard Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 415 North Creek Drive.

Green stated that application is to rezone the property from Medium Density Residential District to Light Industrial District to allow the construction of mini-warehousing, but after reviewing the application with the applicant, the applicant decided to withdraw the application. Instead, the applicant intends to submit a Conditional Use Permit application to allow the mini-warehousing in conjunction with a Rezoning request to General Commercial District and as such staff is recommending acknowledgement of the applicant's withdrawal.

Bulman moved, Quasney seconded and Planning Commission acknowledged the applicant's withdrawal of the Rezoning request from Medium Density Residential District to Light Industrial District application.

*11. No. 20PD004 - Marlin Industrial Park

A request by KTM Design Solutions, Inc for KTM Design Solutions, Inc. to consider an application for a **Major Amendment to a Planned Development to expand an existing warehouse** for Lot 5 and 6 of Marlin Industrial Park, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1717 Marlin Drive.

Green reviewed the application and associates slides indicating that the applicant is looking to expand an existing warehouse by adding approximately 12,500 additional square onto the south side of the existing building. Green noted that the use of the 12,500 square feet is to be used solely for warehousing and will not have any additional uses. Green indicated that the applicant is requesting an Exception to reduce the off-street parking for the facility from 149 spaces to 78 spaces and that based on the use of the expansion for the single use of storage staff supports the reduction of parking. Green stated that staff recommends approval of the Major Amendment to a Planned Development to expand an existing warehouse with stipulations as outlined in the Project Report.

Golliher moved, Bulman seconded and the Planning Commission approved the Major Amendment to the Planned Development Overlay to expand an existing warehouse with stipulations as noted below:

1. **An Exception is hereby granted to reduce the required off-street parking for the facility from 149 spaces to 78 spaces;**
2. **Prior to issuance of a Building Permit, a Floodplain Development Permit shall be approved;**
3. **Prior to issuance of a Building Permit, the subject property shall be replatted to create a single industrial lot or a Developmental Lot Agreement shall be entered into and recorded;**
4. **Prior to issuance of a Building Permit, the site plan shall be revised to show a landscape island designed in compliance with Rapid City Municipal Code Section 17.50.300;**

5. **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,**
6. **The Major Amendment to a Planned Development Overlay shall allow an expansion of the existing warehouse on the property. Any change in use or expansion in use that is a permitted use in the Heavy Industrial District shall require a review and approval of a Minimal Amendment to the Planned Development Overlay. Any change in use or expansion of use that increases the parking requirement for the property shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. Any change in use or expansion of use that is a Conditional Use in the Heavy Industrial District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay.**

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

*12. No. 20PD006 - Millard Addition

A request by Ron Williams for Black Hills Power, Inc. to consider an application for a **Final Planned Development Overlay to expand a utility substation** for Lot 45 thru 46 of Block 6 of Millard Addition, located in the NE1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 351 Anamosa Street.

Lacock presented the application and reviewed the associated slides stating that Black Hills Power has indicated that due to the construction of the new Monument Arena additional capacity is needed in the area. The applicant is looking to remove the current station and build a larger one. Lacock noted that the applicant is requesting Exceptions to reduce the parking from 1 parking space to 0 parking spaces. Staff acknowledges the graveled parking available will allow the needed access and as such staff is in support of the Exception request. Additionally, an Exception to waive the landscaping requirement contingent upon grass being planted in the boulevards and on the west side of the property outside of the fence as proposed is supported by staff.

In response to questions from Quasney regarding the size and the potential for noise, Fisher stated that the general consensus is to retain chain link fencing to allow visual security noting that the opaque fencing that was required around a

similar station on Cleveland Street was done for aesthetics due to its location along a commercial corridor. Fisher further indicated that the increase of equipment will expand to the west side of the property but will fit on the property footprint.

Quasney stated that he wants to ensure the safety of the neighborhood.

Planning Commission approved the Final Planned Development Overlay be with the following stipulations:

- 1. An Exception is hereby granted to reduce the parking from 1 parking spaces to 0 parking spaces;**
- 2. An Exception is hereby granted to waive the landscaping requirement contingent upon grass being planted in the boulevards and on the west side of the property outside of the fence as proposed;**
- 3. Upon submittal of a Building Permit, the applicant shall coordinate with the Public Works Department to provide drainage information as needed;**
- 4. All signage shall meet the requirements of the Rapid City Sign Code. Any proposed 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 an electric utility substation. Any change in use that is a permitted use in the Medium Density Residential District in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of 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.

*13. No. 20PD008 - Orchard Meadows No. 2

A request by Dream Design International, Inc for Yasmeen Dream, LLC to consider an application for an **Initial Planned Development Overlay to allow an apartment complex** for a portion of Tract A of E1/2 OF SW1/4 and W1/2 of SE 1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the south Quarter Corner of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being witnessed by a BLM brass cap located 13.2 feet westerly of the true point; Thence: N46°57'57"W, a distance of 1211.66 feet, being the point of beginning; Thence: N11°01'46"E, a distance of 221.58 feet; Thence: on a curve turning to the left with an arc length of 236.45 feet, with a radius of 3014.79 feet, with a chord bearing of N8°46'05"E, with a chord length of 236.39 feet; Thence: on a curve turning to the left with an arc length of 394.93 feet, with a radius of 3014.79 feet, with a chord bearing of N2°46'06"E, with a chord length of 394.65 feet; Thence: N0°58'56"W, a distance of 411.85 feet; Thence: S81°29'17"E, a distance of 47.99 feet; Thence: S8°37'14"W, a distance of 129.87 feet; Thence: S55°31'46"E, a distance of 169.17 feet; Thence: N2°37'14"E, a distance of 205.00 feet; Thence: N8°30'45"E, a

distance of 50.00 feet; Thence: N81°29'15"W, a distance of 187.16 feet; Thence: N0°58'24"W, a distance of 184.65 feet; Thence: on a curve turning to the right with an arc length of 112.75 feet, with a radius of 2141.83 feet, with a chord bearing of N0°34'21"E, with a chord length of 112.74 feet; Thence: N89°57'49"E, a distance of 420.59 feet; Thence: N89°57'49"E, a distance of 90.55 feet; Thence: N89°57'49"E, a distance of 200.11 feet; Thence: S25°17'04"E, a distance of 313.58 feet; Thence: S25°17'04"E, a distance of 20.04 feet; Thence: N88°03'29"W, a distance of 19.38 feet; Thence: N76°40'37"W, a distance of 82.31 feet; Thence: S87°09'26"W, a distance of 53.94 feet; Thence: N75°49'26"W, a distance of 26.72 feet; Thence: N88°07'28"W, a distance of 80.98 feet; Thence: S70°55'46"W, a distance of 12.21 feet; Thence: S88°48'12"W, a distance of 117.76 feet; Thence: S36°45'45"W, a distance of 126.18 feet; Thence: S5°14'47"W, a distance of 124.84 feet; Thence: S0°16'03"W, a distance of 72.88 feet; Thence: S30°55'28"E, a distance of 74.04 feet; Thence: S5°17'24"W, a distance of 66.61 feet; Thence: S79°45'30"E, a distance of 74.87 feet; Thence: S24°07'07"E, a distance of 68.36 feet; Thence: S74°11'46"E, a distance of 52.73 feet; Thence: S41°51'53"E, a distance of 39.56 feet; Thence: N48°00'56"E, a distance of 42.39 feet; Thence: S4°04'22"E, a distance of 166.58 feet; Thence: S80°42'46"E, a distance of 26.72 feet; Thence: N51°55'21"E, a distance of 51.65 feet; Thence: S74°40'40"E, a distance of 68.17 feet; Thence: S54°24'49"E, a distance of 123.82 feet; Thence: S0°02'20"W, a distance of 44.22 feet; Thence: S0°02'20"W, a distance of 29.87 feet; Thence: S0°02'20"W, a distance of 52.00 feet; Thence: S0°02'20"W, a distance of 29.83 feet; Thence: S0°02'20"W, a distance of 228.76 feet; Thence: S18°20'38"E, a distance of 87.24 feet; Thence: S31°55'11"E, a distance of 43.63 feet; Thence: S0°01'06"E, a distance of 114.50 feet; Thence: N83°19'17"W, a distance of 57.96 feet; Thence: S49°02'58"W, a distance of 75.26 feet; Thence: S22°18'43"W, a distance of 70.38 feet; Thence: N30°57'17"W, a distance of 30.14 feet; Thence: N42°23'28"W, a distance of 76.08 feet; Thence: N48°41'23"W, a distance of 67.74 feet; Thence: N66°54'57"W, a distance of 46.84 feet; Thence: N80°25'18"W, a distance of 140.67 feet; Thence: N87°25'56"W, a distance of 258.15 feet; Thence: S70°43'18"W, a distance of 148.66 feet; Thence: N88°42'53"W, a distance of 104.40 feet; Thence: N79°58'45"W, a distance of 38.14 feet; Thence: N62°52'58"W, a distance of 24.34 feet to the point of beginning, more generally described as being located east of Elk Vale Road, south of Jaffa Way.

Lacock reviewed the application and the associated slides noting the lot is 25.1 acres and that the complex will be comprised of 659 units with 14 apartment buildings and a club house. Lacock noted this will be constructed in 4 phases. Lacock stated that the applicant is requesting an Exception to allow a maximum height of three-stories and 39.75 feet in lieu of the maximum allowed height of 35 feet. Staff notes that the location with Elk Vale Road to the west, commercial to the north and a drainage area to the south and east allows for a good amount of buffering to help minimize the impact of the height. Lacock reviewed the phases noting Phase 1 is to the south off of Jim Street with the other three phases further north off of Jaff Garden Way. Lacock indicated that the applicant will have to continue to work with Public Works and Rapid Valley Sanitary District on the lift station. Lacock noted that as such Stipulation #2 has been revised to read "Upon submittal of a Final Planned Development Overlay application, water and sewer plans shall be submitted. In addition, the required lift station shall be completed and operational prior to issuance of a Certificate of Occupancy", rather than prior to issuance of Building Permit. Lacock also requested that Stipulation #7 be changed

to read 659 units rather than 689 units. Lacock stated that staff recommends approval of the Initial Planned Development Overlay to allow an apartment complex.

In response to a question from Vidal on the distance from Rapid Creek to the south, Fisher noted that the applicant has worked with FEMA and that they will be required to obtain Flood Plain permit to allow any construction and has worked very closely with Engineering staff to make this feasible.

Fisher spoke to staff's support of the height Exception noting that this is only 3 stories and that the location of the actual structures being somewhat lower than then the street level helps to minimize the impact of the height.

In response to Bulman's question regarding the water, Fisher noted that it will take coordination between Rapid Valley Sanitary District, City of Rapid City and the developer to complete the lift station and that changing the requirement from prior to obtaining a Building Permit to Prior to obtaining a Certificate of Occupancy will allow the construction to move forward.

In response to Bulman's question regarding the access to the Lytle property that is required to remain open, Fisher noted that the detailed plan showing the access and the easement will be included with the Final Planned Development.

Quasney stated that he understands the height and location being a plus, but wondered about access in and out of the site. Fisher noted the existing accesses and stated that an updated Traffic Impact Study will be part of the Final Planned Development.

Golliher moved, Vidal seconded and the Planning Commission approved the Initial Planned Development Overlay to allow an apartment complex be with the following stipulations:

- 1. An Exception is hereby granted to allow a maximum height of three-stories and 39.75 feet in lieu of the maximum allowed height of 35 feet;**
- 2. Upon submittal of a Final Planned Development Overlay application, water and sewer plans shall be submitted. In addition, the required lift station shall be completed and operational prior to issuance of a Certificate of Occupancy;**
- 3. Upon submittal of a Final Planned Development Overlay application, a revised Traffic Impact Study shall be submitted for review and approval or an Exception shall be obtained to waive the requirement;**
- 4. Upon submittal of a Final Planned Development Overlay application, a stormwater plan and calculations shall be submitted;**
- 5. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval;**
- 6. Prior to submittal of a Final Planned Development Overlay, a 20-foot wide temporary access easement shall be recorded to ensure access to the Lytle property; and,**
- 7. This Initial Planned Development Overlay shall allow a 659-unit apartment complex. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval. Any conditional use shall require the review and approval of a**

Final Planned Development Overlay. (6 to 0 with Braun, Bulman, Caesar, Gollhofer, 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.

14. Discussion Items

Fisher thanked the Commissioners and applicants for working with staff to make this meeting work and stated that it is planned conduct a WebEx Planning Commission meeting for the April 9, 2020 Planning Commission meeting. Fisher indicated that there will be a trial session to do a run through and that an email will be sent with the needed information for participants.

15. Staff Items

None

16. Planning Commission Items

None

There being no further business, Quasney moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:36 a.m. (6 to 0 with Braun, Bulman, Caesar, Gollhofer, Quasney and Vidal voting yes and none voting no)