

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 23, 2020

MEMBERS PRESENT: (Via Video Conference) Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, Galen Hoogestraat, Eric Ottenbacher, Mike Quasney and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Eirik Heikes, and John Herr

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

Braun called the meeting to order at 7:14 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.

Staff requested that Item 10 be removed from the Consent Agenda for separate consideration.

Caesar stated that she had a question regarding Items 2 thru 11 be removed from the Consent Agenda for separate consideration.

Fisher stated that these items are being brought forward by staff to ensure that the properties identified to have single family, duplexes or townhomes were not adversely affected by the changes being made to the Office Commercial Zoning District removing these uses.

Caesar stated that she understands the intent of the Ordinance Amendment and the need for the Rezoning request, but wanted to ensure that all of the property owners were not only aware of but in favor of the Rezoning request.

Fisher confirmed that staff has worked closely with property owners to identify which properties to rezone, including an open house at which Lacock visited with the property owners as well as letters to inform them of the meeting dates.

Caesar said that answered her question and withdrew her request to remove the items from the Consent Agenda.

Motion by Bulman seconded by Gollither and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 19 in accordance with the staff recommendations with the exception of Items 10. A Roll Call Vote was called (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Hoogestraat, Ottenbacher, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the April 9, 2020 Planning Commission Meeting Minutes.
2. No. 19OA006 - Ordinance Amendment Amending Chapter 17.40 to Revise Permitted and Conditional Uses in the Office Commercial District
A request by City of Rapid City to consider an application for an **Ordinance Amendment Amending Chapter 17.40 to Revise Permitted and Conditional Uses in the Office Commercial District.**

Planning Commission recommended approval of the Ordinance Amendment Amending Chapter 17.40 to Revise Permitted and Conditional Uses in the Office Commercial District.

3. No. 20RZ001 - Blakes Addition
A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to Medium Density Residential District** for Lot 30 of Block 10 of Blakes Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 324 E. New York Street.

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

4. No. 20RZ002 - Settlers Creek Townhomes
A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to Medium Density Residential District** for Lots 1R, 3R, 4R, 6R, 7, 8, 9, 10R1, 11R1, 13R, 14R, 15R, 17R, 18R, 20R, 22R, 24R, 25R of Block 1 and Lots 1R, 3R, 4R, 6R, 7, 8, 9, 10A, 10B, 11R, 13R, 14R, 15R, 17R, 18R, 20R, 21R, 23R of Block 2 of Settlers Creek Townhomes, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being all of Settlers Creek.

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

5. No. 20RZ003 - Fountain Springs Park Subdivision.
A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to Medium Density Residential District** for Lot 1A, 1B, 2A, 2B, 3A, 3B (also in Section 26), 4, 7B and 8A (also in Section 26), 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B of Block 1 of Fountain Springs, located in Section 27, T2N, R7E and Lots 5A, 5B (also in Section 27), 6A (also in Section 27), 6B (also in Section 27), 7A (also in Section 27) of Block 1 of Fountain Springs Park Subdivision, located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sunny Springs Drive between Wesleyan Boulevard and Harmony Heights Lane

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

6. No. 20RZ004 - Fountain Springs Park Subdivision
A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to Medium Density Residential District** for

Lots 1A, 1B, 2A, 2B, 3A, 3B (also in Section 26), 5 of Block 2 of Fountains Springs Park Subdivision located in Section 27, T2N, R7E and Lots 4A and 4B (also located in Section 27) of Block 2 Fountain Springs Park Subdivision, located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Sunny Springs Drive and south of Wesleyan Boulevard.

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

7. No. 20RZ005 - Tower Ridge 2

A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to Low Density Residential District II** for Lots 3AR, 3B, 3C, 3D, 3ER, 4A, 4B, 5A, 5B, 6A, 7AB, 8A, 8B, 8CR, 8DR, 9A, 9B, 9CR1, 9DR1 of Block 1 of Tower Ridge 2, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Tablerock Road.

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

8. No. 20RZ006 - Original Town of Rapid City

A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to High Density Residential District** for the E1/2 of Lot 7 of Block 117 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 311 Quincy Street.

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

9. No. 20RZ007 - Pine Hills Subdivision

A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to Low Density Residential District II** for Lot 1 of Lot 88A of Pine Hills Subdivision, located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 918 Meadowwood Drive.

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

11. No. 20RZ009 - Omeara Subdivision

A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to Low Density Residential District** for Lot 2 and the N1/2 vacated right-of-way adjacent to south boundary, and Lot B in the SW1/4 less Lot H1, the S1/2 of vacated right-of-way adjacent to north boundary, all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4084 and 4282 Tower Road.

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

12. No. 20RZ012 - Brielle Subdivision

A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to Low Density Residential District II** for Lots 1 thru 15 of Brielle Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Horizon Point north of Tower Road.

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

*13. No. 20PD012 - Shepherd Hills West Subdivision

A request by TPH, LLC to consider an application for an **Initial and Final Planned Development Overlay to allow a Mobile Home Park** for Lot 1 of Block 2 of Shepherd Hills West Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of E. Philadelphia Street, west of E. Anamosa Street.

Planning Commission approved the Initial and Final Planned Development Overlay to allow a mobile home park with stipulations as noted below:

1. **Prior to issuance of a Building Permit, all redlined comments shall be addressed;**
2. **Prior to issuance of a Building Permit, the site plan shall be revised to show a minimum of 1 ADA “Van Accessible” parking spaces in the parking area provided at the office building. The “Van Accessible” shall be deigned in compliance with ADA standards and include a minimum 8-foot wide access aisle on the passenger side of the van space;**
3. **Prior to issuance of a Building Permit, utility and drainage easements shall be dedicated and recorded as necessary and a copy of the recorded documents shall be submitted with the Building Permit application;**
4. **Prior to issuance of a Building Permit, a report demonstrating that water service is adequate to serve to proposed development shall be submitted for review and approval;**
5. **Prior to issuance of a Building Permit, an Infill Agreement required for all public improvements shall be executed;**
6. **Prior to issuance of a Certificate of Occupancy, all public utilities needed to serve the development shall be constructed and accepted by the City;**
7. **An annual Mobile Home Park License shall be secured;**
8. **All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Initial and Final Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign**

- Permit shall be obtained for each individual sign; and,
9. The Final Planned Development Overlay shall allow a 118-unit mobile home park on the property constructed and operated in compliance with Chapter 15.48 and 17.50.110 of the Rapid City Municipal Code. Any change in use or expansion in use that is a permitted use in the Mobile Home Residential 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 is a Conditional Use in the Mobile Home Residential 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.

*14. No. 20PD013 - Orchard Meadows Subdivision

A request by KTM Design Solutions, Inc for Orchard Meadows Rapid City, LLC to consider an application for a **Final Planned Development Overlay to allow a townhome development** for Tract L of Orchard Meadows Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elderberry Boulevard, north of Jim Street.

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

1. Upon submittal of a Building Permit, drainage demonstrating that post-developed stormwater flows for the two, ten, and one-hundred year rainfall events shall not have an adverse effect in Rapid Creek downstream of Unnamed Tributary Element 8 or on-site detention shall be provided;
2. Upon submittal of a Building Permit, provide stormwater quality;
3. Upon submittal of a Building Permit, documentation shall be submitted that Rapid Valley Sanitary District has approved the sewer and water main plans and report;
4. Prior to issuance of a Certificate of Occupancy, documentation shall be submitted that the lift station, force main and appurtenances are accepted by Rapid Valley Sanitary District;
5. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
6. The proposed apartment development shall be fire sprinkler protected;
7. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be reviewed and approved if applicable; and,
8. This Final Planned Development Overlay shall allow for a 102-unit multi-family townhome development on the subject property. Other permitted uses within the Medium Density Residential District in compliance with Rapid City Municipal Code shall be allowed with the approval of a Building Permit. Any conditional use within the Medium Density Residential District shall require the review and approval of a Major Amendment to the 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.

15. No. 20RZ022 - 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 General Commercial 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 at 415 North Creek Drive.

Planning Commission recommended approval of the Rezoning request from Medium Density Residential District to General Commercial District.

16. No. 20RZ023 - Shepherd Hills Subdivision
A request by Dream Design International, Inc for BH Capital LLC to consider an application for a **Rezoning request from General Agricultural District to Low Density Residential District II** for the S1/2NE1/4 Less Menards Subdivision, Less North Valley Park Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northeast corner of Lot 3, Block 2 of Shepherd Hills Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of commencement, Thence (1) South 87°55'35" East, 289.55 feet to the point of beginning; Thence (2) South 87°53'48" East, 583.50 feet to a point of non-tangency; Thence (3) North 13°19'44" West, 188.93 feet to a point of non-tangency; Thence (4) South 75°08'32" West, 301.16 feet to a point of non-tangency; Thence (5) South 14°51'37" East, 21.28 feet to a point of non-tangency; Thence (6) South 75°43'06" West, 262.01 feet to the point of beginning, more generally described as being located north of Philadelphia Street, east of E. Anamosa Street.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to Low Density Residential District II.

17. No. 20RZ024 - Section 9, T1N, R8E
A request by Dream Design International, Inc for Yasmeeen Dream, LLC to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for the balance of Tract A of the E1/2SW1/4 and the W1/2SE1/4 Less Orchard Meadows, Less Lot H1, and less Lots H3-H6 located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest corner of Lot 1 Less Lot H1 and less dedicated ROW, Well Addition, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning, Thence (1) North 89°47'17" West, 49.37 feet to a point of non-tangency; Thence (2) South 0°00'41" East, 18.48 feet to a point of non-tangency; Thence (3) South 0°05'43" West, 197.43 feet to a point; Thence (4) South 0°03'48" West, 498.60 feet to a point of non-tangency; Thence (5) South 58°44'08" East, 269.87 feet to the beginning of a non-tangent curve concave westerly, said curve has a

radius of 2,702.20 feet, to which a radial line bears South 89°09'40" East; Thence (6) northerly along said curve through a central angle of 1°48'43" an arc distance of 85.45 feet to a point of tangency; Thence (7) North 0°58'39" West, 668.56 feet to a point of non-tangency; Thence (8) North 89°49'36" West, 169.08 feet to a point of non-tangency; Thence (9) North 00°05'15" East, 99.95 feet to the point of beginning, more generally described as being located west of Elk Vale Road at the terminus of Orchard Lane.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to Medium Density Residential District.

18. No. 20RZ025 - Original Town of Rapid City
A request by Stephanie Kroeze to consider an application for a **Rezoning request from Park Forest District to Low Density Residential District II** for the S1/2 of Lots 17 thru 19 of Block 118 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 828 3rd Street.

Planning Commission recommended approval of the Rezoning request from Park Forest District to Low Density Residential District II.

---END OF CONSENT CALENDAR---

10. No. 20RZ008 - Original Town of Rapid City
A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to High Density Residential District** for Lots 22 thru 24 of Block 123 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 726 South Street.

Fisher stated that staff has become aware that a house located on the property is operated as a commercial use and as such staff is withdrawing the Rezoning request from Office Commercial District to High Density Residential District application and requests Planning Commission to acknowledge the withdrawal.

Ottenbacher moved, Caesar seconding and the Planning Commission acknowledge the withdrawal of Rezoning request from Office Commercial District to High Density Residential District. A Roll Call Vote was called. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Herr, Hoogestraat, Ottenbacher, Quasney and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

- *19. No. 20PD015 - Orchard Meadows Subdivision
A request by KTM Design Solutions, Inc for KTM Design Solutions, Inc. to consider an application for an **Initial and Final Planned Development Overlay to allow an apartment complex** for Lot H of Orchard Meadows Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3411 Jaffa Garden Way.

Lacock presented the application and reviewed the associated slides and noted

that the Planned Development Overlay is because the proposed apartment complex is composed of a number of primary structures. Lacock reviewed the mixed uses that are being developed in the area as encouraged by the Comprehensive Plan. Lacock explained that an apartment complex use is a permitted use in the Office Commercial District. Lacock stated that the 90-unit apartment complex is proposed to be made up of six residential buildings and six garage structures. The applicant is requesting an Exception to allow a height of three-stories and 39 feet in lieu of the maximum allowed height of three-stories and 35 feet. Lacock noted the height is for an architectural component and that with the complex's location amongst commercial uses to the north and east side, the separation created by the drainage to the south and west and that the building sits lower than Elk Vale Road all help to alleviate the impact of the height exception. Staff is in support of granting the Exception. Lacock stated staff is recommending approval of the Initial and Final Planned Development Overlay to allow an apartment complex with the stipulations as outlined in the Project Report.

In response to a question from Quasney regarding a designated park area, Fisher clarified that the park was designated for the Johnson Ranch Subdivision which is on the other side of Elk Vale Road. Fisher did state; however, that there is drainage area with pedestrian walkways that is defined as common space in the Orchard Meadows Subdivision which will provide additional open space.

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

- 1. An Exception is hereby granted to allow a height of three-stories and 39 feet in lieu of the maximum allowed height of three-stories and 35 feet;**
- 2. Upon submittal of a Building Permit, a copy of the recorded drainage easement shall be submitted;**
- 3. Upon issuance of a Building Permit, backflow preventers shall be installed on the water services to each building;**
- 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. This Final Planned Development Overlay shall allow a 90-unit apartment complex. Any change in use that is a permitted use in the Office Commercial 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 Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development. A Roll Call Vote was called. (8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, 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.

Planning Commission Minutes
April 23, 2020

20. Discussion Items

Fisher informed the Planning Commission that she had been informed that the rules for adjournment do not require Roll Call, that the Chair can call for adjournment and if there is no opposition the meeting is then adjourned. Braun thanked Fisher for the clarification.

21. Staff Items

None

22. Planning Commission Items

None

There being no further business Braun called for adjournment. There being no opposition, meeting was adjourned at 7:35 a.m.

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
April 23, 2020

MEMBERS PRESENT: (via video conference) Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, Galen Hoogestraat, Eric Ottenbacher, Mike Quasney and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Herr and Eirik Heikes.

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

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

Roll Call established quorum.

1. No. 20VA001 - 828 3rd Street

A request by Stephanie Kroeze to consider an application for a **Variance to reduce the minimum required lot size for a duplex from 8,000 square feet to 5,250 square feet** for the S1/2 of Lots 17 thru 19 of Block 118 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Original Town of Rapid City.

Lacock presented the application and reviewed the associated slides stating that the property is an existing legal non-conforming duplex. Lacock noted that the property is currently zoned Park Forest District and that the applicant has also submitted an associated Rezoning request from the current Park Forest District to Low Density Residential District II which will be heard at the Planning Commission meeting directly following this meeting. Lacock noted that the applicant is not proposing any changes, but just to bring the property into compliance. Lacock said that staff does not find the request injurious to the neighborhood and recommends that the Variance to reduce the minimum required lot size for a duplex from 8,000 square feet to 5,250 square feet be approved in conjunction with the associated Rezoning request (20RZ025).

Fisher explained that the property has been a duplex for at least the last 100 hundred years. Fisher further stated that it would better serve to retain the current use as a duplex on a small lot than to lose some of the right-of-way currently reserved for Columbus and 3rd Street should a request to Vacate Right-of-Way be submitted to increase the lot size.

Bulman moved, Caesar seconded and the Zoning Board of Commission approved the Variance to reduce the minimum required lot size for a duplex from 8,000 square feet to 5,250 square feet in conjunction with the associated Rezoning request (20RZ025) based on the Criteria #3 - that is not injurious to the neighborhood. A Roll Call Vote was called (9 to 0 with Arguello, Braun,

**Bulman, Caesar, Gollhofer, Hoogestraat, Ottenbacher, Quasney and Vidal
voting yes and none voting no)**

2. Discussion Items
None
3. Staff Items
None
4. Zoning Board of Adjustment Items
None

There being no further business, Quasney moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:14 a.m. Roll Call Vote called (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Ottenbacher, Quasney and Vidal voting yes and none voting no)