

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
May 7, 2020

MEMBERS PRESENT: Erik Braun, Karen Bulman, Mike Gollither, Eirik Heikes, John Herr, Eric Ottenbacher, Mike Quasney and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Racheal Caesar and Galen Hoogestraat

STAFF PRESENT: Ken Young, (via conference call) Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, Kip Harrington (via conference call), Tim Behlings, (via conference call) Todd Peckosh, (via conference call) Ted Johnson, Wade Nyberg (via conference call) and Andrea Wolff.

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

1. Approval of the April 23, 2020 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Quasney seconded and the Zoning Board of Adjustment approved the April 23, 2020 Zoning Board of Adjustment Meeting Minutes. (8 to 0 with Braun, Bulman, Gollither, Heikes, Herr, Ottenbacher, Quasney and Vidal voting yes and none voting no)

2. No. 20VA002 - Shaver Tract

A request by Shannon Brinker for At Home Design to consider an application for a **Variance to reduce the required off-street parking spaces from 26 spaces to 5 spaces for a retail store** for Lot 39, less H-1, Lot A of Lot 40 and Lot 40, less Lot A of Lot 40 all of Shaver Tract, in located Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1739 W. Main Street.

Green presented the application and reviewed the associated slides stating that the property is located on a corner and that the existing parking does not meet current standards, excluding it from being counted in required parking space counts. Green explained that the business will be operated on an appointment only basis and staff recommends that the variance be approved based on this applicants operation plan with the stipulation that any change to the operation plan or operator would require another Variance.

In response to a question from Quasney regarding parking, Green confirmed that the parking includes employee parking. Green stated that the operational plan outlines how appointments will be required, limiting the number of spaces needed. Quasney noted that he foresees issues with parking but is glad the building is being used.

In response to a question from Vidal regarding other occupants of the building, Green clarified that the building is currently empty and that the business will be the only occupant. He added that should they sell or operate any different business, the Variance would become invalid and they would be required to apply for a

separate Variance.

In response to a question from Heikes regarding the non-compliant parking, Green confirmed it will remain even though they cannot be legally counted as parking spaces.

In response to Heikes' question about the building to the south, Green stated that the building is a retail property and believes it is currently vacant. Green said that it is on a separate lot and as such a Developmental Lot Agreement will have to be entered into for the use of the parking.

In response to Heikes's question regarding alternative transportation such as buses and bikes, Green stated that it has been evaluated, but that there is currently not a bus stop at this particular corner, but that there is sidewalk access although it does not link up to the bike path.

Harrington, Long Range Planner, speaking via conference call, stated that this intersection is included in a program project slated for the 2021- 2022 time frame that will include bike lanes on Jackson Boulevard and possibly Mountain View Road. Harrington stated that the current work on this corner is repair only, but that it is scheduled to be rebuilt in the future.

In response to a question from Herr whether the Jackson right-of-way to Omaha street is still platted, Harrington confirmed that there is still right-of-way platted but that it does not meet current right-of-way widths for an arterial street so additional right-of-way would have to be obtained if this extension was ever constructed. Harrington further noted that the study done in early 2000's showed that the cost benefit ratio did not justify the project and it was tabled and it will not be reconsidered for a number of years.

Quasney moved, Vidal Zoning Board of Adjustment approved the Variance request to reduce the required off-street parking spaces from 26 spaces to 5 spaces be approved based on Criteria # 1 that strict application of the Zoning Ordinance denies reasonable use of the land and #3 that is will not be injurious to the neighborhood with the following stipulations:

- 1. Prior to issuance of a Building Permit, a Developmental Lot Agreement and Parking and Access Covenant Agreement between Lot 39 Less H-1, Lot A of Lot 40, and Lot 40 Less Lot A of Lot 40 shall be entered into and recorded and a copy of the recorded document shall be submitted with the Building Permit application, or the property shall be re-platted;**
- 2. Prior to issuance of a Building Permit, the site plan shall be redesigned to show a minimum of 1 ADA "Van Accessible" space located within the parking identified on the site plan. The ADA "Van Accessible" space shall be designed in compliance with ADA standards, including a minimum 8-foot wide access aisle located on the passenger side of the vehicle; and,**
- 3. The requested Variance shall be applicable to the operations plan of "At Home Design" as submitted with this application. Any change in the operations plan or change in tenant shall require the review and approval of a separate Variance prior to issuance of a Building Permit. (8 to 0 with Braun, Bulman, Golliher, Heikes, Herr, Ottenbacher, Quasney and Vidal**

voting yes and none voting no)

3. No. 20VA003 - Section 22, T2N, R7E

A request by Ferber Engineering Company for Black Hills Corporation to consider an application for a **Variance to waive the requirement to pave circulation aisles as per Chapter 17.50 of RCMC** for the W1/2 of the W1/2 of the NE1/4 of Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 25500 Tatanka Road.

Lacock presented the application and reviewed the associated slides. Lacock stated that the requirement to pave the area creates a discontinuous paving and that the area will be used for storage with minimal traffic. Lacock stated that the area is currently rural and located adjacent to land used for mining. Lacock noted that stipulations will require an access agreement be submitted for review, a Grading Permit, Erosion and Sediment Control Permit and an Air Quality Permit be obtained. Lacock stated that with these requirements staff feels the Variance will not be injurious to the surrounding properties and recommends the Variance to waive the requirement to pave circulation aisles as per Chapter 17.50 of RCMC be approved.

In response to a question from Quasney about the air quality permit Lacock clarified that the Air Quality Permit itself requires the three-year renewal.

Quasney spoke further to potential development in the area and asked if such development would require this Variance be reviewed. Fisher explained that the Air Quality Permit requires daily control of the road and the Air Quality Technician works with the applicant to ensure the levels be maintained.

Bulman moved, Quasney seconded Zoning Board of Adjustment approved the Variance to waive the requirement to pave circulation aisles as per Chapter 17.50 of RCMC based on Criteria #3 that is will not be injurious to the neighborhood with the following stipulations:

1. **Prior to issuance of a Grading Permit, the access agreement shall be submitted for review;**
2. **A Grading Permit shall be obtained;**
3. **An Erosion and Sediment Control Permit shall be obtained; and,**
4. **An Air Quality Control Permit shall be obtained and renewed every three years. (8 to 0 with Braun, Bulman, Gollhofer, Heikes, Herr, Ottenbacher, Quasney and Vidal voting yes and none voting no)**

4. Discussion Items
None

5. Staff Items
None

6. Zoning Board of Adjustment Items
None

There being no further business Braun called to adjourn the meeting at 7:24 a.m.

Zoning Board of Adjustment Minutes
May 7, 2020

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 7, 2020

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

MEMBERS ABSENT: Kelly Arguello, Racheal Caesar, Galen Hoogestraat

STAFF PRESENT: Ken Young, (via conference call), Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington (via conference call), Patsy Horton, Tim Behlings (via conference call), Todd Peckosh (via conference call), Ted Johnson, Steve Frooman (via conference call), Wade Nyberg (via conference call) and Andrea Wolff.

Braun called the meeting to order at 7:24 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 Gollither seconded by Ottenbacher and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (8 to 0 with Braun, Bulman, Gollither, Heikes, Herr, Ottenbacher, Quasney and Vidal voting yes and none voting no)

In response to a question from Vidal regarding how these small areas of zoning differences are created and if the rezoning effected the property owners use, Lacock explained that through the development and platting process sometimes the proposed and final lines do not match up creating small differences like these. Lacock further clarified that this will not change anything for the property owners.

---CONSENT CALENDAR---

1. Approval of the April 23, 2020 Planning Commission Meeting Minutes.
2. No. 03TI001 - Heartland Retail Center
A request by City of Rapid City to consider an application for a **Resolution to Dissolve Tax Increment District #38** for a parcel of land located in part of the NE1/4 SW1/4 and S1/2 SW1/4 of Section 27, and all of the N1/2 NW1/4 of Section 34, all in T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as follows: Beginning at the center north 1/16 corner of said Section 34, a pin and cap stamped Arleth and Assoc., RLS 3977, this being the point of beginning; thence N89°52'24"W along the south line of said N1/2 NW1/4, 2526.27 feet to a point lying on the easterly right-of-way line of Elk Vale Road; thence N00°01'02"W along said easterly right-of-way line, 1501.22 feet to a point lying on the southerly railroad right-of-way line, said point is lying on a curve concave to the northwest and whose chord bears N71°31'11"E, 767.24 feet, thence northeasterly along said southerly railroad right-of-way line the following four courses; thence continuing along the arc of said curve to the left whose radius is

5829.58 feet and having a central angle of $07^{\circ}32'46''$, an arc length of 767.79 feet to a point on said curve; thence $N22^{\circ}15'13''W$, 50.00 feet to a point lying on a curve concave to the northwest and whose chord bears $N60^{\circ}03'38''E$, 1545.97 feet, thence continuing along the arc of said curve to the left whose radius is 5779.58 feet and having a central angle of $15^{\circ}22'19''$, an arc length of 1550.61 feet to a point of tangency; thence $N52^{\circ}22'28''E$, 208.14 feet; thence departing said southerly railroad right-of-way line, $S89^{\circ}40'45''E$, 319.90 feet; thence $S00^{\circ}14'20''W$, 1374.57 feet to the northeast corner of said $N1/2$ $NW1/4$; thence $S00^{\circ}01'50''W$ along the easterly line of said $N1/2$ $NW1/4$, 1318.56 feet to the point of beginning; and, Lot 1 and 2 of Tract F of W-Y Addition in the $SW1/4SW1/4$ of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H5 and Lot H6 in the $SW1/4$ of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H9 in that part of the $S1/2SW1/4$ of Section 27 lying south of the relocation of the Chicago and Northwestern Transportation Company right-of-way in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located south of Lot H9 in the $S1/2SW1/4$ of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the $S1/2SE1/4$ of Section 28 less Lot E of $S1/2SE1/4$, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3, H4, H5, H6, & H7 located in the $NE1/4SE1/4$ of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the existing US Highway 14 & 16 right-of-way prior to 1935 located in the $N1/2SE1/4$ of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H3 of the $SW1/4$ of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 in the $NW1/4NW1/4$ of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 in the $SW1/4NW1/4$ of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H-1 in the $W1/2SW1/4$ of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the $N1/2W1/2SW1/4$ of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as recorded in Highway Book 9 page 125; and, Lot H3 in the $S1/2SW1/4$ of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located north of Lots H1 & H2 in the $NW1/4NW1/4$ of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located south Lot H1 in the $W1/2SW1/4$ and Lot H3 in the $S1/2$ $SW1/4$ all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 & Lot H2 in the $E1/2NE1/4$ of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the $E1/2SE1/4$ of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in the $SE1/4$ of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located north of Lots H1 & H2 in the $E1/2NE1/4$ of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way south of Lot H1 in the $SE1/4$ of Section 33 and south of Lot H2 in the $E1/2SE1/4$ of Section 33, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 66 foot Section line right-of-way located between Sections 33 & 34 in T2N, R8E, BHM, Pennington County, South Dakota; and, Lot H2 in the $N1/2$ of Government Lot 4 & Lot H3 in the $S1/2$ of Government Lot 4, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H-1 in the $NW1/4NW1/4$ of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the $W1/2SW1/4NW1/4$ of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lot H1 in

the SW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the 33 foot section line right-of-way located north of Lot H2 in the N1/2 of Government Lot 4 of Section 3 and Lot H1 in the NW1/4NW1/4 of Section 3, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in the NE1/4 of Section 4 and Lot H2 in Government Lot 1 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 33 foot section line right-of-way located north of Lot H1 in the NE1/4 of Section 4 and Lot H2 in Government Lot 1 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, 66 foot section line right-of-way located between Section 4 and Section 3 all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 30 foot dedicated right-of-way lying adjacent to Lot A of Lot 1R of Rushmore Regional Industrial Park, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Eglin Street and Elk Vale Road.

Planning Commission recommended approving the Dissolution of TID #38 Heartland Retail Center.

3. No. 20RZ026 - Robbinsdale Addition No. 10

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 Lots 14 and 15 of Block 23 of Robbinsdale Addition No. 10, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4039 and 4052 Windslow Place.

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

4. No. 20RZ027 - Robbinsdale Addition No. 10

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 Lots 1 thru 5 of Block 23, Robbinsdale Addition No. 10, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4122, 4134, 4146, 4158 and 4170 Wisconsin Avenue.

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

5. No. 20RZ028 - Terracita Highlights 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 17, Lots A, B, C and D of Lot 18 of Block 1 of Terracita Highlights Subdivision, located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3622, 3626, 3632, 3636 and 3700 City View Drive.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*6. No. 20PD010 - Meadow View Subdivision

A request by FMG Engineering for Lloyd Companies to consider an application for a **Final Planned Development Overlay to allow a Multi-Family Development** for Tract A and Tract B of Meadow View Subdivision, less Lots H1 and H2, all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1330 Catron Boulevard.

Braun stated that he and Quasney would be abstaining from this item due to a conflict of interest.

Braun handed the gavel to Bulman.

Lacock reviewed the application and noted that this item had been continued at the April 9, 2020 Planning Commission meeting. Lacock explained that this is the Final Planned Development for the Initial Planned Development that was previously approved (19PD041). Lacock reviewed the associated slides noting that the property to the west also has an approved Initial Planned Development to allow an apartment complex but that no development has yet been initiated. Lacock stated that the application had been continued to allow the review of the Traffic Impact Study with the applicant and the resulting changes to the proposed layout. Lacock reviewed the revised plans showing that the applicant has included the recommended 200 feet of stacking lane on Wellington Drive with a bulb in the public right-of-way that will grant access to both properties. Lacock noted that the road currently identified as Crane Lane will be removed to allow Wellington Drive to be extended the 200 feet. Lacock stated that previous Exceptions had been granted with the Initial Planned Development and staff is requesting those Exceptions remain in effect with this Final Planned Development. Lacock stated that staff recommends approval of the Final Planned Development Overlay to allow a Multi-Family Development application with the stipulations outlined in the Project Report.

Fisher identified that an Initial Planned Development for a Multi-Family Development for Jim Letner (12PD035) was approved back in 2013 for the property directly to the west of this property with a stipulation that upon the submission of a Final Planned Development application a Traffic Impact Study be submitted. Fisher stated that as the project being reviewed is at the Final Planned Development level and the Traffic Impact Study has been submitted showing recommendations for the design of Wellington Drive. Fisher acknowledged that the preferred design would take access off of the signalized intersection of Healing Way, west of this property. However, Fisher stated that as the Traffic Impact Study supports the proposed plan staff does not believe they should restrict the development until or if this access is obtained. Fisher did state that staff would continue to work with surrounding property owners for future opportunities.

Jim Letner, 1204 West Boulevard, neighboring property owner, stated that although he is fine with the plan, he is not excited about the plan. Letner noted that the areas in the southeast, southwest and northwest quadrants of the Carton and Highway 16 have been prepared for anticipated future improvement of the intersection. Letner stated that he feels that the northeast quadrant which includes these properties needs to be comprehensively planned to avoid delaying this potential construction, but noted there are a number of property owners with differing opinions. Letner

spoke to his preference that the street being a thru street rather than a bulb. He said he would rather bond for what they will do in the long run rather than to build something that will potentially have to be torn out within a few years.

In response to a question from Heikes on the need of this type of housing, Lacock confirmed that this and other types of housing in the area are needed. In response to Heikes's additional question on the irrigation of the landscaping, Lacock stated that he was not aware of the plans for irrigation.

Jake Quasney, of Lloyds Company, spoke to the opportunity of the land owners working together stating that he has seen no desire currently to do so. Quasney stated that he does hope that the extension of Healing Way can be achieved and that they believe the proposed plan is the best option. In response to Heikes's question on landscaping, Quasney clarified that the landscaping will be irrigated.

In response to a question from Vidal regarding the potential for the future continuation of Healing Way, Fisher responded that Steve Frooman would best be able to answer that questions, but he was not with us this morning. Fisher stated that currently, the proposed plan is for Wellington Drive to be extended to allow access to the properties to the east and west.

Bulman inquired about the notification area noting that she lives in the area although it is at the far end of the development across Carton Boulevard. Lacock stated that mailing had gone out to the required 250 feet surrounding the property and confirmed that staff had not received any responses. Bulman spoke to her concerns regarding the proposed changes to the traffic flows. Bulman did note that the signaling of Healing Way has assisted with the speed of traffic in the area, but that she does believe that the extension of Healing Way is viable. Bulman did note that the area is tight and creates difficulty for traffic patterns. Bulman spoke to potential options of creating a Tax Increment District to enable the creation of the needed road. Bulman offered her suggestions which included removing the left hand turn from the Lloyd property.

Fisher confirmed that these are the reasons for the Traffic Impact Study and that the proposed design meets the experts' recommendations. Fisher agreed that the option for the property owners to request a Tax Increment Financing District for the road is a viable option.

Bulman stated that she believes that if the neighborhood knew of the impact to traffic staff would have had many more comments from the neighborhood.

Lacock clarified that the applicant did hold a Public Meeting when they did the Initial Planned Development. Bulman acknowledged that but stated that the neighborhood had inquired to her as to when the development would actually be built, stating that she had not informed them of this development.

Steve Frooman, Traffic Engineer, spoke to the comment on turning lanes stating that removal of the left turns would cause a major rework of the intersection.

Following the motion to approve with stipulations, Bulman read the appeal language stating that if anyone wished to appeal the item that they needed to do so by the

close of business on the seventh calendar day following the meeting.

Vidal moved, Heikes seconded and the Planning Commission recommended that the Final Planned Development Overlay to allow an apartment complex be approved with the following stipulations:

- 1. Acknowledge the previously granted Exception to reduce the number of landscaped islands from five to two contingent upon the two proposed landscape islands being a minimum of 500 square feet in size;**
- 2. Acknowledge the previously granted Exception to waive the requirement to provide 50% of the landscaping within 20 feet of the parking lot contingent upon a landscape buffer being provided along the south property line;**
- 3. Upon submittal of a Building Permit, the utility plan shall be revised to show the private water main with a backflow preventer or the water main shall be redesigned to show it does not loop;**
- 4. Upon submittal of a Building Permit, the site plan shall be revised to show sidewalk on Wellington Drive and Catron Boulevard or a Variance shall be obtained from City Council;**
- 5. Upon submittal of a Building Permit, the site plan shall be revised to show sewer service in compliance with the Infrastructure Design Criteria Manual;**
- 6. Upon submittal of a Building Permit, address redline comments regarding water, sewer and access;**
- 7. Prior to issuance of a Building Permit, a Developmental Lot Agreement or a Lot Line Adjustment / Consolidation Plat shall be approved;**
- 8. Prior to issuance of a Building Permit, right-of-way shall be dedicated for the extension of Wellington Drive as per the approved plans;**
- 9. Prior to issuance of a Building Permit, proposed public access easements shall be recorded and submitted for review. In addition, all recommendations of the approved Traffic Impact Study shall be provided;**
- 10. 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,**
- 11. This Final Planned Development Overlay shall allow a 168-unit apartment complex. 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. (5 to 1 to 2 with Gollhofer, Heikes, Herr, Ottenbacher and Vidal voting yes and Bulman voting no and Braun and Quasney abstaining)**

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

*7. No. 20PD016 - Big Sky Business Park

A request by Boom Construction to consider an application for a **Final Planned Development to allow an apartment complex** for Lot 4 of Block 5 of Big Sky Business Park Subdivision, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Bernice Street and Degeest Drive.

Braun returned to the dais as Chairman at this time.

Green presented the application and reviewed the associated slides noting that this property is located in a Planned Development Designation requiring the Final Planned Development application. Green noted that the applicant has requested an Exception to reduce the required side yard setback on the northern lot line of the property from 12 feet to 9 feet, but that staff has noted that the building could be redesigned to meet all setback requirements and as such, staff recommends the Exception be denied. Green stated that staff recommends approval of the Final Planned Development to allow an apartment complex with stipulations outlined in the Project Report.

Bulman moved, Golliher seconded and the Planning Commission recommended approval of the Final Planned Development Overlay to allow an apartment complex with the following stipulations:

1. **An Exception is hereby denied to reduce the required side yard setback on the northern lot line of the property from 12 feet to 9 feet;**
2. **Prior to submittal of a Building Permit, the site plan shall be revised to show a minimum of 18,055 landscape points;**
3. **The Final Planned Development Overlay shall allow for a 12-unit apartment complex. Any change in use or expansion of use that is permitted in the Medium Density Residential District shall require a Minimal Amendment to the Final Planned Development. Any change in use or expansion of 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. (8 to 0 with Braun, Bulman, Golliher, Heikes, Herr, Ottenbacher, 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.

*8. No. 20UR006 - Rapid River Subdivision

A request by MG Oil Company to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino** for Lot 18 thru 20 of Block 1 of Rapid River Subdivision, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2110 Jackson Boulevard.

Lacock presented the application and reviewed the associated slides, noting that

there is an existing casino that predates the requirement for a Conditional Use Permit so this is not an Amendment, but an actual Conditional Use Permit to bring the property into compliance. Lacock noted that the property line to the north and west is separated by a large established hedge and undeveloped alley. Lacock stated that the applicant is looking to expand the existing casino into the remainder of the building. Lacock stated that staff recommends approval of the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino application with stipulations outlined in the Project Report.

Golliher moved, Bulman seconded and the Planning Commission recommended that the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino be approved with the following stipulations:

- 1. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Conditional Use Permit. The inclusion of any LED message centers shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign; and,**
- 2. The requested Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a casino to be located on the property and operated in compliance with the submitted operations plan. Any change in operation of the business shall require a Major Amendment to the Conditional Use Permit. All requirements of the General Commercial District shall be continually maintained. Any permitted in the General Commercial District in compliance with the parking regulations shall be allowed with a Building Permit. Conditional uses in the General Commercial District or any expansion of the on-sale liquor use on the property shall require a Major Amendment to the Conditional Use Permit. (8 to 0 with Braun, Bulman, Golliher, Heikes, Herr, Ottenbacher, 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.

*9. No. 20UR007 - Springbrook Acres

A request by John Van Beek to consider an application for a **Major Amendment to a Conditional Use Permit to allow an over sized garage** for Lot 14 of Block 5 of Springbrook Acres, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2510 Happy Hollow Road.

Green presented the application and reviewed the associated slides. Green noted that the existing detached garage will be removed and replaced with the 1,512 square foot proposed garage, which, combined with the existing 760 square foot attached garage, creates the 2,272 of accumulative garage space. Green noted that an Exception is being requested to allow accumulative garage area totaling

2,272 square feet in size, in lieu of the maximum allowed 1,500 square feet noting that the building will meet all setbacks and that the applicant is proposing to match the siding to the existing structures and as such staff recommends the Exception be granted and to approve the application with stipulations.

Vidal moved, Quasney seconded and the Planning Commission recommended approval of the Conditional Use Permit to allow an over-sized garage with the following stipulations:

- 1. An Exception is hereby granted to allow accumulative garage area totaling 2,272 square feet in size, in lieu of the maximum allowed 1,500 square feet;**
- 2. 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;**
- 3. The proposed garage shall be constructed with materials and color scheme in keeping with the design of the existing residence. In addition, the proposed accessory structure shall comply with the height regulations for accessory structures pursuant to Rapid City Municipal Code Section 17.10.060; and,**
- 4. The Conditional Use Permit shall allow for an over-sized garage on the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the structure shall not be used as a rental unit. Any change in use that is a permitted use in the Mobile Home Residential District shall require a Building Permit. Any change in use that is a Conditional Use in the Mobile Home Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Braun, Bulman, Golliher, Heikes, Herr, Ottenbacher, 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.

10. No. 20TI004 - Orchard Meadows Subdivision

A request by Dream Design International, Inc for Yasmeen Dream, LLC to consider an application for a **Resolution to create Orchard Meadows Lift Station TID and approve Project Plan** for Tracts AR, BR, C, D, E and L, Lots F, G, H, J, K, L and M, Tract 1, Lots 1 thru 14 of Block 1, Lots 1 thru 10 of Block 2, Lots 11A and 11B, 12A and 12B, 13A and 13B, 14A and 14B, 15A and 15B, 16A and 16B of Block 2, Lots 1 thru 18 of Block 3, Lot 1 thru 23 of Block 4, Lot 1 thru 27 of Block 5, Lots 1R, 2 thru 8 of Block 6 all of Orchard Meadows; Lot 1 less Lot H1 and less dedicated right-of-way of the Well Addition; Lot 2 of Tract A of the NE1/4 of the SW1/4; Lot H3 of the SE1/4 of the NW1/4, the SW1/4 of the NE1/4, and the NE1/4 of the SW1/4; Lot H1 of the SW1/4 of the NE1/4; Lot 4 of the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4; Lot H3 of Tract A of the E1/2 of the SW1/4 and the W1/2 of the SE1/4; Lot H4 of Tract A of the E1/2 of the SW1/4 and the W1/2 of the SE1/4; Lot H2 of the W1/2 of the SE1/4; Lot H5 of Tract A of the E1/2 of the SW1/4 and the W1/2 of the SE1/4; Lot H3 of the SW1/4 of the SE1/4; Lot H6 of Tract A of

the E1/2 of the SW1/4 and the W1/2 of the SE1/4; the balance of Tract A of the E1/2 of the SW1/4 and of the W1/2 OF THE SE1/4 less Orchard Meadows, less Lot H1 and less Lots H3-H6; the S1/2 of the SW1/4 of the NE1/4 less Orchard Meadows, less railroad right-of-way, less Lot H1 and H2 (dedicated public right-of-way), less Lot H1 of the SW1/4 of the NE1/4 (dedicated public greenway), less that portion of Lot H3 of the SE1/4 of the NW1/4, the SW1/4 of the NE1/4 and the NE1/4 of the SW1/4 located in the S1/2 of the SW1/4 of the NE1/4 (dedicated public greenway), and less right-of-way; the S1/2 of the SE1/4 of the NW1/4 less Orchard Meadows; and the dedicated public right-of-way and dedicated railroad right-of-way adjacent to said lots, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Elk Vale Road between E. Highway 44 and the current terminus of East Fairmont Street.

Horton reviewed the application noting it is to create a new Tax Increment District located within the Orchard Meadows Subdivision and is to allow the construction of a lift station for Rapid Valley Sanitary District as they have reached capacity. Horton reviewed the improvement to include a lift station and a 6 inch force main. The 6 inch force main connects to an existing 8 inch sewer main within the Rapid Valley Sanitary District. Horton reviewed the proposed costs. Horton reviewed the numerous businesses and the residential development this will accommodate. Horton noted that the Tax Increment Finance Committee approved with the Project Plan and recommended that the City and Developer enter into an agreement with Rapid Valley Sanitary District to ensure that Rapid Valley Sanitary District will provide all on-going maintenance and operation funds until the TIF construction funded lift station has been decommissioned.

Bulman stated that she understands this is temporary to allow Rapid Valley Sanitary District to meet sewer capacity needs.

In response to Bulman's question on the overlapping of Tax Increment Districts, Horton clarified that there are 5 lots that were not included in the Unnamed Tributary Drainage Channel Tax Increment District therefore does not have the same district lines.

Heikes stated that although not directly related to the application, but wanted to compliment the development for being well planned out and offering such a variety of housing and other uses.

In response to Braun's question about the plan to decommission the project including costs for dismantling and connections to new services, Horton stated that would be addressed in the agreement with Rapid Valley Sanitary District. Horton explained that the initial plan was for Rapid Valley Sanitary District to provide a lift station on Jim Street which is at full capacity. This temporary facility allows the City's trunk sewer mains to be constructed beginning in 2024 or 2025 to then accommodate gravity sewer for this area.

Bulman moved, Vidal seconded and the Planning Commission recommended approval of the Resolution to create Orchard Meadows Lift Station TID and approve the Project Plan and that the City and Developer enter into an agreement with Rapid Valley Sanitary District to ensure that

Rapid Valley Sanitary District will provide all on-going maintenance and operation funds until the TIF construction funded lift station has been decommissioned. (8 to 0 with Braun, Bulman, Gollhofer, Heikes, Herr, Ottenbacher, Quasney and Vidal voting yes and none voting no)

11. Discussion Items

Fisher thanked everyone for being flexible with of the meeting formats and that staff will try to let everyone know the format of the next meeting about a week prior to the meeting.

11. Staff Items

None

11. Planning Commission Items

None

There being no further business Braun called to adjourn the meeting at 8:21 a.m.