

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 6, 2020

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Eirik Heikes, John Herr, Eric Ottenbacher, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Mike Quasney. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Sarah Hanzel, Todd Peckosh, Ted Johnson, Wade Nyberg 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 Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 2 in accordance with the staff recommendations with the exception of Items. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 23, 2020 Planning Commission Meeting Minutes.
2. No. 17TI002 - Village on Monroe
A request by City of Rapid City to consider an application for a **Resolution Dissolving the Tax Increment District No. 79** for Lot 14 thru 16 of Block 37 of North Rapid, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 612 Dilger Avenue.

Staff recommends approval of the Resolution Dissolving the Tax Increment District No. 79.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *3. No. 20UR014 - Marcoe Heights #1 Subdivision
A request by Kennedy Design Group, Inc for Ryan Zens to consider an application for a **Conditional Use Permit to allow a childcare center** for Lots 2 thru 6 of Block 3 of Marcoe Heights #1 Subdivision, located in Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4703 South Canyon Road.

Lacock presented the application and reviewed the associated slides stating that a child care facility is a Conditional Use in the Low Density Residential District.

Lacock noted the child care would allow for up to 125 children from the ages of 2 to 13 with 12 to 15 staff. Lacock identified the hours of operation will be from 6:00 a.m. to 6:00 p.m. Lacock noted that there has been concern regarding the outdoor play area, which is located on the east side of the building along South Canyon Road. However, the City Traffic Engineer has reviewed the setback and notes that it exceeds the required 25 foot setback. Lacock noted that staff has been contacted with concerns regarding the high traffic on South Canyon Road, but noted that the proposed use does not pose an outstanding increase in traffic. Lacock presented staff's recommendation to approve the Conditional Use Permit to allow a childcare center with stipulations.

Arguello asked if there was any chance to have a Traffic Impact Study. Steve Frooman City Traffic Engineer reviewed the requirements that trigger a Traffic Impact Study, with one being at least 100 trips in a peak hour. Frooman further noted that it is anticipated that a large part of the traffic using this service will be residents already using the road, but just for different reasons. Frooman explained how the Traffic Impact Study would generally be used to review potential queuing that might show needed changes including restriping South Canyon Road to provide a left or right turning lane.

In response to a question from Herr on the calculation used to identify the 99 additional trips, Frooman reviewed the formulas and criteria used and clarified that a vehicle entering and exiting the site counts as two separate trips. In response to a question on margin of error, Frooman stated that margin of error is not worked into the formula as it is a calculated estimate not an actual number.

In response to a question from Caesar regarding the clearance from the road required for play area for a speed limit of 50 to 55 mile per hour speed, since the average driver exceed the posted 35 mile per hour speed limit, Frooman said it was 30 to 35 feet. Frooman noted it is not a large increase in setback, but it would give a driver time to regain control of their vehicle.

Heikes had numerous comments on the design of the drop-off and pick-up area and flow, the existing parking spaces, traffic and setbacks stating that he feels it might need to be reviewed.

Cathy Labor, 4640 Capital Street, spoke to her concerns regarding the sound to the surrounding yards, the traffic impact to the already busy road, and that the driveway to the property is located in a blind spot. She is concerned about the potential back up the daycare could create and asked that this request not be approved.

Greg Palmer, 4638 South Canyon Road, said he was excited to have a daycare in the area, but feels that this is not the correct location. Palmer noted that he has worked for many years with numerous parties to control the traffic and speed on South Canyon Road. Palmer spoke to his concerns with the children along the roadside, the additional back-up this use will create, that a number accidents that have occurred on this road and that the proposed access plan looks like it will create additional traffic issues. Palmer spoke to existing backup created during services and past incidences of being rear ended by passing traffic. Palmer also spoke to the new heavy truck use from the mine up the road, and that he feels

adding the child care use creates a danger.

Carla Steele, 4650 Capital Street, spoke to her concerns including the amplification and sound transfer from the child care being disruptive to the neighbors and that the high traffic that flows down South Canyon Road does not allow for easy access onto or out of Capital Street. Steele said that she believes that with 125 children the increased traffic to drop-off and pick-up creates what she feels should be considered a commercial business and she doesn't feel it fits in the residential neighborhood.

Ryan Zens, 8071 Jackie Street, reviewed the research they did to identify this property as a viable location. Zens noted that there is a shortage of child care facilities in West Rapid and they want to offer a closer solution to residents on this side of town. Zens said he understands the concerns with the busy road, but noted that the children will not all be in the play area at one time and there is potential to rework the play area if needed. Zens said that the drop-off area will enter from the east side and exit on the west side.

In response to a question from Vidal on the play area, Zens said the yard is fully fenced. Vidal then asked if the drop off will be one way and Zens said he believes it is, noting that the designer Kent Kennedy designed the layout but was not present for questions.

In response to a question from Stuck whether children would be walking to or from the facility, Zens reviewed the safety measures included in the drop-off and pick-up plan as well as access to the playground.

Alfred Waldo, applicant, spoke to noise concerns stating their plan is to start out using the basement which will help to reduce sound distribution to neighboring properties. He noted the low number of childcare facilities in the west side and that the wait list for children is approximately 175.

Discussion regarding traffic and the location of the outdoor play area followed.

Herr moved to continue to the September 10, 2020 Planning Commission Meeting with the requirement that a Traffic Impact Study be completed, Ottenbacher seconded the motion.

Fisher clarified that the motion on the floor is to have the applicant secure a Traffic Impact Study to be reviewed by the City's Traffic Engineer to see if they have addressed traffic patterns created by the use.

Bulman asked if it was possible to include a request to have the applicant provide a rework of the outdoor play area and drop-off plan when the item comes back for review.

Fisher stated that the applicant needs to be aware of the cost of obtaining a Traffic Impact Study, which can be upwards of \$10,000 and that the City Traffic Engineer has indicated that there are additional intersections that will need to be studied due to the change in traffic queuing.

In regard to the question from Bulman on the change to the motion, Fisher clarified that a friendly amendment be made to include the request for revised layouts showing.

Motion maker and second approved the friendly amendment.

Fisher reviewed some of the other child care facilities in commercial areas, in areas where the play areas are along high traffic roads and how they have been mitigated.

In response to a question from Stuck regarding on-street parking along South Canyon Road, Frooman said that it is still allowed. Frooman did note that Public Works is working on a proposed cross walk for Capital Street of South Canyon Road and whether removing the parking.

In response to a question from Vidal why there is not currently a cross walk at the parking lot, Frooman reviewed why there is not a marked crosswalk currently is there are no ADA compliant ramp at both sides of the crosswalk. Frooman further responded to the proposed school zone option stating that he is not sure if the use qualifies for the State and City requirements.

Caesar stated that she is against requiring a Traffic Impact Study due to cost and with the potential that the application could still be denied. Frooman reviewed the Traffic Impact Study process including deciding what is to be included, then traffic counts and patterns, speed data, turning patterns, projections for increased traffic from each direction, crash data, taking all this information and creating an analysis with current and projected traffic creating a picture of what this is and then whether it meets limits and project changes that may be needed.

Caesar offered a secondary motion to continue to the September 10, 2020 Planning Commission Meeting with revised sight plans with alternative locations for playground and traffic flow without a Traffic Impact Study, Vidal seconded.

Arguello stated that the on-street parking is a major issue with his discomfort with this location.

Bulman reviewed her reason for wanting both the Traffic Impact Study and the revised plans and supports the initial motion.

Ottenbacher stated that there are numerous issues with this location including the speed and on-street parking and he opposes the substitute motion and supports the requirement for a Traffic Impact Study.

A roll call vote was called.

Fisher encouraged the applicant to hold a neighborhood meeting prior to the next meeting to discuss options.

Caesar moved, Vidal seconded and the Planning Commission continue the Conditional Use Permit to allow a childcare center to the September 10, 2020

Planning Commission Meeting to provide revised sight plans with alternative locations for playground and traffic flow. (5 to 4 with Braun, Bulman, Caesar, Stuck and Vidal voting yes and Arguello, Gollhofer, Herr and Ottenbacher 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.

*4. No. 20PD026 - Abys Feed and Seed Condominium

A request by Jesse Ewing for Woodland Republic, LLC to consider an application for a **Major Amendment to a Planned Development Overlay to allow a micro-brewery and an on-sale liquor establishment** for Units 1 and 2 and interest in Common Area of Abys Feed and Seed Condominium, located in Section 1, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 412 5th Street.

Lacock reviewed the application and associated slides stating that this location previously needed a Planned Development due to being zoned General Commercial District, which has parking, setback and landscaping requirements but with the recent creation of the Urban Commercial District zoning these needs were negated. Lacock reviewed the proposed parking and layout including the outdoor seating area and a reserved parking area for food trucks as they will not be offering food. Lacock reviewed the operation plan. Lacock noted that the property is in the Historic District and therefore would require any exterior or sign changes receive Historic review. Lacock stated that this is a viable reuse of a historic structure and staff recommends approval of the Major Amendment to a Planned Development Overlay to allow a micro-brewery and an on-sale liquor establishment with stipulations.

In response to a question from Bulman on how much of the building is being used for the proposed use, Lacock reviewed current uses stating that this use will only be in the eastern section of the building and the existing uses will not be disrupted.

In response to a question from Stuck on parking, Lacock confirmed this is in addition to the current businesses and noted that with the Urban Commercial District will allow uses without requiring designated on-site parking.

In response to a question from Arquello on where customers would find parking, Lacock stated that the idea is to have the downtown users use other parking areas and sidewalks.

Caesar spoke to how she feels this use will fit into the feel of the existing uses.

Gollhofer moved, Vidal seconded and the Planning Commission approved the Major Amendment to a Planned Development with the following stipulations:

- 1. Acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to zero feet for the existing structures located on the property. Any future redevelopment of the**

- property shall be constructed in compliance with the Zoning Ordinance;
2. Acknowledge the previously granted Exception to waive the landscaping requirement;
 3. Acknowledge the previously granted Exception to reduce the minimum required parking spaces from 58 parking spaces to 30 parking spaces;
 4. Prior to submittal of a building permit application, the owner shall contact City Water Reclamation Division for pretreatment and sewer discharge industrial monitoring requirements. In addition, utility or plumbing plans shall be provided to Public Works if additional infrastructure is required for compliance;
 5. Prior to issuance of a sign permit, the sign(s) shall obtain review and approval through the Historic Sign Review Board. 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 Major Amendment to a Planned Development Overlay. The inclusion of any LED message centers shall require a Major Amendment to the Planned Development Overlay. A sign permit shall be obtained for each sign; and,
 6. The Major Amendment to a Planned Development shall allow a micro-brewery and an on-sale liquor establishment. Any physical expansion of the micro-brewery and on-sale liquor use shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use shall require a Building Permit. Any change in use that is a Conditional Use shall require a Major Amendment. . (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Ottenbacher, Stuck 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.

*5. No. 20UR016 - Section 6, T1N, R8E

A request by John Kaiser for Central States Fair, Inc. to consider an application for a **Major Amendment to a Conditional Use Permit to revise an existing reader board sign** for the SW1/4 of the NE1/4 and the west 10 acres of the SE1/4 of the NE1/4, the north 1080 feet of the east 30 acres of the SE1/4 of the NE1/4 all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street between San Francisco Street and Centre Street.

Stuck stated that he will be abstaining due to a conflict of interest.

Green reviewed the application and associated slides identifying the specific location of the sign at the far east side of the Fair Grounds. Green reviewed that the existing sign height is being increased by 1 foot to allow the advertising sign to be inserted. Green clarified that the combination of the advertisement panel, which although being LED will be a static sign, along with the LED message board will remain within the allowable square footage of LED signage. Green further stated that on-sight signage including LED message boards are a permitted use in the

Flood Hazard District, but due to the Conditional Use Permit for the Fair Grounds and Planning Commission's direction to review all LED reader boards this is being brought forward for review. Staff recommends approval of Major Amendment to a Conditional Use Permit to revise an existing reader board sign with stipulations outlined in the Project Report.

Bulman thanked the Fair Grounds for working with the brightness of the sign.

Heikes moved, Bulman seconded and the Planning Commission approved the Conditional Use Permit to allow a reader board sign with the following stipulations:

- 1. All signage shall continually conform to the Sign Code. Expansion or relocation of any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. A Sign Permit shall be obtained for the proposed signs; and,**
- 2. The Conditional Use Permit shall allow for a 51 square-foot electronic reader board sign with a 70 square-foot static LED sign identifying sponsorship. Any expansion or relocation of the proposed electronic reader board sign shall require the review and approval of a Major Amendment to the Conditional Use Permit. All uses permitted in the Flood Hazard District shall be permitted with approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Flood hazard District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Heikes, Herr, Ottenbacher, and Vidal voting yes and none voting no and Stuck 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.

6. Discussion Items
None

7. Staff Items
Fisher thanked the Planning Commission on their thorough review of the applications on today's agenda. Fisher stated this helps to bring forward and vet concerns.

Fisher stated that this is John Green's last meeting as he will be leaving to take a position in Colorado. Fisher thanked John for all his excellent work and wished him the very best.

Fisher stated that there will be a Coffee with Planners, September 1st at the Civic Center to allow for social distancing.

8. Planning Commission Items
None

DRAFT

There being no further business, Golliher moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:41 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no).