

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 10, 2020

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Gollhofer, Eirik Heikes, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Racheal Caesar, Mike Quasney, Eric Ottenbacher, John Herr and Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Marty Gillies, Sarah Hanzel, Patsy Horton, Todd Peckosh, Ted Johnson, Wade Nyberg and Rebel Vanloh.

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.

Stuck requested that Item 3 be removed from the Consent Agenda for separate consideration.

Motion by Gollhofer, seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1, 2 and 4 in accordance with the staff recommendations with the exception of Item 3. (7 to 0 with Arguello, Braun, Bulman, Gollhofer, Heikes, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 25, 2020 Planning Commission Meeting Minutes.
2. No. 20OA006 - Ordinance Amendment to amend Chapter 17.18 of the Rapid City Municipal Code
A request by City of Rapid City to consider an application for an **Ordinance Amendment to amend Chapter 17.18 of the Rapid City Municipal Code.**

Planning Commission recommended approval of the Ordinance to amend Chapter 17.18 of the Rapid City Municipal Code.

- *4. No. 20PD032 - Original Town of Rapid City
A request by KTM Design Solutions, Inc for The Elements LLC to consider an application for a **Final Planned Development Overlay to allow a mixed use structure in the Urban Commercial District** for Lot 17 thru 32 and the S1/2 of vacated alley adjacent to said Lots of Block 89 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 100 Saint Joseph Street.

Planning Commission approved the Final Planned Development Overlay to allow a mixed-use structure in the Urban Commercial District with the following stipulations:

1. **Acknowledge the previously granted Exception to waive the requirement to provide a graduated setback for the fourth story of the proposed structure on 2nd Street;**
2. **Acknowledge the previously granted Exception to allow 55% of the 2nd Street frontage to consist of a parking lot in lieu of the maximum allowed 25%;**
3. **Acknowledge the previously granted Exception to allow a setback of 23.3 feet from 1st Street in lieu of the maximum allowed 10 feet;**
4. **All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. The addition of electronic or 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 mixed-use building with underground parking as per the applicant's site plan and operational plan. Any permitted use in the Urban Commercial District in compliance with the Parking Ordinance shall require a Building Permit. Any conditional use 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.

---END OF CONSENT CALENDAR---

3. No. 20AN003 - Atlantis Subdivision

A request by Atlantis LLC to consider an application for a **Petition of De-Annexation** for Lot B of Lot 1 Revised of Atlantis Subdivision, located in the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1314 N. Elk Vale Road.

Stuck asked two questions regarding the boundary of the De-Annexation and clarification on how this would affect sales tax for the City of Rapid City. Hanzel responded and verified the boundary of the property noting that the sales tax would be handled as per the agreement between the City of Rapid City, the City of Box Elder and the property owner, Atlantis, LLC. Nyberg also confirmed how the agreement would potentially work and the role of the Department of Revenue in determining sales tax issues. Fisher noted the upcoming expansion to the business on the property is what prompted the De-Annexation as there is a portion of the expansion located on the property where the utility services would be provided by the City of Box Elder.

Bulman moved, Golliger seconded and the Planning Commission recommended approving the de-annexation request contingent on Council's approval of the "Agreement Between the City of Rapid City, the City of Box Elder, and Atlantis, LLC for De-annexation, Annexation, and Development of

Property.” (7 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*5. No. 20UR024 - Original Town of Rapid City

A request by Justin M. Warner to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant** for Lots 17 thru 22 of Block 83 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 516 and 518 Mt. Rushmore Road.

Gillies presented the application and reviewed the associated slides. Gillies stated that the applicant is looking to open a Japanese themed restaurant that would serve lunch and dinner with beer and wine. He noted there is not an issue with parking requirements as the business is located downtown and within the Central Business District and that staff recommends to approve with stipulations.

In response to a question from Stuck about the location of the restaurant, Gillies and Fisher verified the location of the restaurant will be in suites 516 and 518 and not the entire building.

Golliher moved, Heikes seconded and the Planning Commission approved the Conditional Use Permit to allow on-sale liquor use in conjunction with a restaurant with the following stipulation(s):

1. **All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; All signs, including banners or grand opening or special event advertisements are subject to historic review; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit; and,**
2. **The Conditional Use Permit shall allow on-sale liquor in conjunction with a restaurant. Any expansion or change in the proposed on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Central Business District shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, 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.

6. No. 20TI006 - Sections 32 and 33 of T2N and Sections 4 and 5 of T1N, R8E

A request by Dream Design International, Inc for Yasmeen Dream, LLC to consider an application for a **Resolution to Create TID and Approve a Project Plan for the E Anamosa Street Water Extension** for Lot A, Lot B, Lot C, Lot G and Lot H of the North Valley Park Subdivision; the Unplatted Balance of N1/2NE1/4 less Lots H2, H3, H4, less RR ROW and less ROW; the S1/2NE1/4 less Menard Sub less North Valley Park Sub; Lot 1 and Lot 2 of Block 1, Lot A1, Lot A2, and Lot A3 of Block 2, Lots 1-17 of Block 3 and Lots 1-3 of Block 4, all of the Shepherd Hills Subdivision; Lot 1 of Block 1 and Lot 1 of Block 2 of the Shepherd Hills West Subdivision; the NE1/4SW1/4 less Menard Subd, less Shepherd Hills Subd, less Shepherd Hills West Subd, and less ROW; the NW1/4SE1/4SW1/4 less Lot H1; the SE1/4SE1/4; the SW1/4SE1/4; the NE1/4SE1/4 less W400 Ft; the NW1/4SE1/4 less Menard Subd, less Shepherd Hills Subd, and less ROW; the W400 Ft of NE1/4SE1/4 less Shepherd Hills Subd and less ROW; and all H lots and dedicated right-of-way adjacent to said lots, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the S1/2NW1/4 less N160 ft of the SW1/4NW1/4; the SW1/4; the SE1/4SE1/4 less Lot H1 and Lot H2 and less ROW; the N1/2SE1/4 less Lot H1 and Lot H2 and less ROW, and the SW1/4SE1/4; and all H lots and dedicated right-of-way adjacent to said lots, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the E910 Ft of GL 4; Lot A of NW1/4SW1/4; the E312 Ft of SW1/4NW1/4 less Diamond Ridge Subd and less ROW, the E312 Ft of the N536 Ft of NW1/4SW1/4 less Diamond Ridge Subd and less ROW, the E312 Ft of SW1/4NW1/4 less Diamond Ridge Subd and less ROW; GL 3 less Copperfield Vistas Subd and less ROW; GL 2 less Rushmore Business Park less Lots H3, H7, H8 and ROW, the W660 Ft of GL 1 less Rushmore Business Park and less Lots H6 and H8, the N1081.18 Ft of SW1/4NE1/4 less Rushmore Business Park less Lots H2, H3, H4, H9 and ROW; and GL 1 less the W660 Ft less Shortcut Subd and less Lots H2 and H5, SE1/4NE1/4 less W660 Ft of N1081.18 Ft less Lots H2, H3, less Rushmore Regional Industrial Park and less Hilltop Business Park Subd; Lot 1 of Block 1 of the Shortcut Subdivision; Lot 1, Lots 10A-B, Lots 11-18 and Park Tract of Block 7, Lots 3-8 of Block 8, Lots 1-5 of Block 9, Lots 1A-B, 2A-B, 3A-B and Lots 14-23 of Block 10, Lots 1A-B, 2A-B, 3A-B, 4A-B, 5A-B, 6A-B, 7A-7B, 8A-B and Sign Lot of Block 11, Lots 1A-B of Block 12 of the Copperfield Vistas Subdivision; Lots 1-26 of Block 1, Lots 2-26 of Block 2, Lot 1 and Lot A2 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, and Lot A and Lot B, all of Diamond Ridge Subdivision; Lot A-B of Block 3, Lot 1R, 3R, 4R and Lot 5 of Block 4, and Lot 1 of Block 5, all of Rushmore Business Park; GL4 less E910 Ft; the SW1/4NW1/4 less E312 Ft and less Diamond Ridge Subd, and the NW1/4SW1/4 less E312 Ft of N536 Ft, less Lot A, and less Diamond Ridge Subd; and all H lots and dedicated right-of-way adjacent to said lots, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the NE1/4 of Govt Lot 1 (NE1/4NE1/4NE1/4) of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of E North Street, north of SD Highway 44, west of Elk Vale and south of Eglin Street.

Horton reviewed the presentation and verified the location of the project. Horton then stated the purpose of the project is to extend 16" and 20" water mains between E Anamosa Street and E Philadelphia Street to Elk Vale Road, construct 4 regional detention ponds, extend 12" water main in Mickelson Drive, construct Mickelson Drive near Western Dakota and to relocate power and private utilities

within E Anamosa Street, Mickelson Drive and N Valley Drive. Horton explained the details of the financial projections for the project and the various land uses that will be included. Horton reviewed the stipulations included in the Project Plan and stated that staff recommends approval with those stipulations.

Heikes commented on housing types and density and asked Horton to review the mixed uses included in the plan. Horton verified where the industrial and commercial uses would be located. In response to another question from Heikes regarding detention ponds, Horton explained the detention ponds were more than likely not intended to be park areas.

Stuck asked who creates the boundary for the project and Horton explained the applicant initially creates the boundary and then the City and the applicant work together to finalize the boundary. Stuck inquired about a public comment that was received from a property owner who does not want to be included in the boundary. Horton explained this particular property is located next to Elk Vale Road and was included in the boundary so the right-of-way on Elk Vale Road can be accessed to complete the water line connection.

Bulman asked about the paving of Anamosa Street and the construction of water lines. Horton clarified the process by which certain sections of road would be paved as the water lines are connected. Bulman inquired about the phasing of the project and when the construction of the water lines would happen. Horton explained the two phases and noted a stipulation could be made on the requirement of the construction of both water lines.

Aguello commented on the detention ponds and voiced concerns about the density of this project and the stress it may have on the infrastructure and noted that he would like to see more green space included.

Heikes inquired as to how much of this project will be intended to be affordable housing. Horton responded and pointed out the various places within the project that were identified for affordable housing.

Vidal commented on affordable housing and his agreement with adding the water line construction stipulation.

Braun commented on the stipulation of the construction of the water line. Horton clarified how the stipulation would work.

Bulman moved, Vidal seconded and the Planning Commission recommended approval of the resolutions to create the proposed tax increment district and the associated project plan to complete the critical water distribution system components and the associated construction projects as identified in the Project Plan with the following stipulations.

- 1. Provide funding to city upon TID approval for booster station feasibility study;**
- 2. If applicable, provide booster station funding to city for design within 2 months of feasibility study completion;**

3. **If applicable, provide booster station funding to city for construction/construction administration within 2 months of design plans completion;**
 4. **Booster station project costs cannot be reallocated to other project plan costs;**
 5. **Complete Phase 1 and 2 water main extensions before TIF funding reimbursements (ensures critical distribution system completed);**
 6. **Donate easements and/or ROW via platting for E Anamosa (water mains) and donate costs associated with transferring ownership rights, and**
 7. **Donate easements and/or lots for the 4 regional detention ponds and donate costs associated with transferring ownership rights. (7 to 0 with Arguello, Braun, Bulman, Gollhofer, Heikes, Stuck and Vidal voting yes and none voting no)**
7. Discussion Items
8. Staff Items
Fisher wished the members of Planning Commission a happy holiday and thanked them for all that they do.
9. Planning Commission Items

There being no further business, Gollhofer moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:56 a.m. (7 to 0 with Arguello, Braun, Bulman, Gollhofer, Heikes, Stuck and Vidal voting yes and none voting no)