MEMBERS PRESENT: Erik Braun, Karen Bulman, Eirik Heikes, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Racheal Caesar, Mike Golliher and John Herr. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Marty Gillies, Tim Behlings, Todd Peckosh, 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 Vidal, seconded by Stuck to approve the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations.

Fisher requested a reconsideration of the Consent Agenda to allow an audience member to pull Item 4 for discussion.

Vidal offered a substitute motion, Bulman seconded to approve of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Items 4. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the January 7, 2021 Planning Commission Meeting Minutes.

2. No. 20PL097 - Kateland Subdivision
   A request by Renner Associates, LLC to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 thru 8 of Block 6 of Kateland Subdivision, legally described as S1/2 of the S1/2 of the W1/2 of the SW1/4 of Section 13 and the unplatted balance of the N1/2 of the NW1/4 of the NW1/4 lying within Rapid City Corp boundary and a portion of the unplatted balance of the N1/2 of the NW1/4 of the NW1/4 lying outside Rapid City Corp boundary of Section 24, all located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Brooke Street and Country Road.

   Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:
   1. Prior to submittal of the Development Engineering Plan application, the Master Plan shall be revised showing the future location of Country Road as it intersects with the adjacent property (E1/2SE1/4 less Auburn
Hills Subdivision and less ROW) in the same location as currently shown on the adopted Major Street Plan or the applicant shall submit written documentation from the adjacent property owner (Doeck LLC) indicating concurrence with the revised street location or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained to relocate the street as proposed;

2. Upon submittal of a Development Engineering Plan application, construction plans for Brooke Street shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

3. Upon submittal of a Development Engineering Plan application, construction plans for Country Road shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

4. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. Easements and conveyances shall be secured as needed for the proposed development. In addition, upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. Major Drainage Easements shall also be dedicated for any proposed drainage improvements;

5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support all platted development in the area;

6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, easements shall be provided as needed.

7. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

9. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;

10. Prior to submittal of a Final Plat application, the plat document shall show the vacated section line highway located between Sections 13 and 14, T2N, R7E;

11. Prior to submittal of a Final Plat application, the plat document shall be revised to show “Country Road” as “Country Road W.”;

12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

13. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

3. No. 20RZ039 - Big Sky Business Park
A request by KTM Design Solutions, Inc for Dakota Heartland, Inc. to consider an application for a Rezoning from General Commercial District to Office Commercial District for Lots 5 and 6 of Block 1 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 411 and 425 Neel Street.

Planning Commission recommended approval of the Rezoning from General Commercial District to Office Commercial District.

5. No. 20RZ044 - Section 33, T2N, R8E
A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a Rezoning from General Agricultural District to Light Industrial District for a portion of SE1/4 NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the North 1/16th corner of Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a rebar and plastic cap marked “Davis Eng”; thence S02°02'07"W, a distance of 159.93 feet to the point of beginning; Thence first course: S02°00'44"W, a distance of 415.29 feet; Thence second course: On a non-tangent curve turning to the left with an arc length of 243.49 feet, with a radius of 1000.00 feet, with a chord bearing of N49°08'45"W, with a chord length of 242.89 feet; Thence third course: N56°07'17"W, a distance of 442.32 feet; Thence fourth course: N33°52'43"E, a distance of 34.00 feet; Thence fifth course: S88°02'48"E, a distance of 546.88 feet to the point of beginning, more generally described as being located on North Valley Drive.
Planning Commission recommended approval of the Rezoning from General Agricultural District to Light Industrial District.

6. No. 20PL103 - Rockinon Ranch Estates
A request by Renner Associates, LLC for Bill Freytag to consider an application for a Preliminary Subdivision Plan for proposed Tract 1 and 2 of Rockinon Ranch Estates, legally described as a portion of the N1/2 of the NE1/4 of the SE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1221 Santana Court.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval showing a permanent turnaround at the western terminus of Santana Court. The turnaround shall be located within right-of-way and shall be constructed pursuant to Section 2.13 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, construction plans for the proposed 49-foot wide access and utility easement shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a lane place street or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

3. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval show a manhole in lieu of a cleanout at the western terminus of Santana Court or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

4. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;

5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

6. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required.
7. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed access and utility easement as a “private” access and utility easement;

8. Prior to submittal of a Final Plat application, the plat document shall be revised to show Tract 1 and Tract 2 abutting a public right-of-way (street) a minimum distance of 25 feet each pursuant to Chapter 17.10.050.E of the Rapid City Municipal Code or a Zoning Exception shall be obtained to reduce the distance to 24.5 feet as currently shown;

9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

7. No. 20PL104 - Marlin Industrial Park
A request by KTM Design Solutions, Inc for ZCO, Inc. to consider an application for a Preliminary Subdivision Plan for proposed Lot 17A of Marlin Industrial Park, legally described as Lot 17 of Marlin Industrial Park less Marlin Drive Commercial Park and a portion of the NW1/4 of the NE1/4 less Marlin Industrial Park, less Marlin Drive Commercial Park less Lot H1 and less right-of-way, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Marlin Drive and Creek Drive.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulation:

1. Upon submittal of a Final Plat application, the plat document shall show the dedication of 4.5 feet of additional right-of-way along Marlin Drive with an additional 5 feet of right-of-way the first 200 feet as the street extends east from Creek Drive or shall meet criteria for obtaining an Exception to waive the requirement. If an Exception is obtained, a copy of the approved document shall be submitted with the Final Plat application.

8. No. 20RZ045 - Marlin Industrial Park
A request by KTM Design Solutions, Inc for ZCO, Inc. to consider an application for a Rezoning from General Agricultural District to Light Industrial District for that portion of the NW1/4 of the NE1/4, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northeast corner of Sections 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a rebar and plastic cap marked LS9213; thence S67°55'59"W, a distance of 2196.42 feet to the point of beginning, said point being the Southwest corner of Lot 17 of Marlin Industrial Park; Thence first course: With the southerly line of said Lot 17, N58°45'01"E, a distance of 309.35 feet; Thence second course: With the westerly line of Lot 3 of Marlin Drive Commercial Park, S32°23'01"E, a distance of 175.25 feet; Thence third course: S88°00'17"W, a distance of 358.55 feet to the point of beginning, more generally described as being located southeast of the intersection of Marlin Drive and Creek Drive.
Planning Commission recommended approval of the Rezoning from General Agricultural District to Light Industrial District.

---END OF CONSENT CALENDAR---

4. No. 20RZ043 - Section 33, T2N, R8E
A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a Rezoning from General Agricultural District to Low Density Residential District II for those portions of SW1/4-NW1/4 and NW1/4-SW1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the North 1/16th corner of Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a rebar and plastic cap marked “DAVIS ENG”; thence S02°02'07"W, a distance of 159.93 feet to the point of beginning; Thence first course: S87°57'42"E, a distance of 811.75 feet; Thence second course: S15°09'52"E, a distance of 755.93 feet; Thence third course: S74°50'19"W, a distance of 30.00 feet; Thence fourth course: S15°09'52"E, a distance of 384.51 feet; Thence fifth course: N77°20'39"E, a distance of 17.52 feet; Thence sixth course: S02°38'23"E, a distance of 153.25 feet; Thence seventh course: On a non-tangent curve turning to the right with an arc length of 75.43 feet, with a radius of 294.00 feet, with a chord bearing of S68°24'44"E, with a chord length of 75.23 feet; Thence eighth course: S61°03'42"E, a distance of 139.05 feet; Thence ninth course: N01°46'22"E, a distance of 482.06 feet; Thence tenth course: S74°18'35"W, a distance of 96.80 feet; Thence eleventh course: S74°59'16"W, a distance of 1011.33 feet; Thence twelfth course: On a curve turning to the left with an arc length of 771.20 feet, with a radius of 1000.00 feet, with a chord bearing of N20°04'37"W, with a chord length of 752.23 feet, Thence thirteenth course: N02°00'44"E, a distance of 481.74 feet to the point of beginning, more generally described as being located south and east of the intersection of North Valley Drive and East Philadelphia Drive.

Bill Huebner, President of Ace Steel Recycling, which is located on the neighboring property stated that their property is zoned Heavy Industrial due to the nature of their business and that the expansion of their recycling plant will not allow any buffer between their industrial property and the proposed residential property. He noted that the nature of their business is noisy and would be a cause for complaint for residents of the proposed residential area. Huebner stated that he would like the applicant to review their proposal to allow more of a buffer between the two zonings.

Lacock presented the application stating that the property is currently undeveloped but that staff is seeing pending development in this area including rezones for residential and light industrial zoning. Lacock reviewed the Master Plan that shows the proposed rezoning of the area. Lacock called out that the natural ridge that runs through the northern edge acts as a natural buffer between the industrial uses on the northern end and the residential uses in the southern area. Lacock indicated that staff had questioned the residential against the industrial but feel that the physical separation provided by the ridge was sufficient.
In response to a request from Braun to view the elevation deferential, Fisher stated that system issues do not allow visual review, but that the applicant is indicating it is over 100 feet and staff agrees it does provide a viable buffer. Fisher also stated that Huebner’s comments are vital to the records for the rezoning, which may cause hardships for his future expansion.

Bulman commented that the industrial nature of the recycling plant will most likely affect the residential development especially those houses closest to the ridge top and asked how, when issues come up in the future, this would be tracked. Fisher stated that the minutes will be used as the official record.

In response to Quasney’s question on the location of the residences, Treloar, of Dream Design, stated that the houses would be along the ridge and sloping away to the south. Quasney noted that those residences at the top of the ridge will be affected and that it needs to be considered because future complaints will come. Treloar reviewed the topography map showing potential placement of residential structures, noting that in addition to the ridge there is proposed open area that should help with buffering.

Treloar proposed a revised layout of the development to allow a further buffer. Fisher stated that the Future Land Use Map identifies this area appropriate for Urban Neighborhood stating that the option to approve in conjunction with a Planned Development Designation will allow the Planning Commission to review the development as it moves forward.

Quasney continued to voice his concerns regarding the conflict with allowing residential development adjacent to heavy industrial uses. Treloar further reviewed the proposed layout of the development the natural buffer of the ridge and the open space further to the east. Treloar noted that the slope is substantial, which should help alleviate much of the anticipated noise.

In response to Vidal questions on what they recycle and when they anticipate expanding, Huebner responded that they recycle steel and other heavy metal and that the sound will be loud. Huebner stated that they hope to submit plans for the expansion within the year if things go as expected.

In response to a question from Stuck if additional separation was possible, Fisher proposed that the area be placed in a Planned Development Designation to allow future review.

Ottenbacher suggested that in addition to the separation, consideration should be given to additional sound buffering options such as concrete barriers, similar to those used along interstates in larger cities, or tree stands.

Further discussion followed regarding options for spacing, buffering and noise.

In response to a question from Vidal, Huebner noted that he intends to tier the expansion with some of the new structures being approximately 40 feet higher and they plan to develop as close to the edge of the property as possible due to the topography.
Shafi, Dream Design, stated that it is important to work with his neighbors but this is the first they had heard of an issue with this development. Shafi reviewed the costs already incurred with the excavating they have already done on North Valley Drive. Shafi reviewed options for providing a buffer including moving the houses forward 30 feet and leaving green space in the development to the east. Shafi spoke to the value of the development which includes affordable houses as well as apartments. He indicated that moving the proposed houses will increase the development costs and stated that he does not think one parcel of land should deter the development of up to a thousand homes, but that he would work with his neighbor and agree to whatever recommendations staff suggest.

Braun stated that he is having concerns with seeing a clear picture of the topography but asked what solutions staff would suggest.

In response to Fisher’s suggestion of a Planned Development Designation. Shafi reviewed options and agreed to go along with suggestions if possible.

Quasney reiterated his concern, stating that Huebner has prior approval for the Heavy Industrial use and it is the City's responsibility to protect both Huebner and the future property owners of the proposed development.

Further discussion followed on appropriate uses in the Future Land Use Plan and expected growth and development in the area.

In response to a suggestion by Quasney to table the item to allow further review, Fisher reviewed options, including continuing the item; approving in conjunction with a Planned Development Designation which will allow future review as the project moves forward; or to approve the application before them less the north 200 feet eliminating the Planned Development Designation.

In response to question from Vidal, Fisher stated that there is no noise restriction.

Bulman spoke to her concern with the application and the conflicting zonings, but believes they should move forward on the item.

**Bulman motioned to approve in conjunction with a Planned Development Designation, Stuck seconded.**

In response to Huebner’s question what his options would be to argue his rights for his property, Braun reviewed the process for a Planned Development Overlay including his ability to speak against. Fisher reviewed that the Planned Development allows for appeal where the rezone does not.

**Bulman moved, Stuck seconded and the Planning Commission recommended approval of the Rezoning from General Agricultural District to Low Density Residential District II in conjunction with a Planned Development Designation. (6 to 1 with Braun, Bulman, Helkes, Herr, Ottenbacher, Stuck and Vidal voting yes and Quasney voting no).**
---BEGINNING OF REGULAR AGENDA ITEMS---

*9. No. 20PD034 - Section 23, T1N, R7E
A request by KTM Design Solutions, Inc for Cresten CapitalHoldings to consider an application for a *Major Amendment to an Initial Planned Development Overlay to allow an apartment development* for Tract 1 of the SW1/4 of the NW1/4, Lot D and Lot E of the SW1/4 of the NW1/4, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5125 Mt. Rushmore Road.

Lacock presented the application and reviewed the associated slides noting the proposed development is for a two story apartment complex with 308 units, with 14 structures, 12 garage structures a community building and an outdoor pool. Lacock called out that this property had previously been approved for a four story apartment complex (18PD029) that was not built and this is a Major Amendment to that Initial Planned Development. Lacock noted that the applicant is requesting an Exception to waive the nine required landscape islands contingent upon 17 landscaped peninsulas being provided. A minimum of one tree shall be included in each peninsula. This would meet the goal of breaking up the paved surfacing and as such staff recommends granting this Exception. The other Exception request is to waive the screening fence requirement contingent upon a landscape buffer being provided along the west property line. Lacock noted that a proposed collector street is located along this side of the property requiring a 58-foot setback and the applicant is proposing a buffer of landscaping along this side which will provide both physical as well as distance separation and as such staff recommends approval of this Exception. Lacock noted that more detailed information on the landscaping would be included in the Final Planned Development Overlay application. Lacock noted that due to comments regarding the density of the development, the applicant provided a proposed open space plan which meets requirements. Lacock reviewed the surrounding area noting this is an actively developing area. Lacock clarified that this is just the initial review, noting that upon submittal of the Final Planned Development application, a Traffic Impact Study will be required and any changes or improvements required would be addressed at that time as well as more detailed information on landscaping and drainage. Lacock stated that staff recommends granting the requested Exceptions and approving the Major Amendment to an Initial Planned Development Overlay to allow an apartment development with the stipulations.

Robert Durst, 5353 Berglund Road, which is in the vicinity of the proposed development, noted he also spoke when the previous development was proposed and just wanted to renew his opposition to this type of development in this area as he believes the impact on the area and the Mt. Rushmore Corridor will be the same.

Bob Rosenquist, 5151 Berglund Road, which is located west of the proposed development, stated his concern is that the density of the development will jeopardize the value of existing single-family properties. He noted that the privacy and security is not enough and the impact on the existing infrastructure with no sidewalks or curbs and drainage. Rosenquist also spoke to the need for a fence in lieu of the proposed trees along the west side of the property.
In response to a question from Heikes regarding lot coverage, Fisher reviewed the lot coverage, open space and allowable units for the property and confirmed that they meet or exceed all requirements.

Fisher spoke to how important communication between staff and neighbors is to achieve the best design options and that she is thankful for the interaction. Fisher noted the concern regarding traffic and that a traffic study will be required for the Final Planned Development application.

In response to a question from Bulman about road design on the layout, Lacock confirmed that the access is actually to the service road and not directly to Mt. Rushmore Road.

In response to Bulman’s concerns with traffic in association to the service road, Todd Peckosh of the Public Works Department, spoke to the future development of Mt. Rushmore and the Highway 16 Corridor Study that the SDDOT is working on, but noted that it would be at a few years down the road before any changes would be made. Rosenquest said he feels the service road remains an issue even in association with the corridor study.

Heikes moved, Vidal seconded and the Planning Commission approved the Major Amendment to an Initial Planned Development Overlay with the following stipulations:

1. An Exception is hereby granted to waive the screening fence requirement contingent upon a landscape buffer being provided along the west property line;
2. An Exception is hereby granted to waive the nine required landscape islands contingent upon 17 landscaped peninsulas being provided. A minimum of one-tree shall be included in each peninsula;
3. A minimum 58-foot setback shall be maintained along the west lot line, a section line highway;
4. Upon submittal of a Final Planned Development Overlay application, a landscape plan shall be submitted for review and approval;
5. Upon submittal of a Final Planned Development Overlay application, plans for the swimming pool in compliance with Chapter 17.50.320 of the Rapid City Municipal Code shall be submitted for review and approval;
6. Upon submittal of a Final Planned Development Overlay application, a sign package in conformance with Chapter 17.50.080 of the Rapid City Municipal Code shall be submitted for review and approval if signage is being proposed. No electronic signs are being approved as a part of this Major Amendment to an Initial Planned Development Overlay. 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;
7. Upon submittal of a Final Planned Development Overlay application, a lighting plan shall be submitted for review and approval. 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;
8. Upon submittal of a Final Planned Development Overlay application, the elevations for the proposed garages and community room shall be submitted for review and approval;
9. Upon submittal of a Final Planned Development Overlay application, a drainage plan shall be submitted for review and approval;
10. Upon submittal of a Final Planned Development Overlay application, a sewer and water design report shall be submitted for review and approval;
11. Upon submittal of a Final Planned Development application, a Traffic Impact Study shall be submitted for review and approval by the City and South Dakota Department of Transportation. In addition, any improvements needed to accommodate the increase in traffic generated by the proposed use shall be completed prior to issuance of a Certificate of Occupancy;
12. Prior to issuance of a Building Permit, a lot line adjustment / consolidation plat shall be submitted for review and approval;
13. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Major Amendment to the Initial and/or Final Planned Development Overlay.
14. This Major Amendment to an Initial Planned Development Overlay shall allow a 308-unit apartment complex. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, Quasney 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.

10. No. 20RZ040 - Big Sky Business Park
A request by KTM Design Solutions, Inc for DTH, LLC to consider an application for a Rezoning from Office Commercial District to General Commercial District for that portion of Lot 2R, Block 3 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the North 1/4 corner of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a 1949 GLO brass cap; thence S34°40’34"W, a distance of 2326.32 feet to the point of beginning, said point also being the northwest corner of Lot 8, Block 21, of Big Sky Subd.; Thence first course: N89°47’04"W, a distance of 432.16 feet; Thence second course: S00°12’56"W, a distance of 660.47 feet; Thence third course: N87°13’11"E, a distance of 16.02 feet; Thence fourth course: S82°06’04"E, a distance of 112.36 feet; Thence fifth course: S71°34’33"E, a distance of 200.93 feet; Thence sixth course: On a curve turning to the left with an arc length of 119.17 feet, with a radius of 605.08 feet, with a chord bearing of S77°31’24"E, with a chord length of 118.98 feet; Thence seventh course: N00°02’28"E, a distance of 762.71 feet to the point of beginning, more generally described as being located at
4317 Berniece Street.

Bulman moved, Stuck seconded and the Planning Commission acknowledged the applicant’s withdrawal of the application. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no).

Lacock requested that items 11 and 12 be taken together.

*11. No. 20PD035 - Johnson Ranch Subdivision
A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for an Initial Planned Development Overlay to allow an apartment complex for portions of Lot E Revised and Lot F Revised of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest 1/16 corner of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a rebar and plastic cap marked LS9213; thence N33°34'55"W, a distance of 895.24 feet to the point of beginning; Thence first course: On a curve turning to the left with an arc length of 109.45 feet, with a radius of 335.00 feet, with a chord bearing of N23°59'47"W, with a chord length of 108.96 feet; Thence second course: N49°31'20"E, a distance of 301.75 feet; Thence third course: S63°32'43"E, a distance of 22.42 feet; Thence fourth course: S70°40'31"E, a distance of 111.35 feet; Thence fifth course: S80°59'43"E, a distance of 105.50 feet; Thence sixth course: S82°55'26"E, a distance of 62.13 feet; Thence seventh course: S60°00'11"E, a distance of 224.99 feet; Thence eighth course: N45°35'27"E, a distance of 8.06 feet; Thence ninth course: S70°13'22"E, a distance of 45.07 feet; Thence tenth course: On a curve turning to the right with an arc length of 22.62 feet, with a radius of 92.00 feet, with a chord bearing of S63°10'46"E, with a chord length of 22.56 feet; Thence eleventh course: S56°08'09"E, a distance of 138.75 feet; Thence twelfth course: On a curve turning to the right with an arc length of 51.36 feet, with a radius of 32.00 feet, with a chord bearing of S10°09'22"W, with a chord length of 46.02 feet; Thence thirteenth course: S35°49'25"W, a distance of 246.14 feet; Thence fourteenth course: N74°29'20"W, a distance of 180.55 feet; Thence fifteenth course: N51°16'05"W, a distance of 391.73 feet to the point of beginning, more generally described as being located at 2016 and 2030 Provider Boulevard.

12. No. 20RZ041 - Johnson Ranch Subdivision
A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for a Rezoning from General Commercial District to Medium Density Residential District for those portions of Lot E Revised and Lot F Revised of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the Northwest 1/16 corner of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a rebar and plastic cap marked LS9213; thence N33°34'55"W, a distance of 895.24 feet to the point of beginning; Thence first course: On a curve turning to the left with an arc length of 109.45 feet, with a radius of 335.00 feet, with a chord bearing of N23°59'47"W, with a chord length of 108.96 feet; Thence second course: N49°31'20"E, a distance of
301.75 feet; Thence third course: S63°32'43"E, a distance of 22.42 feet; Thence fourth course: S70°40'31"E, a distance of 111.35 feet; Thence fifth course: S80°59'43"E, a distance of 105.50 feet; Thence sixth course: S82°55'26"E, a distance of 62.13 feet; Thence seventh course: S60°00'11"E, a distance of 224.99 feet; Thence eighth course: N45°35'27"E, a distance of 8.06 feet; Thence ninth course: S70°13'22"E, a distance of 45.07 feet; Thence tenth course: On a curve turning to the right with an arc length of 22.62 feet, with a radius of 92.00 feet, with a chord bearing of S63°10'46"E, with a chord length of 22.56 feet; Thence eleventh course: S56°08'09"E, a distance of 138.75 feet; Thence twelfth course: On a curve turning to the right with an arc length of 51.36 feet, with a radius of 32.00 feet, with a chord bearing of S10°09'22"E, with a chord length of 46.02 feet; Thence thirteenth course: S35°49'25"W, a distance of 246.14 feet; Thence fourteenth course: N74°29'20"W, a distance of 180.55 feet; Thence fifteenth course: N51°16'05"W, a distance of 201.16 feet; Thence sixteenth course: N81°47'53"W, a distance of 391.73 feet to the point of beginning, more generally described as being located at 2016 and 2030 Provider Boulevard.

Lacock presented the applications and reviewed the associated slides. Lacock reviewed the overall development of Johnson Ranch to date. Lacock stated that the proposed development includes 10, 15-unit apartment buildings for a total of 150 apartment units with garage structures located throughout the development. Lacock noted that as this is an Initial Planned Development Overlay, landscaping and a Traffic Impact Study will not be required, but that the Final Planned Development Overlay application would require both. Lacock reviewed an updated master plan showing the proposed apartment complex and proposed open space. Lacock noted that the Medium Density Residential District would provide a buffer between the commercial zoning along Provider Boulevard and the lower density residential zoning to the south. Lacock stated that there is land surrounding the subject property that is currently zoned General Commercial District, but the applicant is working to sell this to the City for drainage. Lacock indicated that staff has received correspondence in opposition as the proposed development is different than the initial proposed commercial uses and the increased traffic. Lacock stated that staff is recommending approval of the Initial Planned Development Overlay to allow an apartment complex in conjunction with the associated Rezoning and with the stipulations outlined in the Project Report and to approve the Rezoning request from General Commercial District to Medium Density Residential District.

Al Glover, 2931 Hutt Court, which is located south of the proposed development, thanked the developer for the diversity that has been created so far but stated he is worried that the proposed apartments will make the density of this section of the development too high in population and create a detrimental impact on the existing roads and thinks the development should be denied.

In response to a question from Heikes on the turning radius for emergency vehicles, Tim Behlings, Division Chief for Rapid City Fire Department, stated that there had been some concern and discussion regarding this but that they have been confirmed that they are adequate.

Bulman moved, Vidal seconded and unanimously carried to continue past
the 9:00 deadline.

Lacock noted that with the Traffic Impact Study would be received with the Final Planned Development application and that any improvements or changes required would be addressed at that time.

Kyle Treloar, Dream Design, stated that they are very proud of the development stating that to date over 80 houses have been built and the development as a whole has a great community feel and that working with the City, they have achieved design, feel and price points that they had proposed. Treloar spoke to the traffic impact noting that the original plan had identified a large area as commercial which has a high traffic impact and noted improvements such as opening up the turn lane from Provider Boulevard onto E. St. Patrick Street and building Provider Boulevard with an additional lane to help accommodate the traffic increase. Treloar also noted that in working with Public Works, they identified a need for additional drainage and adjusted the plan to address this need. Treloar noted that this helped to arrive at the decision to change from a commercial to a residential development and that they will continue to work with the City.

In response to a question from Stuck on access, Fisher noted there is more than one access to the development even though it is anticipated that Provider Boulevard will serve as primary access to the property. Fisher further stated that the intersection of Provider Boulevard and E. St. Patrick Street will not warrant signalization.

In response to Vidal’s question on drainage and design, Treloar reviewed how they arrived at the current drainage design.

Al Glover stated that the current roads will not accommodate higher traffic and he asks the Commission to consider the impact.

Quasney moved, Vidal seconded and the Planning Commission approved the Initial Planned Development Overlay to allow an apartment complex in conjunction with the associated Rezoning and with the following stipulations:
1. Upon submittal of a Final Planned Development Overlay application, an updated Traffic Impact Study shall be submitted for review and approval;
2. Upon submittal of a Final Planned Development Overlay application, water and sewer plans shall be submitted for review and approval demonstrating that capacity is available for the proposed development;
3. Upon submittal of a Final Planned Development Overlay application, a landscape plan in compliance with Chapter 17.50.300 of the Rapid City Municipal Code shall be submitted for review and approval;
4. Upon submittal of a Final Planned Development Overlay application, a drainage report and calculations shall be submitted;
5. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval; and,
6. This Initial Planned Development Overlay shall allow a 150-unit
apartment complex. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval;

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.

And recommended approval of the Rezoning from General Commercial District to Medium Density Residential District. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no).

13. Discussion Items
Fisher thanked the Planning Commission for so thoroughly vetting the items.

14. Staff Items

15. Planning Commission Items
Stuck thanked staff for their management of the Consent - Non-Consent Agenda layout. Fisher reviewed how items are decided and that staff’s goal is to maintain meeting flow.

Heikes requested to receive a copy of the Ex-Parte Communication presentation that had been presented previously to the Commission.

There being no further business, Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 9:14 a.m. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no).