

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 18, 2021

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Eirik Heikes, John Herr, Mike Quasney, Haven Stuck and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello and Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: 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.

Staff requested that Items 4 be removed from the Consent Agenda for separate consideration.

Bulman requested that Items 5 be removed from the Consent Agenda for separate consideration.

Motion by Caesar seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Items 4 and 5. (9 to 0 with Braun, Bulman, Caesar, Golliher, Heikes, Herr Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the February 4, 2021 Planning Commission Meeting Minutes.
2. No. 20PL084 - Park Hill Subdivision No. 7
A request by Longbranch Civil Engineering, Inc for Park Hill Development Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Tract 1 and Lots 1 thru 8 of Block 1, Lots 1 thru 20 of Block 2 of Park Hill Subdivision No. 7, legally described as a portion of the unplatted balance of the N1/2 of the NE1/4 of the SE1/4 and a portion of the unplatted balance of the SE1/4 of the NE1/4, less right-of-way, located in Section 7, T1N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located west of Sydney Drive and Bridge View Drive.

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 for Pendleton Drive shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
3. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
4. 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;
5. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
6. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
7. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;
8. 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,
9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

3. No. 20PL105 - Antelope View Estates

A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 2 of Block 1, Lot 1 thru 12 of Block 2, Lots 1 thru 34 of Block 3, Lots 1 thru 2 of Block 4, Lots 1 thru 2 of Block 5, Lots 1 thru 34 of Block 6, and Lots 1 thru 2 of Block 7 of Antelope View Estates, legally described as a portion of the S1/2 of the NE1/4 less Menard Subdivision less North Valley Park Subdivision, portion of the NE1/4 of the SE/4 less west 400 feet all in Section 32; the S1/2 of the NW1/4 less the north 160 feet of the SW1/4 of the NW1/4; and a portion of the SW1/4 located in Section 33, all located in T2N, R82, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of North Valley Drive and

E. Philadelphia Street.

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

- 1. Prior to submittal of a Development Engineering Plan application, a feasibility study confirming the adequacy of the proposed booster station needed to serve this area shall be reviewed and accepted by the City;**
- 2. Prior to submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval to address the design of the intersection of E. Philadelphia Street and N. Creek Drive;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for N. Valley Drive, a collector street, 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 with a center turn lane matching the adjacent section to the north unless otherwise recommended by the Traffic Impact Study 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, construction plans for E. Philadelphia Street, a collector street, 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;**
- 5. Upon submittal of a Development Engineering Plan application, construction plans for Street A shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
- 6. Upon submittal of a Development Engineering Plan application, construction plans for Court A, Court B and Court C shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
- 7. Upon submittal of a Development Engineering Plan application, construction plans in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval providing a second access to the development or an Exception shall be obtained to allow more than 40 dwelling units with one point of access. If a**

- second access is required, then prior to submittal of a Final Plat application for this phase of the project, the right-of way for the second access shall be dedicated and constructed or surety posted for the street improvement;
8. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval to provide water main looping of the high level water zone;
 9. Upon submittal of a Development Engineering Plan application, a revised grading plan shall be submitted for review and approval maintaining drainage patterns within their historic drainage basins;
 10. Upon submittal of a Development Engineering Plan application, the sewer layout shall be revised keeping all sewer mains within public right-of-way or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;
 11. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
 12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 13. 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, 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;
 14. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
 15. Prior to approval of the Development Engineering Plan application, adequate water capacity shall be available to the project including the installation and City acceptance of the proposed booster station needed to serve this area if necessary to meet capacity requirements;
 16. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
 17. Prior to submittal of a Final Plat application, a street name for Street A, Court A, Court B and Court C shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall show the approved street name;
 18. Prior to submittal of a Final Plat application, the portion of the subject property zoned General Agriculture District shall be rezoned to Low Density Residential District 2 and Medium Density Residential, respectively, as proposed;
 19. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any propose drainage elements or non-buildable lots. In addition, Major

Drainage Easements shall be dedicated for the proposed drainage improvements;

- 20. 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,**
- 21. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

6. No. 21RZ009 - North Valley Park Subdivision

A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for portions of SE1/4-NE1/4 and SW1/4-NE1/4 Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the 1/4 corner of Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a set granite stone 18"x12"x10", thence N41°23'46"W, a distance of 378.72 feet to the point of beginning; Thence first course: N13°43'46"W, a distance of 99.91 feet; Thence second course: S76°40'16"W, a distance of 353.82 feet; Thence third course: S13°19'44"E, a distance of 98.72 feet; Thence fourth course: S75°08'32"W, a distance of 301.16 feet; Thence fifth course: S14°51'37"E, a distance of 21.28 feet; Thence sixth course: S75°43'06"W, a distance of 262.01 feet; Thence seventh course: N87°55'36"W, a distance of 925.21 feet; Thence eighth course: N47°12'52"E, a distance of 783.06 feet; Thence ninth course: N01°55'17"E, a distance of 389.19 feet; Thence tenth course: S87°25'38"E, a distance of 153.84 feet; Thence eleventh course: S56°01'51"E, a distance of 714.04 feet; Thence twelfth course: N33°57'40"E, a distance of 527.23; Thence thirteenth course: S56°07'17"E, a distance of 327.69 feet; Thence fourteenth course: : On a curve turning to the right with an arc length of 273.11 feet, with a radius of 1000.00 feet, with a chord bearing of S48°17'50"E, with a chord length of 272.26 feet; Thence fifteenth course: S37°48'36"W, a distance of 479.68 feet to the point of beginning, more generally described as being located south of North Valley Drive.

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

7. No. 21PL006 - North Valley Park Subdivision

A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Preliminary Subdivison Plan** for proposed Lot 1R of Block 7 of North Valley Park Subdivison a portion of the S1/2 of the NE1/4 less Menard Subdivision and less North Valley Park Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of North Valley Drive.

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

- 1. Prior to submittal of a Development Engineering Plan application, a feasibility study confirming the adequacy of the proposed booster station needed to serve this area shall be reviewed and accepted by the City or a grading plan shall be submitted for review and approval showing that the development will be within the low-level elevation**

- range (up to 3,300 feet) and a water report shall be submitted demonstrating adequate capacity can be provided by the low-level water main located in North Valley Drive;
2. Upon submittal of a Development Engineering Plan application, construction plans for N. Valley Drive, a collector street, 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;
 3. Upon submittal of the Development Engineering Plan application, construction plans shall be submitted for review and approval to provide water main looping of the high level water zone if the property is being served by the high level water zone;
 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, 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;
 7. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
 8. Prior to approval of the Development Engineering Plan application, adequate water capacity shall be available to the project including the installation and City acceptance of the proposed booster station needed to serve this area to meet capacity requirements if the property is served by the high level water zone;
 9. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
 10. Prior to submittal of a Final Plat application, the subject property shall be rezoned from General Agriculture District to Medium Density Residential District;
 11. 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,
 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
8. No. 210A002 - Ordinance Amendment to Chapter 17.12.050.E

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Chapter 17.12.050.E to Require that the Lot Shall Abut On a Public Street For a Distance of Not Less than 25 Feet.**

Planning Commission recommended approval of the Ordinance Amendment to require that the lot shall abut on a public street for a distance of not less than 25 feet in the Medium Density Residential District.

---END OF CONSENT CALENDAR---

4. No. 21RZ007 - Wises Addition

A request by Dream Design International, Inc for Great Plains Tribal Leaders Health Board to consider an application for a **Rezoning request from Public District to General Commercial District** for Lot C in Blocks 10 and 11 of Wises Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 725 N. LaCrosse Street.

Fisher reviewed the application noting that Pennington County had recently sold the property to Great Plains Tribal Leaders Health Board and it was assumed that it would require the property to be rezoned from Public District which is generally reserved for government entities, but it was brought to staff's attention that Great Plains Tribal Leaders Health Board is a non-profit and as such the rezoning may not be necessary. As such, Fisher requested the item be continued to March 25, 2021 Planning Commission Meeting.

In response to Braun's question if Julie Mohny, who had submitted a Speaker Request Form, no longer needed to speak to the item Fisher confirmed, stating it was due to Mrs. Mohny's inquiry and information that the item is being continued and that staff would be in contact with her as this item moved forward.

Stuck moved, Gollither seconded and the Planning Commission continued the Rezoning request Public District to General Commercial District to the March 25, 2021 Planning Commission Meeting. (9 to 0 with Braun, Bulman, Caesar, Gollither, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no)

5. No. 21PL007 - Buffalo Crossing Subdivision

A request by KTM Design Solutions, Inc for Buffalo East LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 13 of Block 4 of Buffalo Crossing Subdivision Lot F of Block 2 of Buffalo Crossing Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 7223 Healing Way.

In response from question from Bulman regarding the timing of the plat and associated rezoning request being heard together, Fisher stated that the applicant is aware that should the associated rezoning fail the plat application cannot move forward. However, this process allows the applicant to receive the what-if list or stipulations that would be required to move forward on the platting process. Fisher noted that the applicant expects to receive Council approval of the rezoning and

does not which to delay.

Bulman moved, Stuck seconded and the Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

- 1. Prior to submittal of a Development Engineering Plan application, the property shall be rezoned from Office Commercial District to Medium Density Residential District;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Cul-de-sac "A" shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
- 4. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
- 5. 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;**
- 6. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;**
- 7. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;**
- 8. Prior to submittal of a Final Plat application, a street name for proposed Cul-de-sac "A" shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the approved street name shall be shown on the plat document;**
- 9. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;**
- 10. 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,**

11. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (9 to 0 with Braun, Bulman, Caesar, Gollither, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no)**

---BEGINNING OF REGULAR AGENDA ITEMS---

*9. No. 21PD001 - Big Sky Business Park Subdivision

A request by VanDeWalle Architects, LLC for Lloyd Companies to consider an application for a **Final Planned Development Overlay to allow multi-family development** for Lot 6 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 at 427 Degeest Drive.

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

Gillies presented the application noting that staff wanted to identify this as a good example of an affordable housing project and wanted to bring attention to the project. Gillies noted that even though the applicant anticipates that not all of the residents of the housing development will have cars, they have met the parking requirements and as they are not located on a Rapid Ride route, they are also providing a covered protected bike rack which will serve those residents without cars. Additionally they are providing more open space than is required plus a playground for residents. Gillies stated that staff recommends approval of the Final Planned Development Overlay to allow multi-family development with stipulations as outlined in the Project Report.

In response to a question from Caesar regarding the distance from the nearest Rapid Ride, Gillies stated he did not have exact distance but that it was quite a ways away.

In response to a question from Heikes whether the T turn around has been approved by Fire and Emergency Services, Behlings confirmed that this has been approved.

Braun followed up on Caesar's question on Rapid Ride, asking if Community Planning staff is collaborating with Transportation on this issue. Fisher stated that Long Range Planning staff is working with them and hope future options will address this as well as other such needs in the area.

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

1. **Prior to issuance of a Building Permit, the site plan shall be revised to show the location of a covered bike rack on the property;**
2. **Prior to issuance of a Building Permit, the landscape plan shall be revised identifying the proposed vegetation within the landscape peninsula;**

3. **Landscaping, parking, and open space shall be provided pursuant to the plans approved as a part of this Final Planned Development Overlay application;**
4. **All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Development Overlay;**
5. **The Final Planned Development Overlay shall allow for a 3-story, 41-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 to 1 with Braun, Bulman, Caesar, Gollhofer, Heikes, Herr, Stuck and Vidal voting yes and none voting no 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.

10. No. 21RZ008 - Buffalo Crossing Subdivision

A request by KTM Design Solutions, Inc for Buffalo East LLC to consider an application for a **Rezoning request from Office Commercial District to Medium Density Residential District** for Lot F of Block 2 of Buffalo Crossing Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 7223 Healing Way.

Lacock reviewed the application and reviewed the associated slide noting that this is associated with the Preliminary Subdivision Plan (21PL007) approved earlier in the meeting. Lacock noted the surrounding areas zoning and development. Lacock pointed out that Healing Way runs through the property north to south and that the east side is generally residential development and the west side is generally commercial and staff anticipates development to continue in this vein. Lacock noted that staff understands the potential for the residential development in this section of the development, but foresees where it would create conflicts for future commercial development along Mount Rushmore Road. Lacock further noted that the proposed zoning is in opposition to the Future Land Use Plan which also shows Healing Way as a divider between the Mixed Use Commercial on the west and Urban Neighborhood on the east with the Office Commercial Zoning providing a transition from residential uses of Urban Neighborhood designation and more commercial uses of the Mixed Use Commercial designation and as such staff recommends to deny the Rezoning request from Office Commercial District to Medium Density Residential District.

Lacock stated that he had received a call from a resident who was supportive in the rezoning to residential, but after discussing staff's recommendation they decided not to come and speak to the item.

In response to a question from Quasney on the future plans for Addison Avenue,

Lacock confirm that Addison Avenue may end up as a dead end road with the proposed rebuild of Mt. Rushmore Road and Catron Boulevard interchange by the State and that traffic would be redirected north to Healing Way to the signalized intersection with Catron Boulevard or south along Healing Way as it develops towards the Moon Meadows intersection.

Kyle Treloar, Dream Design International, noted that they do understand the transitional zone of the property from the single family residential on the east to the commercial on the west noting that there are natural extensions of this single family development into this development with these being single family they are smaller lots with higher density potential. Treloar reviewed the property showing the existing development and where and how the proposed property would work into the area. Treloar further noted that the rebuild of Carton and Mount Rushmore Road will remove the access for commercial and office uses in this area which will affect the viability for these uses. Treloar stated that they have commercial ground that lays along Addison Avenue that have sat vacant for some time and based on a financial aspect leads Dream Design towards residential development rather than commercial development and this rezoning will help lead development in this area.

In response to a question from Bulman on if there were phases for the whole property, Treloar stated that this is the entire project, noting that the proposed lots are the minimum 50-foot width allowed for a single family lot, which will create denser housing that is tighter together than the houses on the east of Healing Way. Bulman note that she lives in the area and that she is conflicted saying that she believes the residents would rather have single family development than apartments or commercial, but she understands the need for separation between commercial and residential development.

Stuck commented to the difficulty of reviewing individual items in association with the big picture. Fisher thanked Stuck for the comment and noted that staff knew this was going to be difficult. Fisher stated that staff reviews each application individually to work between the Future Land Use Plan and the proposed development and provides their findings in the Project Reports. Often working between the two to provide flexibility, but that there are some parameters that are held firm to, to allow for the City as a whole, to develop the best long term plan.

Caesar spoke to the complication of this item, noting there are numerous issues for and against the rezoning.

In response to a question from Herr on the price point of the houses in the existing developments, Trelaor stated that they range from the \$350,000 to \$400,000 range with some the townhomes being up to \$500,000, but the houses on the proposed lots are expected to be in the affordable price range of \$250,000.

Herr said that he believes the Future Land Use Plan should be a living document that evolves and that this is one of those times it should adjust and believes this is a good idea. Fisher reviewed the Comprehensive Plan noting that in each application this is addressed and often staff states it does not meet the Comprehensive Plan, but noting the reasons the application is viable. However, this is one where staff does not see that this is the case and cannot support the application.

In response to Quasney's question on the future of Addison Avenue effecting commercial development of this area and if it could affect the Master Plan, Fisher stated that Future Land Use Team works with other organizations as they work on the Future Land Use Plan and they will do so again as things progress, but they are holding firm to this designation. Fisher stated that the State has not defined a timeline for the Mt. Rushmore Road/ Highway 16 and Catron Boulevard interchange reconstruction. Treloar stated that his plans show that the DOT's current timeline puts the adoption of the plan for this spring with the funding year for construction at 2026. They could always push it out. Quasney said that he believes that with the potential of Addison Avenue being removed he leans towards the residential.

Heikes stated that he agrees with the tiered stepping between zoning and development that Lacock had addressed and he believes that staff's recommendation is correct.

Bulman moved, Heikes seconded and the Planning Commission recommended to deny the Rezoning request from Office Commercial District to Medium Density Residential District. Roll Call Vote (5 to 4 with Bulman, Gollhofer, Heikes, Stuck and Vidal voting yes and Braun, Caesar, Herr and Quasney voting no)

11. No. 210A001 - Ordinance Amendment to Chapter 16.08.015

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Chapter 16.08.015 to Create a Platting Process to Facilitate the Transfer of Unplatted Property Less than 40 Acres.**

Fisher stated that this ordinance specifically addresses a new platting process that will allow the transferring of property which currently cannot be done pursuant to SDCL, which restricts the transfer of property that encompasses less than 40 acres or cannot be described by eloquent description within the platting jurisdiction of the City. Fisher explained both eloquent description and metes and bounds, as well as the difference between deeding and platting and how this affects transferring property. Fisher said that this amendment will create a procedure that will allow the transfer of the property with the restrictive covenant that no development can be done on the property without meeting the required subdivision improvements until that property is replatted. This would include no Building Permits, Grading Permits, Rezoning or Planned Development approved until the property is replatted. Fisher stated that to avoid the potential for oversight, these lots will be required to be identified and recorded as Restricted Lots. Fisher noted that the State is looking to implement a similar procedure. Fisher stated staff recommends approval of Ordinance Amendment to Chapter 16.08.015 to Create a Platting Process to Facilitate the Transfer of Unplatted Property Less than 40 Acres.

In response to a question from Herr if the City would be a party to the covenants, Nyberg stated that yes the City would be a partner in the covenant.

In response to numerous questions on covenants and the City's involvement or non-involvement with them, Fisher stated that staff requires covenant agreements for various reasons such as Fire Protection or others which the City is a party to,

which are different from homeowners covenants which the City is not a party to.

Nyberg further clarified that the City enforces covenants they are party to such as when we stipulate a structure must fire protection because fire flow are not met as required by our ordinances, as opposed to contracts between other parties such as developers and property owners. Nyberg stated that the reason for recording of the covenants is so that anybody who looked at the property would know that the restriction exists regardless if is the City, County or Title Company.

Nyberg stated that currently this will assist the need to work around this issue in transfers and sales and to allow the development as per City requirements.

In response to Bulman's question that the titling of the property as "Restricted Lots" and the associated covenant requirements are removed upon the property in question being replatted, Fisher confirmed that this is correct.

Bulman moved, Vidal seconded and the Planning Commission recommended approval of Ordinance 21OA001 to create a platting process to facilitate the transfer of certain unplatted property by adding Section 16.08.105 to the Rapid City Municipal Code. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no)

12. Discussion Items

Fisher reviewed that the Appealed Planned Development 20PD035, which the Planning Commission Approved with Stipulations at the January 21, 2021 Planning Commission Meeting had been upheld by City Council at the February 16, 2021 City Council Meeting.

13. Staff Items

In response to the comments made regarding the relationship between the individual applications and the big picture, Fisher suggested that the Long Range Planners provide a review at a future meeting.

Fisher thanked the Planning Commission for their review and questions which she believes allows a thorough vetting of applications.

14. Planning Commission Items

Stuck asked about how the titles read, stating that he find it confusing how they read with the "located at" listing the subdivision that is already defined in the legal description rather than the address.

There being no further business, Gollhofer moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:23 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no)