

**MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 24, 2021**

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, John Herr, Mike Quasney, Haven Stuck and Vince Vidal. Ron Weifenbach, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Eirik Heikes, and Eric Ottenbacher,

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kelly Brennan, Tim Behlings, Chip Premus, Todd Peckosh, Steve Frooman, Kinsley Groote, Justin Williams, Rebel VanLoh, and Andrea Wolff.

Braun called the meeting to order at 7:02 a.m.

Braun noted that due to the number of participants and the large number of items on the agenda they will be using the timing lights, explained their operation and thanked everyone for their consideration and understanding.

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 7, 8, 9, 12, 20, 21 and 22 be removed from the Consent Agenda for separate consideration.

Stuck requested that item 11, 19, 23 and 24 be removed from the Consent Agenda for separate consideration.

Motion by Vidal seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 24 in accordance with the staff recommendations with the exception of Items 7, 8, 9, 11, 12, 19, 20, 21, 22, 23 and 24. (8 to 0 with, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

---END OF CONSENT CALENDAR---

***7. No. 21PD037 - Fifth Street Office Plaza**

A request by TJ Wojtanowicz for Enchanted, LLC to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Lot 4 of Block 2 of Fifth Street Office Plaza, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4815 5th Street.

Hanzel presented the application and reviewed the associated slides noting that the zoning and Future Land Use Plan support this type of development. Hanzel reviewed there will be a total of 165 units in 11 15-unit buildings each, along with 4 proposed garage structures. Hanzel noted that the required parking, landscaping

and open space is being met. Hanzel pointed out that there is a 29 foot setback on the west side of the development which provides a separation from the single family homes in that area. Hanzel noted that the applicant has received an Exception to providing a Traffic Impact Study as the Traffic Engineer did not find the development would trigger the need and that staff recommends approval of the Final Planned Development Overlay to allow an apartment complex application with stipulations.

In response to Caesar question as to why the Traffic Impact Study was waived, Peckosh stated that the improvements to handle the anticipated traffic are already in place and the increased traffic would not trigger any additional improvements.

Dub Doering, 125 Savoy Circle, spoke to his concerns stating that he had been assured the property in question would be commercial development and asked when the zoning change from Commercial to Medium Density Residential. Fisher clarified that the zoning of the majority of the property is Office Commercial District which allows residential, with a small section abutting the western edge that is Medium Density Residential.

Scott Peterson, 121 Savoy Circle, agreed that they were informed upon purchase the property would be developed as commercial and is disappointed to see this type of development instead. Peterson asked about the proposed height and how a 3 story building can 28 feet in height and spoke to traffic issues, stating that congestion and accidents already occur in the area and he believes a Traffic Impact Study should be required.

Fisher clarified how height is measured at the median of the roof for all structures and confirmed that these structures measure 28 feet at that point, therefore falling within the requirements.

In response to questions from Bulman, Quasney and Vidal on access, traffic and potential signaling of the intersection, Peckosh clarified that the access is from Enchanted Pines Drive which has two exits for Enchanted Pines with one being on 5th Street and the other being on Catron Boulevard, that the unused access on 5th street is due to the insufficient distance from the Enchanted Pines access. Peckosh stated that there are two accesses and that signaling would require the warrants to be met and that this development does not meet them. Fisher further stated regarding traffic movement, signaling and road improvement are closely studied by City staff and they work to make sure they are met when necessary. Peckosh stated there are no plans at this time to reduce the speed limit on 5th Street.

Caesar moved, Vidal seconded and the Planning Commission approved the Final Planned Development Overlay with the following stipulations:

- 1. Upon submittal of a building permit, a 5-foot wide sidewalk shall be provided along Enchanted Pines Drive or obtain a Variance from the City Council shall be obtained pursuant to 12.08.060 of the Rapid City Municipal Code;**
- 2. Upon submittal of a building permit, demonstrate that storm water quality treatment is being provided as required by 8.48 of the Rapid City Municipal Code;**
- 3. Upon submittal of a building permit, a complete set of plans shall be**

- submitted for review and approval including but not limited to utility, grading, drainage, and erosion and sediment control plans and design report;
4. An Air Quality permit shall be obtained prior to disturbing an acre or more of soil;
 5. All signage shall meet the requirements of the Rapid City Sign Code. Any proposed electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for any new signs;
 6. This Final Planned Development Overlay shall allow a 165-unit apartment development. Any change in use that is a permitted use in the Office Commercial District and complies with the Parking Ordinance shall require the review and approval of a building permit. Any change in use that is a conditional use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development;
 7. A minimum of 66,000 square feet of open space shall be provided;
 8. A minimum of 248 parking spaces and 7 ADA spaces, with 1 ADA space being "Van" accessible shall be provided;
 9. A minimum of 219,254 landscape points shall be provided. The type and location shall be in compliance with the City's Landscape Regulations and shall be maintained in a live vegetative fashion; and,
 10. Prior to issuance of a building permit, the site plan shall be revised to provide 4 landscape islands designed in compliance with the City's Landscape Regulations or an Exception shall be obtained. (8 to 0 with, Braun, Bulman, Caesar, Golliher, Herr, 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.