

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
January 5, 2023

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

MEMBERS ABSENT: John Herr, Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Tanner Halonen, Kip Harrington, Sarah Hanzel, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:00 a.m.

1. Approval of the October 6, 2022 Zoning Board of Adjustment Minutes

Bulman moved and Vidal seconded and the Zoning Board of Adjustment approved approval of the October 6, 2022 Zoning Board of Adjustment Minutes.

2. No. 22VA013 - Boulevard Addition

A request by Peter Schmid for Galt Investments LLC to consider an application for a **Variance to reduce required parking from 62 parking spaces to 31 parking spaces and to reduce a drive aisle width to 11 feet** for Lot B of replat of Lot 1 thru 3; vacated alley and Lot 4 thru 7 of Block 24 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 809 South Street.

Hanzel presented the application and reviewed the associated slides noting it is contributing structure in the historical district and has been used as office for many years and the proposed uses do meet the Future Land Use and current zoning. Hanzel noted that based on current use the parking is out of compliance. She added that the proposed uses will reduce the overall parking demand and amount of parking required by the Municipal. Hanzel explained that the change of uses, which includes converting the 3rd floor to 4 residential units and the 4th floor to include 1 residential unit are supported by staff in terms of use but will require Historic review and approval. Hanzel reviewed historical parking, stating there does not appear to be any issues and also pointed out that there is on-street parking available. Hanzel explained how the proposed uses are in harmony with the neighborhood and the restriction of expansion in a built-out area.

Peter Schmid, owner of property, stated he was available for questions.

Vidal moved and Kaufman seconded and the Zoning Board of Adjustment approved approval of the Variance request based on Criteria #2 with the following stipulations:

1. Any change in use that requires additional parking beyond 62 spaces shall require a new Variance request; and,
2. A building permit must be obtained for alterations. A historic review is

required for any exterior modifications to the structure, including the proposed new fourth story. Granting of the Variance does not indicate historic approval. (9 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

3

Staff and Zoning Board of Adjustment Discussion Items

None

There being no further business Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:12 a.m. (9 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 5, 2023

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Golliher, Eirik Heikes, Brook Kaufman, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: John Herr, Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Alex Osborne, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:12 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 Heikes seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 10 in accordance with the staff recommendations. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the December 5, 2022 Planning Commission Meeting Minutes.
2. No. 22RZ015 - Diamond Ridge Subdivision
A request by KTM Design Solutions, Inc for Yasmeen Dream II, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District II** for the NW1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the West 1/4 corner of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being monumented by a 1949 GLO brass cap; thence S62°06'34"E, a distance of 1121.29 feet, being the southwest corner of Lot 1, Block 6, of Diamond Ridge Subdivision, and the point of beginning; Thence first course: with the present southerly boundary of said Diamond Ridge Subdivision, S87°51'49"E, a distance of 312.00 feet to a point on the southeast corner of Lot 1, Block 5 of Diamond Ridge Subdivision, also being the west line of Copperfield Subdivision; Thence second course: with said west line of Copperfield Subdivision, S02°09'48"W, a distance of 50.00 feet; Thence third course: leaving said west line, N87°51'49"W, a distance of 312.00 feet; Thence fourth course: N02°09'39"E, a distance of 50.00 feet to the point of beginning, more generally described as being located south of the intersection of Diamond Ridge Boulevard and Cadillac Drive.

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

- *3. No. 22PD053 - 5th Street Office Plaza Subdivision

A request by Upper Deck Architects, Inc for Gustafson Builders to consider an application for an **Initial Planned Development to allow mixed use development** for Lot 4 of Block 1 of 5th Street Plaza Subdivision, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4908 5th Street.

Planning Commission recommended approval of the Initial Planned Overlay to allow a mixed-use development with the following stipulations:

1. **Prior to the submittal of a Final Planned Development Overlay application, proposed Lot 4B shall be rezoned from General Commercial District to Office Commercial District;**
2. **Upon submittal of a Final Planned Development Overlay application, the applicant shall create a shared parking agreement to share parking facilities between proposed Lot 4A and Lot 4B, or the site plan shall be revised to show 166 parking spaces on proposed Lot 4A;**
3. **Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to show three planter islands for proposed Lot 4A or an Exception shall be obtained;**
4. **Upon submittal of a Final Planned Development Overlay application, a Traffic Impact Study as per section 2.17 of the Infrastructure Design Criteria Manual shall be submitted for review and approval, or an Exception shall be obtained waiving this requirement. In addition, street improvements shall be provided if recommended by the approved Traffic Impact Study;**
5. **Prior to the issuance of a Building Permit, a Final Planned Development Overlay shall be approved and;**
6. **The Initial Planned Development Overlay shall allow for a mixed-use development that includes a mixed-use building on proposed Lot 4A and an apartment building on proposed Lot 4B.**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.

4. No. 22RZ017 - Airport Addition

A request by Substance Architecture for NDN Holdings, LLC to consider an application for a **Rezoning request from Low Density Residential District I to Low Density Residential District II** for the E1/2 of Block 24 of Airport Addition and the W1/2 of Block 24 excepting therefrom the north 8 1/2 feet thereof of Airport Addition, located in Section 25, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 315 Wright Street.

Planning Commission recommended approval of the Rezoning request from Low Density Residential District 1 to Low Density Residential District 2.

5. No. 22PL137 - Pleasant View Subdivision

A request by Howe Land Surveying for Wind River, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 15A and Lot 15B of Pleasant View Subdivision, legally described as Lot 15 of Pleasant View Subdivision,

located in Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 6920 Long View Road.

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

1. Prior to submittal of a Final Plat application, a Variance shall be obtained from City Council to waive the requirement to construct sidewalk along Long View Road;
2. Prior to submittal of a Final Plat application, a Variance from the Pennington County Board of Adjustment shall be obtained reducing the minimum lot size from one acre to .63 acres for a lot with a private on-site water and wastewater system;
3. Prior to submittal of a Final Plat application, a revised agreement shall be submitted for review and approval securing ownership and maintenance of the well located on proposed Lot 15A. In addition, the plat document shall show the well and service line to proposed Lot 15B within a utility easement;
4. Prior to submittal of a Final Plat application, an Approach Permit shall be obtained from the Pennington County Highway Department; and,
5. Upon submittal of a Final Plat application, the plat document shall continue to show the dedication of 17 additional feet of right-of-way along Long View Road.

6. No. 22PL138 - Ranch at Black Gap

A request by Longbranch Civil Engineering, Inc at Lage Construction, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 5R and 6 through Lot 9 and Reservoir Lot 1 of Block 4 of the Ranch at Black Gap, legally described as Lot 5 of Block 4 of Ranch at Black Gap, located in the E1/2 of the SE1/4 of Section 8, T1S, R8E and the W1/2 of the SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of Highway 79 and Ambush Ranch Road.

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 that portion of the east-west section line highway located in the City's platting jurisdiction 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 the section line highway shall be vacated. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
2. Prior to submittal of a Development Engineering Plan application, a Variance shall be obtained from City Council waiving the requirement to construction sidewalk along S.D. Highway 79 and Ambush Ranch Road or upon submittal of a Development Engineering Plan, construction plans showing sidewalk along the two streets shall be submitted for review and approval;
3. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval for the 40 feet of water main and fire hydrant to be located along Ambush Ranch

- Road;
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 submittal of a Final Plat application, that portion of the proposed plat located outside of the City's three mile platting jurisdiction shall be reviewed and approved by Pennington County;
 7. Prior to submittal of a Final Plat application, the plat document shall show any necessary easements, including off-site easements;
 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show "US Highway 79" as "SD Highway 79" and to show "Wildhorse Court" as "Wildhorse Drive";
 9. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements created with the proposed development. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;
 10. Prior to submittal of a Final Plat application, the Certificate of Highway or Street Authority shall be signed by an authorized agent with the SD Department of Transportation and the Ranch at Black Gap Road 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.

7. No. 22PL144 - Canyon Park

A request by PLS Interstate Engineering, Inc for Carey Kassube to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1A and 2A of Lot J in Parcel No. 2 of Canyon Park, legally described as Lot 1 and 2 of Lot J and Lot J of Parcel No. 2 of Canyon Park, located in the SE1/4 of the NE1/4 of Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located 5900 West Highway 44.

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

1. Prior to submittal of a Development Engineering Plan application, a Variance shall be obtained from City Council waiving the requirement to construction sidewalk along SD West Highway 44 and the private access and utility easement or upon submittal of a Development Engineering Plan, construction plans showing sidewalk along the two streets shall be submitted for review and approval. If the Variance is obtained and no other subdivision improvements are required, then documentation showing that the Variance has been obtained shall be submitted with the Final Plat application;
2. Upon submittal of a Development Engineering Plan application, a utility plan clearly showing the location of water and sanitary sewer service lines for each lot shall be submitted for review and approval.

If all subdivision improvements are waived and a Development Engineering Plan application is not required, then the documentation shall be submitted with the Final Plat application;

3. Upon submittal of a Development Engineering Plan application, written concurrence from Rapid Canyon Sanitary District for the sanitary sewer system design shall be submitted. If all subdivision improvements are waived and a Development Engineering Plan application is not required; then the documentation shall be submitted with the Final Plat 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 if subdivision improvements are required;
5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements if any are required;
6. Prior to submittal of a Final Plat application, the property shall be annexed into the City limits of Rapid City;
7. Upon annexation of the subject property and prior to submittal of a Final Plat application, a Variance from the City's Zoning Board of Adjustment shall be obtained to reduce the minimum lot size requirement of the Park Forest District from 3 acres to 1.24 acres and 1.46 acres, respectively. In addition, a Variance shall be obtained for any setback encroachments along the common lot line between the two proposed lots pursuant to the Park Forest District or the lot layout shall be reconfigured to show compliance. If the Variances are obtained, then prior to submittal of a Final Plat application, the property shall be rezoned from No Use District to Park Forest District;
8. Prior to submittal of a Final Plat application, the plat document shall identify an easement for the shared well and the service line from the well to proposed Lot 2A. In addition, upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the shared well;
9. Prior to submittal of a Final Plat application, the plat document shall be revised removing setback line notations;
10. Prior to submittal of a Final Plat application, an Approach Permit shall be obtained from the South Dakota Department of Transportation and from the Pennington County Highway Department;
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. 22RZ018 - Shepherd Hills South Subdivision

A request by KTM Design Solutions, Inc for Yasmeeen Dream III, LLC to consider an application for a **Rezoning request from Medium Density Residential District to Public District** for located in a portion of the SW1/4-NW1/4-SE1/4 of Section 32, T2N, R8E, BHM, and a portion of the N1/2-SW1/4-SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, commencing at the Center South 1/16th corner of Section 32, T2N, R8E, being monumented by

a 5/8 inch rebar with plastic cap marked LS3095, also being on the easterly boundary of Lot 1, Block 2 of Shepherd Hills West Subdivision, and being the point of beginning; Thence (1) with said easterly boundary, North 6°15'28" East, 21.06 feet +/- to a point on the south right-of-way of East Philadelphia Street; Thence (2) easterly with said south right-of-way along a non-tangent curve turning to the left with an arc length of 21.66 feet, with a radius of 1039.00 feet, with a chord bearing of North 71°55'03" East, with a chord length of 21.66 feet +/-; Thence (3) continuing with said south right-of-way, North 71°17'20" East, 127.13 feet +/-; Thence (4) continuing with said south right-of-way, South 64°12'41" East, 14.27 feet +/-; Thence (5) with the westerly right-of-way of East Anamosa Street, South 19°42'37" East, 39.59 feet +/-; Thence (6) continuing with said westerly right-of-way, southerly on a curve turning to the left with an arc length of 141.82 feet, with a radius of 1562.00 feet, with a chord bearing of South 22°18'43" East, with a chord length of 141.77 feet +/-; Thence (7) leaving said westerly right-of-way, South 71°22'49" West, 242.18 feet +/- to a point on the easterly boundary of Lot 1, Block 2 of Shepherd Hills West Subdivision; Thence (8) with said easterly boundary, North 1°55'53" East, 183.62 feet +/- to the point of beginning, more generally described as being located southeast of the intersection of E. Philadelphia Street and E. Anamosa Street.

Planning Commission recommended approval of the Rezoning request to rezone the subject property from Medium Density Residential District to Public District.

9. No. 22RZ019 - Owen Hibbard Subdivision

A request by Eric Willadsen for John Samuelson to consider an application for a **Rezoning request from General Commercial District to Office Commercial District** for a portion of Lot 4 and all of Lot 5 of Owen Hibbard Subdivision, located in a portion of the SW1/4 Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the Southwest corner of Lot 4 of Owen Hibbard Subdivision and as shown on the plat recorded on June 16, 2006 in Book 33 of Plats, Page 187, located in the SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and being the point of beginning; Thence (1): North 0°01'01" West, with the easterly right-of-way of Promise Road, also being the west boundary of said Lot 4 a distance of 292.92 feet +/-; Thence (2): South 73°19'46" East, a distance of 342.62 feet +/- to the northwest corner of Lot 5 of Owen Hibbard Subdivision; Thence (3): with the north line of said Lot 5, South 82°31'36" East, a distance of 300.94 feet +/- to the northeast corner of said Lot 5; Thence (4): with the east line of said Lot 5, South 7°23'48" West, a distance of 156.80 feet +/- to the southeast corner of said Lot 5; Thence (5): with the south line of said Lot 5, North 90°00'00" West, a distance of 303.32 feet +/- to the southwest corner of said Lot 5 and coincident with the southeast corner of aforementioned Lot 4; Thence (6): with the south line of said Lot 4, North 90°00'00" West, a distance of 303.29 feet +/- to the point of beginning, more generally described as being located northwest of the intersection of Mount Rushmore Road and Golden Eagle Drive.

Planning Commission recommended that the Rezoning request from General Commercial District to Office Commercial District be approved.

10. No. 22RZ020 - 5th Street Office Plaza

A request by FMG Engineering for Fifth Park LLC to consider an application for a **Rezoning request from General Commercial District to Office Commercial District** for a portion of Lot 4 of Block 1, Fifth Street Office Plaza, located in the NE1/4 of Section 24, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with a point on the westerly boundary of Lot 10 of Block 1 of South Pointe Subdivision, and common with the southeasterly corner of Lot 2 of Block 11 of Robbinsdale Addition No. 10, and the Point of Beginning; Thence, first course: southwesterly, along the easterly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the westerly boundary of said Lot 10 of Block 1 of South Pointe Subdivision, a distance of 75.80 feet±, to a point on the easterly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the southwesterly corner of said Lot 10 of Block 1, and common with the northwesterly corner of Lot 9 of Block 1 of South Pointe Subdivision; Thence, second course: southwesterly, along the easterly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the westerly boundary of said Lot 9 of Block 1 of South Pointe Subdivision, a distance of 27.36 feet±, to an angle point on along the easterly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with an angle point on the westerly boundary of said Lot 9 of Block 1 of South Pointe Subdivision; Thence, third course: southwesterly, along the easterly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the westerly boundary of said Lot 9 of Block 1 of South Pointe Subdivision, a distance of 107.33 feet±, to a point on the easterly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the southwesterly corner of said Lot 9 of Block 1 of South Pointe Subdivision, and common with the northwesterly corner of Lot 3 of Block 1 of Fifth Street Office Plaza; Thence, fourth course: southwesterly, along the easterly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the westerly boundary of said Lot 3 of Block 1 of Fifth Street Office Plaza, a distance of 286.44 feet±, to the southeasterly corner of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the southwesterly corner of said Lot 3 of Block 1 of Fifth Street Office Plaza, and common with a point on the northerly edge of the right-of-way of 5th Street; Thence, fifth course: northwesterly, along the southerly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the northerly edge of the right-of-way of said 5th Street, an approximate distance of 352.5 feet±, to a point on the proposed rezone boundary for this description, on the southerly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the northerly edge of the right-of-way of said 5th Street; Thence, sixth course: northeasterly, along the proposed rezone boundary for this description, an approximate distance of 320.8 feet±, to a point on the northerly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with a point on the southerly boundary of Lot 2 of Block 11 of Robbinsdale #10; Thence, seventh course: easterly along the northerly boundary of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with the southerly boundary of said Lot 2 of Block 11 of Robbinsdale #10, an approximate distance of 382 feet±, to the northeasterly corner of said Lot 4 of Block 1 of Fifth Street Office Plaza, common with a point on the westerly boundary of Lot 10 of Block 1 of South Pointe Subdivision, and common with the southeasterly corner of Lot 2 of Block 11 of Robbinsdale Addition No. 10, and the Point of Beginning, more generally described as being located at 4908 5th Street.

Planning Commission recommended approval of the Rezoning request from

General Commercial District to Office Commercial District.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*11. No. 22PD041 - McMahon Subdivision

A request by Logan Poe for DSM Property Services to consider an application for a **Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with video lottery for a convenience store** for Tract C-2 of McMahon Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3343 Haines Avenue.

Fisher reviewed the history of continuations for this item, stating that staff is requesting to continue to the January 26, 2023 Planning Commission meeting. Fisher further stated that if the requested information is not received by January 11, 2023, staff will recommend to deny at that time.

Quasney moved and Vidal seconded and the Planning Commission recommended that the Major Amendment to the Planned Development Overlay be continued to the January 26, 2023, Planning Commission Meeting. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, 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.

*12. No. 22PD056 - Owen Hibbard Subdivision

A request by Eric Willadsen for John Samuelson to consider an application for an **Initial Planned Development Overlay to allow an apartment complex** for Lot 4 and 5 of Owen Hibbard Subdivision, located in the W1/2 of the SW 1/4 of Section 25, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Golden Eagle Drive.

Hanzel presented the application noting the associated application to rezone the property (Item #9 - 22RZ019) was approved on the Consent Agenda. Hanzel reviewed the associated slides showing that the zoning and Future Land Use supports the project which is proposed to include 196 units in 3 buildings with a pool/fitness area along with other open space. Hanzel noted this is Initial Planned Development Overlay, so some changes may be made between this and the Final Planned Development Overlay. Hanzel noted that the Final Planned Development will need to provide a Traffic Impact Study and address easement and vacation of right-of-way issues. Hanzel stated that the applicant is requesting an Exception to allow a maximum building height of 4-stories 48.5 feet in lieu of 3-stories/35 feet, which the setback and elevation change from Mt. Rushmore Road. She added that the property to the east and south is zoned General Commercial, which allows 4-

story structures. Hanzel noted that staff is recommending the Exception be granted. Hanzel stayed that staff recommend approval with stipulations outlined in the Project Report.

Discussion on reasons for the allowance of the height, concerns regarding the fire turnaround requirement, access to property and proposed vacation of Golden Eagle were discussed with Harrington noting that the SDDOT is not proposing access from Catron Boulevard to Promise Road. Fisher noted that surrounding Commercial development and actual site elevation should reduce the height impact.

Quasney offered friendly amendment to define criteria for allowing the height Exception, Vidal and Arguello agreed to amendment.

Discussion followed regarding the need to allow higher structures going forward and the need for the City to review the height limits to help reduce sprawl.

Vidal moved and Arguello seconded and the Planning Commission recommended approval of the Initial Planned Development Overlay with the following stipulations as revised:

- 1. An Exception is hereby granted to allow a maximum building height of 4-stories 48.5 feet in lieu of 3-stories/35 feet due to the existing elevation adjacent zoning;**
- 2. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Initial Planned Development Overlay;**
- 3. Prior to submittal of a Final Planned Development Overlay application; the applicant shall vacate Golden Eagle Drive, located adjacent to the subject property, which is located within a Section Line Right-of-Way or the site plan shall be revised, removing the proposed vacated right-of-way from the subject property to meet minimum setback requirements in the Office Commercial Zoning District;**
- 4. Upon submittal of a Final Planned Development Overlay application; an Open Space plan shall be provided identifying a minimum of 400 square feet of Open Space per unit;**
- 5. Prior to submittal of a Planned Development Overlay application, a Developmental Lot Agreement shall be secured and the existing 8-foot wide minor drainage and utility easement located along the common lot line of Lots 4 and 5 shall be vacated;**
- 6. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to show compliance with all parking regulations;**
- 7. Upon submittal of a Final Planned Development Overlay application, a Traffic Impact Study pursuant to section 2.17 of the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, street improvements shall be provided if recommended by the approved Traffic Impact Study. The study shall also show that approaches are designed to accommodate stacking;**
- 8. An Air Quality Permit shall be obtained prior to disturbing an acre or more of property;**
- 9. Upon submittal of a Final Planned Development Overlay application, a**

landscaping plan shall be submitted in compliance with 17.50.300 of the Rapid City Municipal Code, including the addition of all required planter islands;

10. Upon submittal of a Final Planned Development Overlay application, design details for the pool area, including fencing, shall be submitted for review and approval;
11. Upon submittal of a Final Planned Development Overlay application, a drainage report demonstrating detention and water quality requirements shall be submitted for review and approval;
12. Upon submittal of a Final Planned Development Overlay application, a water and sewer layout pursuant to Chapter 13.08.430 of the Rapid City Municipal Code shall be submitted for review and approval;
13. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to show sidewalk along all street frontages;
14. Prior to submittal of a Building Permit, the 8-foot utility and drainage easement on the south lot line shall be vacated;
15. Prior to submittal of Building Permit, a design report addressing drainage, water and sanitary sewer requirements shall be submitted for review and approval;
16. This Initial Planned Development Overlay shall allow an apartment development with up to 196 units to be provided in three separate structures. A Final Planned Development Overlay Application shall be submitted for review and approval prior to submittal of a building permit; and,
17. Prior to submittal of a Final Planned Development Overlay application, the site plan shall be revised to remove structural development from the 20 foot wide access and utility easement, or the access and utility easement shall be vacated prior to submittal of a Final Planned Development Overlay application. (8 to 1 with Arguello, Braun, Bulman, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and Gollither 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.

*13. No. 22PD058 - Blakes Addition

A request by CO-OP Architecture for The Hope Center to consider an application for an **Initial Planned Development Overlay to allow a mission with no overnight lodging** for Lot 6 thru 10 of Block 3 and the east 50 feet of vacated East Boulevard adjacent to said lots, Blakes Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, more generally described as being located at 630 East Boulevard North.

Halonen presented the application noting it is the proposed new location of the Hope Center which offers support to people living in poverty without homes. Halonen reviewed the proposed layout, hours of operation and number of customers they propose to assist as well as the security measures proposed to

reduce congregation on the property. Halonen stated that additional stipulation has been added requiring the identification of the number of driving customers and parking plan.

Heikes stated he would be abstaining from this item.

Fisher discussed the delicate nature of this request, but pointed out the desirable location for this use and that the services are available to those that are in need.

Melanie Timm, Director of Hope Center, spoke to the need for additional room which would allow them to provide on-site assistance when possible further stating that they are beyond capacity at the current location.

Harrington stated that Rapid Transit provides service to the area.

Concern with danger with railroad tracks, potential Rapid Transit stop for this location, positive use of an unused building, existing buffer provided around building being a positive and handling of overflow or end of day release was discussed

Fisher noted this is an Initial Planned Development Overlay and needed changes should be addressed when the Final Planned Development Overlay is submitted.

Vidal moved and Bulman seconded and the Planning Commission recommended that the Initial Planned Development Overlay to allow a mission with no overnight lodging be approved with the following stipulations:

1. **Prior to the submittal of a Final Planned Development Overlay, the site plan shall be revised to:**
 - **Remove any site improvements from the public right of way, including bicycle parking and pavement or the right-of-way shall be vacated,**
 - **Identify property line sidewalks pursuant to the Infrastructure Design Criteria Manual or a Variance from City Council shall be obtained; and,**
 - **Identify approaches extending to the property line. The approaches shall be reinforced with concrete pavement pursuant to the Infrastructure Design Criteria Manual.**
2. **Upon submittal of a Building Permit, International Fire Code requirements shall be met;**
3. **The Initial Planned Development Overlay shall allow for a mission with no overnight lodging in compliance with the operational plan contingent upon a Final Planned Development Overlay application being approved prior to the issuance of a Building Permit; and,**
4. **Upon submittal of a Final Planned Development Overlay the applicant will clarify the maximum number of guests that drive to the facility and employees and volunteers that will be on the property at any one time. In addition a parking plan will be provided for review and approval demonstrating that the parking is being provided. (9 to 0 with Arguello, Braun, Bulman, Gollither, Kaufman, Quasney Stuck and Vidal voting yes and none voting no and Heikes 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.

*14. No. 22UR029 - Original Town of Rapid City

A request by Nathan R. Dahl to consider an application for a **Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant** for Lot 11 of Block 93 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 725 St. Joseph Street.

Harrington presented the application and reviewed the associated slides noting the property had an on-sale liquor license with its previous use of a hookah lounge. Harrington reviewed the hours of operation and proposed signage, noting that since this property is in the Downtown Historic District the signage will require historic review and approval. Harrington stated that the location in the downtown district supports the use. Harrington stated that staff recommends approval of the Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant with stipulations outlined in the Project Report.

Vidal moved and Golliher seconded and the Planning Commission recommended that the Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant be approved 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; 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. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, 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.

15. Staff and Planning Commission Discussion Items
None

Planning Commission Minutes
January 5, 2023

There being no further business, Gollither moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:57 a.m. (9 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)