

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 23, 2023

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

MEMBERS ABSENT: Mike Gollither and John Herr. Bill Evans, Council Liaison was also absent

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Tanner Halonen, Alex Osborne, Jonathan Howard, Chip Premus, Todd Peckosh, Kinsley Groote 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 Heikes and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations. (8 to 0 with Arguello, Braun, Bulman, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 9, 2023 Planning Commission Meeting Minutes.

2. No. 23PL011 - Boland Placer Subdivision

A request by Mandi Schmierer for Jamie Gerlach to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 5 of Tract C of Boland Placer Subdivision, Tract C less Lot H1 of Boland Placer Subdivision, located in Section 2, T1S, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 10535 Sheridan Lake Road.

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

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the recorded drainage easement (A201902638);**
2. **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;**
3. **Prior to submittal of a Final Plat application, the plat document shall be revised to provide an access easement for Lots 3 & 4 to utilize an approach either from proposed Lot 5 or Lot 2.**
4. **Prior to submittal of a Final Plat application, the subject property shall be rezoned to Low Density Residential District by Pennington County.**
5. **Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions**

to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, a copy of the executed agreement shall be submitted with the Final Plat.

6. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provisions are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. In addition, a copy of the executed agreement shall be submitted with the Final Plat application;
7. Prior to submittal of a Final Plat application, the applicant shall coordinate with the Rapid City Fire Department to determine if a Wildland Fire Mitigation Plan is needed for the property. If required, a copy of the approved plan shall be submitted with the Final Plat application; and,
8. Prior to submittal of a Final Plat application, a Variance shall be obtained from City Council waiving the requirement to construct sidewalk along Sheridan Lake Road and Section Line Highway or shall be constructed along the street(s) as they abut the property.

3. No. 23PL012 - Pleasant Hill Addition

A request by Renner Associates, LLC for Brian Thompson to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 3A & 3B of Block 2 and Dedicated Pacific Drive right-of-way, Pleasant Hill Addition, legally described as Lot 3 less South 100 feet of Lot 3 of Block 2 of Pleasant Hill Addition, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Pacific Drive and Twilight Drive.

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 or sidewalk shall be provided;
- 2.. Prior to submittal of a Final Plat application, the plat shall be revised to show "Pacific Drive" as "Pacific Lane";
3. Upon submittal of the Final Plat application, the plat shall be revised to show 6-foot of right-of-way to be dedicated along Pacific Lane; and,
4. Prior to submittal of a Final Plat application, either the plat document shall be revised to show an access easement and an approach permit shall be filed with Pennington County Highway approval or two approach permits shall be filed, one for each lot created. A copy of the approved approach permit(s) shall be submitted with the Final Plat application.

4. No. 23PL014 - Red Rock Shadows No. 2 Subdivision

A request by KTM Design Solutions, Inc for Christopher Hamm to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A thru D of Red Rock Shadows No. 2 Subdivision and dedicated right-of-way, legally described as

that part of the W1/2 of the NE1/4 of the SE1/4 lying south of Portrush Road and outside Rapid City Corporate Boundaries, less Red Rock Estates and less right-of-way, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 7380 Muirfield Drive.

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 pre-submittal meeting shall be scheduled with the Development Review Engineer pursuant to Chapter 16.080.070.B of the Rapid City Municipal Code;
2. Prior to submittal of a Development Engineering Plan application, a Variance shall be obtained from City Council waiving the requirement to install sidewalk along Muirfield Drive or upon submittal of a Development Engineering Plan application, construction plans shall be submitted showing sidewalk along the street as it abuts the subject property. In addition, pursuant to Chapter 16.16.050, sidewalks shall be constructed as a part of the subdivision improvements on all corner ramps, sidewalks connecting the corner ramps along the radius and all sidewalks on lots which no building permit is anticipated;
3. Upon submittal of a Development Engineering Plan application, construction plans for the proposed 40-foot wide access easement on Lot C shall be submitted for review and approval showing the first 50 feet constructed with a minimum 20-foot wide paved surface and a turnaround at the terminus of the easement in compliance with Section 2.13.2 of the Infrastructure Design Criteria Manual. The balance of the easement and the turnaround shall be constructed with an all-weather surface or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, construction plans showing the extension of a sewer main within the proposed Sanitary Sewer Easement located on proposed Lots A and B shall be submitted for review and approval;
5. Upon submittal of a Development Engineering Plan application, the construction plans shall show the removal of any service stub-outs that won't be used within a year;
6. Upon submittal of a Development Engineering Plan application, all information pursuant to Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;
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 approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
11. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
12. Prior to submittal of a Final Plat application, the property shall be annexed into the City limits of Rapid City;
13. Prior to submittal of a Final Plat application, the Utility and Minor Drainage Easement note shall be revised to read "8 foot on the interior side of all lot lines this document with the exception of the area of the existing structural development located along the east lot line of Lot D":
14. Prior to submittal of a Final Plat application, the plat document shall be revised to show that the proposed 40-foot wide Common Access Easement shall be allowed to serve Lots C and B only;
15. Upon submittal of a Final Plat application, the plat document shall continue to show the proposed dedication of 8 additional feet of right-of-way along Muirfield Drive;
16. 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,
17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

5. No. 23PL015 - Moon Meadows Park Subdivision

A request by Towey Design Group for Alta Terra Development to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Block 2 of Moon Meadows Park Subdivision, legally described as a portion of the SW1/4 of the NW1/4 less Lot H1 and Lot H2 and the W1/2 of the NW1/4, less Lot H-1 of the SW1/4 of the NW1/4, less Moon Meadows Park Subdivision, less right-of-way, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Highway 16 and Moon Meadows Drive.

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

1. Prior to the submittal of a Development Engineering Plan application, the applicant shall schedule a pre-application conference as required by Section 16.08.040 of the Rapid City Municipal Code;
2. Upon the submittal of a Development Engineering Plan application, all information pursuant to Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;
3. Upon the submittal of a Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) shall be submitted for review and approval as per Chapter 1.15 of

- 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;
4. Upon the submittal of a Development Engineering Plan application, the applicant shall submit a revised Phasing Plan that identifies:
 - The future lots in the remainder of the unplatted balance excluding the platted lots;
 - The future Healing Way right-of-way north of Moon Meadows Drive; and,
 - The future constructed Sammis Trail along proposed Lot 2 of Block 2;
 5. Upon the submittal of a Development Engineering Plan application, the applicant shall submit a revised Traffic Impact Study as per Chapter 2.17 of the Infrastructure Design Criteria Manual or the criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
 6. Upon the submittal of a Development Engineering Plan application, the applicant shall submit construction plans for review and approval for the deceleration / right-hand turn lane on Moon Meadows Drive as recommended in the Traffic Impact Study or the criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
 7. Upon the submittal of a Development Engineering Plan application, the applicant shall submit construction plans for review and approval for the Shared Access Easement on proposed Lot 2 of Block 2 or the criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
 8. Upon the submittal of a Development Engineering Plan application, the applicant shall submit construction plans for review and approval identifying a 12-inch water main in the Mount Rushmore Road right-of-way for the future looping with the 12-inch water main in the Sammis Trail right-of-way or the criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
 9. Prior to the approval of a Development Engineering Plan application, a Utility Permit, and Occupy the Right-Of-Way Permit shall be obtained from the South Dakota Department of Transportation for the water main installation in the State right-of-way. Documentation shall be submitted with the Development Engineering Plan application to verify that this requirement has been met;
 10. Prior to the approval of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
 11. Prior to the approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
 12. Prior to the approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be obtained;
 13. Prior to the approval of the Development Engineering Plan application, a

Development Agreement shall be entered into with the City for all public improvements;

14. Upon the submittal of a Final Plat application, the plat document shall dedicate additional right-of-way on Moon Meadows Drive for the deceleration / right turn lane if required;
15. Upon the submittal of a Final Plat application, the applicant shall submit a copy of the executed Shared Access Easement Agreement;
16. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements; and,
17. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.

6. No. 23PL016 - Folsom Subdivision

A request by KTM Design Solutions, Inc for Rushmore Industrial LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot A of Folsom Subdivision, a portion of the SE1/4 of the NW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Old Folsom Road.

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

1. Upon submittal of a Development Engineering Plan application, all information pursuant to Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;
2. Upon submittal of a Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) shall be submitted for review and approval as per Chapter 1.15 of 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.
3. Upon submittal of a Development Engineering Plan application, construction plans for Old Folsom Road located along the east lot line shall be submitted for review and approval to provide a minimum 26-foot wide paved surface with curb, gutter, and street light conduit. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, a Variance must be obtained to waive the requirements to provide sidewalk from City Council;
4. Upon submittal of a Development Engineering Plan application, the plat shall be revised to provide an intermediate turnaround every 600 feet along Old Folsom Road located along the east lot line of the property 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 water and sewer along all adjacent right-of-way shall be submitted for review and approval 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

6. **Engineering Plan application;**
Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
7. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
8. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) shall be submitted for review and approval as per Chapter 1.15 of 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;
9. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
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;
11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s); and,
12. Prior to submittal of a Final Plat, the applicant shall secure a road name change application for that portion of Old Folsom Road located along the east lot line. In addition, the new road name shall be shown on the Final Plat.

*7. No. 23UR004 - Original Town of Rapid City

A request by ARC International for Rimrock Evangelical Free Church to consider an application for a **Conditional Use Permit to allow a church** for Lots 3 thru 6 and the east 10 3/4 feet of Lot 7 and Lots 29 thru 32 of Block 85 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 507 Main Street and 525 5th Street.

Planning Commission recommended that the Conditional Use Permit request to allow a Church be approved with the following stipulation(s):

1. **Prior to issuance of a building permit, the site plan shall be revised to demonstrate that the parking lot meets all parking requirements. In addition, two ADA parking spaces, with one being van accessible, shall be provided;**
2. **Prior to issuance of a building permit, a Historic Review approval shall be obtained for any new construction or exterior alterations as required within the environs of the Downtown Historic District;**
3. **Upon submittal of a building permit, the applicant shall coordinate with the Fire Department to address all Fire and Life Safety requirements including Fire Sprinkler protection and Fire alarm systems;**
4. **All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit.**

Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Major Amendment to the Conditional Use Permit. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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;

5. Prior to issuance of a Sign Permit, a Historic Sign Review approval shall be obtained for any proposed signage; and,
6. The Conditional Use Permit shall allow for a church in the Central Business District. The proposed church shall operate in compliance with the submitted operations plan. In particular, the proposed café and coffee shop use shall only be for church patrons on an informal basis. Any expansion of the church shall require a Major Amendment to the Conditional Use Permit. All permitted uses in the Central Business District shall require review and approval of a Building Permit. Any change in 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.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *8. No. 23UR003 - Scotland Hills Subdivision
A request by Holly Mehlhaff for Mehlhaff Construction, Inc. to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 16 of Block 1 of Scotland Hills Subdivision, located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1064 W. Minnesota Street.

Osborne presented the application and reviewed the associated slides stating that the applicant is requesting to allow the garage to be over 30 percent of the living area of the structure. Osborne noted the applicant had received an exception to the front yard setback from 20 feet to 18 feet due to topographic restriction. Osborne stated that Engineering has requested access to the garage be revised to show 30 feet rather than the 65 feet as shown. Osborne reviewed criteria previously specified for approval of oversized garage by the Planning Commission and if Planning Commission finds this location appropriate staff recommends approval with stipulations. Fisher reviewed the difficulty in reviewing approval and stating that there has been neighborhood opposition.

Pat Jones, Ward 1 Council Representative, stated he was here in response to concerns from his ward who have voiced concerns and to ensure that those concerns are considered as the request is reviewed.

Bryan Mehlhaff, builder of the house and owner of neighboring properties, stated that that they believe there will not be any detrimental impact to the property values of surrounding properties by granting this request. Further noting that the design of the bump out of the single garage is to break up the façade.

Steven Guiseffi, neighboring property owner, said he was speaking both for themselves and another property owner who were not able to attend stated that the build adversely affects the surrounding neighborhood, the request violates building code for private garage size, is 20% more than the 15,000 square feet and 44% larger than the garage to dwelling unit ratio limit, adverse impacts to adjacent lots due to the oversized garage overwhelming the frontage with no buffering and no planned mitigation. Guiseffi also noted risks for fire and will allow for more oversized garages. Guiseffi stated that he surrounding owners oppose and asked why that is not being considered.

Todd Revoere, property owner, stated that he has reached out to those in opposition stating that the concerns are regarding covenants which he is trying to meet. Revoere noted that constrictions due to this lot configuration and topographic limitations that limit construction of other storage he needs to have the larger garage to enable him to enclose all of his vehicle per covenant requirements.

Discussion regarding the difference in proposed options which identified a 2 feet difference in width. Fire Department confirmed all houses in this area are fire sprinkler protected and mitigated so they have no concerns. Concerns regarding need for setback Exception, garage size, limits due to topography, the lot sizes and small building envelope, sidewalk clearance. It was clarified that the Exception is only for a small area of the single garage stall.

Staff clarified that impact noted in the Project Report is that 50% or more of the front fascia of the structure is garage rather than living area.

Quasney moved and Stuck seconded and the Planning Commission determined that the proposed garage is appropriate at this location and approved the Conditional Use Permit to allow an oversized garage with following stipulations.

- 1. Prior to issuance of Building Permit, driveway's approach width shall be reduced from 65 feet to 30 feet to meet Infrastructure Design Criteria Manual 2.16.3(3)(a);**
- 2. Exterior building materials shall match the residential structure; and,**
- 3. The garage shall not be used for any commercial use.**
(8 to 0 with Arguello, Braun, Bulman, 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.

*9. No. 23PD008 - Section 29, T2N, R7E

A request by KTM Design Solutions, Inc for Benedictine Covent of St. Martins to consider an application for a **Major Amendment to a Planned Development Overlay to revise a cemetery lot** for St. Martin Cemetery, St. Martin Cemetery at Terra Sancta, Cemetery Access and a portion of the NE1/4 of the SW1/4 of Section 29, located in Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1851 City Springs Road.

Howard presented the application and reviewed the associated slides noting that recent platting changes have initiated this revision. The Major Amendment to the Planned Development increases the lot from 1.45 acres to 2.62 acres. Howard stated Exceptions to reduce the minimum required rear yard setback for a cemetery from 25 feet to 5 feet and an Exception to the 20 acre minimum lot size requirement for cemeteries, which staff supports, and stated this is a private cemetery for private use.

Vidal moved and Bulman seconded and the Planning Commission recommended that the Planned Development Overlay Amendment to expand an existing cemetery be approved with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required rear yard setback for a cemetery from 25 feet to 5 feet;**
- 2. An Exception is hereby granted to the 20 acre minimum lot size requirement for cemeteries; and,**
- 3. The Major Amendment to the Planned Development Overlay shall allow for the expansion of a cemetery. Permitted uses within the General Agricultural District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any Conditional Use shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Arguello, Braun, Bulman, 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.

*10. No. 23PD009 - Rice Valley View Properties Subdivision

A request by Indigo Design, LLC for Rice Valley View Properties to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Lot 4, Lot 5 and Lot 7 of Rice Valley View Properties Subdivision, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Omaha Street and west of Cambell Street.

Howard presented the application and reviewed the associated slides noting that access will be taken from both Omaha Street and Cambell Street rather than just from Omaha Street as initially planned, that the previous Exception granted for height requirements will be remain in place. An additional Exception to allow two

planter islands and three landscaped peninsulas in lieu of five planter islands, which Howard noted that the applicant is requesting in order to meet SDHDA parking requirement so staff is in support of the request. Howard stated that staff recommends approval of the Final Planned Development Overlay to allow an apartment complex with stipulations.

Discussion of access easements followed and it was clarified that easements to Cambell are being modified and will be recorded prior to obtaining a building permit.

Quasney stated his concerns to the location Bulman, Vidal spoke to their support for the location.

John Roberts, speaking for the developer, spoke to the ownership of easement lots and discussions on access and agreements that are in the works. Roberts noted that the Railroad is not active but RR access is difficult to obtain. Roberts spoke to the need for low income housing noting there is no flood hazard on the property.

Heikes moved and Vidal seconded and the Planning Commission recommended approval of the Final Planned Development Overlay with the following stipulations:

- 1. To acknowledge the Exception previously granted to allow a maximum building height of 4-stories 45 feet in lieu of 3-stories/35 feet;**
- 2. An Exception is hereby granted to allow two planter islands and three landscaped peninsulas in lieu of five planter islands;**
- 3. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Development Overlay;**
- 4. Upon submittal of a building permit, the site plan shall be revised to identify the existing 60-foot access/utility easement and show it free from obstructions such as parking stalls, street lights, retaining walls, etc. which would impede the use of the easement, or the easement shall be vacated and/or relocated;**
- 5. Upon submittal of a building permit the applicant shall:**
 - Provide easement or permit from owner of rail-banked property for all work done on their property;**
 - Provide permanent easement for driveway and temporary easements for grading work on Subaru property;**
 - Obtain permits from SD Department of Transportation for approach, sidewalk and any other work in the E. Omaha Street Right of Way;**
 - Provide recorded access easement for the driveway from E. Omaha Street serving the property;**
 - Obtain Floodplain Development Permit (Lot 3) for the grading/paving work on the lot;**
 - Provide easement securing access across Lot 3;**
 - Provide a Developmental Lot Agreement to secure shared parking and access.**
 - Provide geotechnical report;**
 - Revise grading along driveway to maximum 3:1 side slopes;**

- **Revise grading along south side of car lot to maximum 2:1 slope;**
 - **Label each section of water main as private or public. The only public main would be the section that crosses lot 7. Provide executed easement for this public main. Revise this main from 6 inch to 8 inch;**
 - **Show all utilities in profile;**
 - **Provide water main encasement needed when horizontal or vertical separation requirements aren't being met;**
 - **Show adjustment to EX Manhole #99; and,**
 - **Provide signed drainage report with all required information such as drainage maps, TC calcs, C calcs, flow paths, and related items.**
6. **An Air Quality Permit shall be obtained prior to disturbing an acre or more of property;**
 7. **All signage shall meet the requirements of the Rapid City Sign Code; and,**
 8. **This Final Planned Development Overlay shall allow a 180 unit apartment development to be provided in two separate structures. A Final Planned Development Overlay application is required prior to submittal of a building permit. Any change in use that is a permitted use in the Office Commercial District shall require a building permit. Any change in use that is a conditional use in the Office Commercial District shall require a Major Amendment to the Planned Development Overlay. (7 to 1 with Arguello, Braun, Bulman, Heikes, Kaufman, Stuck and Vidal voting yes and Quasney 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.

*11. No. 23PD011 - Rapid Valley Subdivision

A request by ARC International for Black Hills Exteriors LLC to consider an application for a **Major Amendment to a Planned Development Overlay to expand a contracting business** for Lot A of Blocks 3 and 4 of Rapid Valley Subdivision, located in the NE1/4 of the NE1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2507 E. St. Patrick Street.

Osborne presented the application and reviewed the associated slides noting that plan and use of the property which deviates from the previously approved Planned Development (19PD010). The revised proposal demolishes the existing shop/warehouse building and builds a new 29,798 square foot structure on the eastern portion of the property. The new structure will allow for office space, warehouse and shop use as well as space to sublet to 6 tenants. Osborne noted an Exception to allow 80% lot coverage in lieu of 75% lot coverage which staff supports noting that proposed innovative onsite drainage and security fencing helps provide separation of uses. Staff recommends approval of the Major Amendment to a Planned Development Overlay to expand a contracting business

with stipulations.

Sophia Cordio, homeowner in the area, stated she has no concerns for the proposed use and thinks it will actually improve the area, but spoke to her concerns regarding the potential use of Pecan Lane, which is a dirt road, as an access road and the speed on St. Patrick Cordio also noted the need for Pecan Lane be paved the lack of sidewalks on the surrounding streets.

Separation of uses and access were discussed as well as proposed in-line landscaping and sidewalks. In response to a question regarding access to Birchwood it was note it will be removed with construction of the retaining wall. Fisher clarified that gate access will have to be set back far enough to allow vehicles accessing the fenced area to not extend into the right-of-way.

Chis, ARC international clarified that the intent is to move storage into the new building and the access to the separate uses will be taken from St. Patrick Street.

Quasney moved and Bulman seconded and the Planning Commission approved the Major Amendment to the Planned Development Overlay to allow office use and storage for a roofing and siding business with the following stipulations:

- 1. An Exception is hereby granted to allow 80% lot coverage in lieu of 75% lot coverage;**
- 2. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 3. Any change in use that is a permitted use in the Light Industrial District in compliance 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 Light Industrial District shall require the review and approval of a Major Amendment to the Planned Development Overlay;**
- 4. A Sign Permit shall be obtained prior to placement of any new signage. The sign shall be constructed and operate in compliance with all provisions of the Sign Code and all other adopted codes and ordinances;**
- 5. Upon submittal of a building permit, the applicant shall coordinate with the Fire Department to meet all Life Safety requirements including sprinkler protection and alarm systems as required;**
- 6. Upon submittal of a Building Permit, a drainage report shall be submitted for review and approval addressing storm water quality treatment for impervious areas; and,**
- 7. Upon submittal of a building permit, a drainage report must be submitted for review and approval to ensure that developing the property as proposed does not negatively impact the adjacent properties. (8 to 0 with Arguello, Braun, Bulman, 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. Staff and Planning Commission Discussion Items
None

There being no further business, Vidal moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:41a.m. (8 to 0 with Arguello, Braun, Bulman, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)