

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 21, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand, Kimberly Schmidt, Andrew Scull and Jan Swank. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT Steve Rolinger

STAFF PRESENT: Vicki Fisher, Robert Laroco, Sarah Hanzel, Ted Johnson, Carla Cushman 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 2, be removed from the Consent Agenda for separate consideration.

Motion by Swank seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Items 2. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Jobman, Marchand, Schmidt, Scull and Swank voting yes and none voting no)

Consent Calendar

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar by any Planning Commissioner, staff member, or audience member, for separate consideration:

---CONSENT CALENDAR---

1. Approval of the July 7, 2016 Planning Commission Meeting Minutes.
3. No. 16RZ022 - Marlin Industrial Park
A request by KTM Design Solutions, Inc for ZCO Incorporated to consider an application for a **Rezoning from Office Commercial District to Light Industrial District** for Lot 17 of Marlin Industrial Park, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast corner of the intersection of Creek Drive and Marlin Drive.

Staff recommended that the Rezoning from Office Commercial District to Light Industrial District be approved.

4. No. 16RZ023 - Marlin Drive Commercial Park

A request by KTM Design Solutions, Inc for ZCO Incorporated to consider an application for a **Rezoning from General Agricultural District to General Commercial District** for Lots 4 thru 9 of Block 2 and the SE1/4 of the SE1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northern most corner of Lot 1, Block 2, Marlin Drive Commercial Park, Rapid City, Pennington County, South Dakota; Thence, S 37°08'27" W, a distance of 300.00'; to the point of beginning, ; Thence, first course: S 37°08'20" W, a distance of 140.11';; Thence, second course: curving to the right with an arc length of 115.28', with a radius of 3,120.15', with a chord bearing of S 38°13'43" W, with a chord length of 115.27';; Thence, third course: curving to the right with an arc length of 256.45', with a radius of 3,014.98', with a chord bearing of S 41°45'39" W, with a chord length of 256.37';; Thence, fourth course: S 52°51'51" E, a distance of 462 .84';; Thence, fifth course: N 37°08'20" E, a distance of 62.93';; Thence, sixth course: N 00°03'41" E, a distance of 561.46';; Thence, eighth course: N 52°51'51" EW a distance of 101.52", to the said point of beginning, more generally described as being located south of Elk Vale Road between Creek Drive and Marlin Drive.

Staff recommended that the Rezoning from General Agricultural District to General Commercial District be approved.

5. No. 16RZ024 - Marlin Drive Commercial Park

A request by KTM Design Solutions, Inc for ZCO Incorporated to consider an application for a **Rezoning from General Agricultural District to Light Industrial District** for Lots 2 and 3 of Block 1 of Marlin Drive Commercial Park, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Creek Drive and Marlin Drive.

Staff recommended that the Rezoning from General Agricultural District to Light Industrial District be approved.

6. No. 16RZ025 - Marlin Drive Commercial Park

A request by KTM Design Solutions, Inc for SSST, LLC to consider an application for a **Rezoning from General Agricultural District to General Commercial District** for property located in the SE1/4 of the SE1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northern most corner of Lot 1, Block 2, Marlin Drive Commercial Park, Rapid City, Pennington County, South Dakota; Thence, S 37°08'27" W, a distance of 165.60'; to the point of beginning,; Thence, first course: S 37°08'27" W, a distance of 134.40';; Thence, second course: S 52°51'51" E, a distance of 101.52';; Thence, third course: N 00°03'42" E, a distance of 168.46, to the said point of beginning, more generally described as being located in the southwest corner of the intersection of Elk Vale Road and East Minnesota Street.

Staff recommended that the Rezoning from General Agricultural District to General Commercial District be approved.

7. No. 16RZ026 - Marlin Drive Commercial Park

A request by KTM Design Solutions, Inc for SSST. LLC to consider an application for a **Rezoning from General Agricultural District to Office Commercial District** for property located in the SE1/4 of the SE1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the north west most corner of Lot 3, Block 3, Marlin Drive Commercial Park, Rapid City, Pennington County, South Dakota, the point of beginning; Thence, first course: curving to the left with an arc length of 354.30', with a radius of 1,534.00', with a chord bearing of N 44°04'38" E, with a chord length of 353.51';; Thence, second course: S 00°03'41" W, a distance of 427.01';; Thence, third course: N 89°55'18" W, a distance of 103.91';; Thence, fourth course: N 39°18'22" W a distance of 223.45", to the said point of beginning, more generally described as being located west of E. Minnesota Street and south of Marlin Drive.

Staff recommended that the Rezoning from General Agricultural District to Office Commercial District be approved.

---END OF CONSENT CALENDAR---

2. No. 16RZ021 - Millard Addition

A request by Gordon Howie for Black Hills Crisis Pregnancy Center to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** for Lots 42 thru 46 of Block 7 of Millard Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southeast corner of the intersection of Haines Avenue and Anamosa Street.

Laroco presented the application and reviewed the associated slides. Laroco noted that this item had been pulled to address a letter of opposition received by staff. Laroco reviewed the mix of uses located in the area that makes it a transitional neighborhood. It was noted that this property is located on four bus routes and sits at the intersection of two major arterial streets, noting that staff feels supports the request to rezone the property to Office Commercial District. Laroco also noted there are two accesses to the property and the applicant has submitted a Planned Development Designation recently placed on the property that will require a Final Planned Development Overlay as this item moves forward. Laroco stated that based on the location and the transitional nature of the property staff recommends that the **Rezoning from Medium Density Residential District to Office Commercial District** be approved.

Bulman spoke to her concerns regarding changing residential zoning to more commercial zoning and asked for a little more information on the potential changes and volume of use anticipated.

Stacy Wolman, CEO of Care Net Pregnancy Network Center Black Hills Crisis Pregnancy Center spoke to the operation of the Crisis Pregnancy Center stating that they service approximately 200 families and reviewed their funding sources and staffing and hours of operation. Wolman stated they will retain the

community-friendly character of the neighborhood.

Fisher clarified that the application before the Planning Commission is for the rezoning and that any Office Commercial use would be allowed once rezoned which is why staff requested the Planned Development Designation, allowing for further review of the development of the property.

Galen moved, Bulman seconded and unanimously carried to recommend that the request to rezone property from Medium Density Residential District to Office Commercial District be approved in conjunction with the associated Planned Development Designation.

---BEGINNING OF REGULAR AGENDA ITEMS---

*8. No. 16PD032 - Fountain Springs Business Park

A request by Ian McCain of Lamacchia Group to consider an application for a **Final Planned Development Overlay to allow expansion of an existing financial institution and create additional parking** for Tract A of Fountain Springs Business Park, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2700 N. Plaza Drive.

Laroco presented the application noting that the staff report incorrectly identified the expansion area, so he clarified that the building as a whole with the proposed expansion would be 182,000 square feet and reviewed the associated slides. Laroco noted that the applicant has requested Exceptions with this application, including a reduction from the required 438 parking to 352 parking spaces including the proposed underground parking, the reduction of the parking isle width from 26 to 24 feet, and to allow the maximum height to be 53 feet in lieu of the maximum allowable height of 45 feet. Laroco noted that the restructuring and relocation of the drive through services will allow the parking that is supplied to be more accessible than the current layout provides. Staff recommends that these Exceptions be approved. In addition, Laroco noted that the applicant is requesting an LED sign as part of the approved sign package. Staff recommends the **Final Planned Development Overlay to allow expansion of an existing financial institution and create additional parking** be approved with stipulations.

In response to a question from Scull regarding whether the proposed parking is for current use or allows for future use change from storage to office use, Ian McCain, spoke to the future use of the expansion stating that they feel that the parking as identified will meet current and future use. Scull stated that phasing plans for future growth are generally required when changes to a Planned Development are made and hopes that that will help address any potential growth issues.

Bulman stated that she would be recusing herself due to a conflict of interest.

In response to a question from Brewer, Laroco stated that they would be required to install sidewalks and also noted his concerns regarding the reduced parking and parking isle width reduction.

Fisher noted that the future build out of the identified storage area would require a Major Amendment to the Planned Development.

Sculled moved to approve the **Final Planned Development Overlay to allow expansion of an existing financial institution and create additional parking** with amended stipulations that sidewalk be provided along North Plaza Drive.

Scull moved, Brewer seconded and unanimously carried to approve the requested Final Planned Development with the following stipulations:

- 1. The requested Exception to reduce the required amount of off-street parking from 438 spaces to 352 parking spaces is hereby granted. A minimum of 3 stacked parking spaces per drive through land shall also be provided;**
- 2. The requested Exception to reduce the required minimum parking aisle width from 26 feet to 24 feet is hereby granted;**
- 3. The requested Exception to increase the maximum height of the building from 45 feet to 53 feet, 4 ¾ inches is hereby granted;**
- 4. If the Planning Commission should determine that the proposed LED message center is appropriate for the neighborhood, the maximum 60 square foot per side LED message center is hereby approved. All signage shall comply with the requirements of the Rapid City Sign Code. Changes to the LED message center shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;**
- 5. Prior to issuance of a building permit, all redline comments shall be addressed and all redlined plans shall be returned to Community Planning and Development Services;**
- 6. Prior to issuance of a Building Permit revised plans shall be submitted showing the required property line sidewalks are being provided;**
- 7. This requested Final Planned Development shall allow for construction of an expansion and additional parking to the existing Black Hills Federal Credit Union. All requirements of the Light Industrial District shall be maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development. Uses permitted in the Light Industrial District shall be permitted contingent upon the provision of sufficient parking and an approved building permit. Conditional uses in the Light Industrial District shall require the review and approval of a Major Amendment to the Planned Development.**

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 Planning & Development Services by close of business on the seventh full calendar

day following action by the Planning Commission.

*9. No. 16UR017 - Five Star Subdivision

A request by Tyler Smith for Troy Kieffer of Lintz Brothers Pizza to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant** for Lot 1RA of Five Star Subdivision, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 811 Disk Drive.

Fisher presented the application and reviewed the associated slides. Fisher stated that the business has been in operation for some times and that the applicant is requesting the Conditional Use Permit so they can provide beer and wine with their food. Fisher also noted that any expansion would require a Major Amendment to the Planned Development. Fisher stated that staff recommends that the **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant** be approved with the stipulations.

Bulman moved, Swank seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant with the following stipulation:

- 1. The Conditional Use Permit shall allow an on-sale establishment in conjunction with a restaurant. Any expansion to the on-sale use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial 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 General Commercial 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

10. No. 16CA003 - Amendment to the Comprehensive Plan by adopting the Downtown Area Master Plan (Draft)

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by adopting the Downtown Area Master Plan (Draft)**.

Hanzel presented the application and stated that staff requests that item be acknowledged rather than approved, noting that it is just entering the public review phase and will be back before the Planning Commission later in the fall for approval in its final form.

JJ Folsom, of Progressive Urban Management Associates, provided a presentation reviewing the draft plan.

Graham Smith of Gould Evans, an architecture firm out of Kansas City working on the proposal, spoke to some of the physical improvement recommendations and how they came to those recommendations.

Brewer requested that acknowledgement of the project for public spaces report be noted in the proposal. Brewer also noted that tax abatement had been used previously and suggested that a revised version of this could be a viable option. Brewer referenced a unified building code that some areas adopt for downtown or older areas and asked if this had been referenced or used when working on this proposal.

In response to a question from Scull if the 350 plus housing unit demand will require demolition of current housing stock, Folsom indicated that the intent is not to demolish existing housing stock but to develop on infill opportunity sites. Scull also suggested that some of the area west of West Blvd towards the gap might incorporate similar zoning recommendations in the future as part of a corridor study.

Scull left the meeting at this time.

Bulman asked about some of the areas included and spoke to her concerns that the proposed reduction of the downtown streets from three lanes to two lanes will push traffic out to other areas and she believes will create an issue the City will have to address.

In response to Schmidt's question on timing of the zoning changes, Hanzel stated that they would happen as soon as possible.

Hoogestraat commended the plan but spoke to his concern regarding the proposed lane reduction and the issues that will create for the City.

Pat Roseland, 1318 West Boulevard, spoke to his concern that the West Boulevard Neighborhood Association was not included in these plans and the encroachment into the Historic District will be detrimental to the district and affect those residential properties included in the proposed boundary.

Jean Kessloff, 1015 12th Street, spoke to her concerns of the potential of encroachment and to the detrimental effects to the West Boulevard Historic District.

Bill Kessloff, 1015 12th Street, spoke to the impact to both of the historic districts, the Historic Downtown District and the West Boulevard Historic District with the propose plan stating that they both have current guidelines which would be in conflict with the proposed plan and guidelines and he would request that the boundary be changed to remove the West Boulevard Historic District.

Swank spoke to his thought on the lane deduction noting that he originally believed it would not work but now wonders if it might work but feels it needs to be reviewed. Swank commented that the West Boulevard Historic District should not be infringed upon by the Plan.

Swank moved to acknowledge, Marchand seconded the motion.

Drew offered up the West Boulevard Neighbors on Facebook page online as tool to reach the younger section of home owners in the West Boulevard.

Braun thanked PUMA for all their work on the Plan. Braun did say he thinks that staff should handle the suggested downtown design review process without creating an additional committee or body. He noted that this would create an added layer for those rehabbing property in the downtown area.

Swank moved, Marchand seconded to acknowledge the report and presentation of the Downtown Area Master Plan (Draft)

11. Discussion Items

- A. Planning Commission appointment to the Utility Support Fund and SAB 28 Fund Oversight Committee

Fisher notified the Planning Commission that an appointment was needed for the Utility Support Fund and SAB 28 Fund Oversight Committee and asked for volunteers for the open post. Bulman volunteered and was unanimously voted to hold the position.

12. Staff Items

None

13. Planning Commission Items

None

14. Committee Reports

- A. City Council Report (July 5, 2016)
The City Council concurred with the recommendations of the Planning Commission, with the exception of the following

47. No. 16UR014 - Appeal of Planning Commission's decision of a request by Adam Wegner for Scull Construction for a Conditional Use Permit to allow an oversized garage for property generally described as being located at 4120 Corral Place. Motion was made by Laurenti, second by Wright, to overturn the planning commission decision, and deny the CUP. Motion carried 10-0.

- B. Building Board of Appeals
C. Capital Improvements Subcommittee
D. Tax Increment Financing Committee

There being no further business, Swank moved, Braun seconded and unanimously carried to adjourn the meeting at 8:46 a.m. (8 to 0 with Braun, Brewer, Bulman, Hoogestraat, Jobman, Marchand, Schmidt and Swank voting yes and none voting no)