

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
August 24, 2023

MEMBERS PRESENT: Erik Braun, Karen Bulman, Mike Gollhofer, Eirik Heikes, Haven Stuck, Brook Kaufman, and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Alicia Ginsberg, John Herr, Mike Quasney

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

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

1. Approval of the August 10, 2023 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Vidal seconded and the Zoning Board of Adjustment approved the August 10, 2023 Zoning Board of Adjustment Meeting Minutes. (7 to 0 with Braun, Bulman, Gollhofer, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)

2. No. 23VA016 - Marlin Drive Commercial Park

A request by Ben Simonds to consider an application for a **Variance to allow asphalt milling drive aisles in lieu of asphalt pavement** for Lot 1A in Block 1 of Martin Drive Commercial Park, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4717 Benelli Drive.

Howard presented the application and reviewed the associated slides noting the fenced in storage yard for an electric repair and contracting business. Noting the Variance is not injurious and is in harmony with the neighborhood. Howard explained that asphalt milling helps to reduce the dust and acts as a palliative in itself, however, the applicant has agreed to apply a dust palliative. Howard stated that staff recommends approval of the Variance to allow asphalt milling drive aisles in lieu of asphalt pavement.

Fisher reviewed the recent number of similar requests noting that staff is working on amending the Rapid City Municipal Code to allow driving aisles to be a non-paved surface.

Heikes moved, Vidal seconded and the Zoning Board of Adjustment approved the Variance request to allow asphalt milling drive aisles in lieu of asphalt pavement with the following stipulations based on Criteria # not injurious.

1. **A dust palliative shall be applied annually to the drive aisles and storage area or as directed by the Engineering Division in accordance with §17.50.270G.4 of the Rapid City Municipal Code. (7 to 0 with Braun, Bulman, Gollhofer, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

3. Staff and Zoning Board of Adjustment Items

Zoning Board of Adjustment Minutes
August 24, 2023

None

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

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 24, 2023

MEMBERS PRESENT: Erik Braun, Karen Bulman, Mike Gollhofer, Eirik Heikes, Brook Kaufman, Haven Stuck and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Alicia Ginsberg, John Herr, Mike Quasney.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Alex Osborne, Jonathan Howard, 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.

Staff requested that Items 4 and 6 be removed from the Consent Agenda for separate consideration.

Braun confirmed that although Items #5 and #6 are associated, only Item #6 needed to be pulled.

Motion by Vidal seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 13 in accordance with the staff recommendations with the exception of Items 4 and 6. (7 to 0 with Braun, Bulman, Gollhofer, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 10, 2023 Planning Commission Meeting Minutes.
2. No. 23PL065 - MJK Subdivision
A request by Longbranch Civil Engineering, Inc for Ryan Kelly to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 2A and Lot 2B of Parcel B of MJK Subdivision, legally described as Lot 2 of Lot B3 of Parcel B of MJKL Subdivision, located in the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Derby Lane and E. Minnesota Street.

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 §16.08.040 of the Rapid City Municipal Code;**
2. **Upon the submittal of a Development Engineering Plan application, all information as per §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,**

construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Lane/Place Street shall be submitted for review and approval for the Shared Access Easement on Lot 2B of Lot B3, 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;

4. Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;
5. Prior to the submittal of a Final Plat application, the plat document shall be revised to identify that each of the proposed lots abut Derby Lane a minimum distance of 25 feet or the criteria for obtaining a Zoning Exception shall be met. If Exceptions are obtained a copy of the approved documents shall be submitted with the Final Plat application;
6. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements. Miscellaneous documents shall be provided for all necessary easements outside of the plat boundary;
7. Upon the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City for the maintenance and ownership of any proposed drainage elements; and,
8. Upon the submittal of a Final Plat application, a Major Drainage Easement shall be dedicated for all drainage improvements.

3. No. 23PL067 - Lutheran Subdivision

A request by KTM Design Solutions, Inc for Charles and Loretta Hammerquist to consider an application for a **Preliminary Subdivision Plan** for proposed Lots AR and B of Lutheran Subdivision and dedicated right-of-way, legally described as Lot A of Lutheran Subdivision ; and the E11/4 of Government Lot, less the north 100 feet of Government Lot 1, less Lot A of Lutheran Subdivision, and less right-of-way, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 501 and 583 Valley 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 §16.08.040 of the Rapid City Municipal Code;
2. Upon the submittal of a Development Engineering Plan application, all information as per §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 §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:
 - Construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Collector Street shall be submitted for review and approval for the portion of Valley Drive adjacent to the proposed lots, or the criteria for obtaining an Exception

shall be met.

- The plat document shall be revised to dedicate the western 33 feet of the Section Line Highway adjacent to the proposed lots, or the criteria for obtaining an Exception shall be met.

If Exceptions are obtained a copy of the approved documents shall be submitted with the Development Engineering Plan application;

7. Prior to the approval of a Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
8. 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;
9. Prior to the approval of a Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
10. Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;
11. Prior to the submittal of a Final Plat application, Variances shall be obtained from the Zoning Board of Adjustment to reduce the front yard setbacks on proposed Lot AR from 35 feet to 19.8 feet for the eastern shed and to 30 feet for the shop building or the plat document shall be revised and the criteria for obtaining an Exception shall be met to omit dedicating one additional foot of right-of-way along Valley Drive. If Variances or an Exception are obtained a copy of the approved documents shall be submitted with the Final Plat application;
12. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements. Miscellaneous documents shall be provided for all necessary easements outside of the plat boundary; and,
13. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.

5. No. 23PL070 - Anamosa Crossing Subdivision

A request by FMG Engineering for Elmington Capital to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1AR and Lot 11 of Anamosa Crossing Subdivision, legally described as Lots 1A, 2, 3 and 4 of Anamosa Crossing Subdivision and Tract 1 of Century 21 Subdivision, less H1, H2, H3, right-of-way and less that portion Tract 1 lying south and west of E. Anamosa Street right-of-way, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at E. Anamosa Street and Camden 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 §16.08.040 of the Rapid City Municipal Code;
2. Upon the submittal of a Development Engineering Plan application, all information as per §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 §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, construction plans shall be submitted for review identifying the construction of water and sewer in the Section Line Highway 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;
5. Upon the submittal of a Development Engineering Plan application, revised plans shall be submitted for review and approval identifying a connection to the Low Level Water Zone or written approval from the Public Works Director shall be obtained to connect to the High Level Water Zone. If written approval 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, revised plans shall be submitted for review and approval identifying an alternate water main design, or the criteria for obtaining an Exception shall be met to allow a dead-end water main. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
7. Prior to the approval of a Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
8. 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;
9. Prior to the approval of a Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
10. Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;
11. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements. Miscellaneous documents shall be provided for all necessary easements outside of the plat boundary; and,
12. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.

*7. No. 23PD021 - Shepherd Hills South Subdivision

A request by FMG Engineering for Lloyd Companies to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Lot 1 of Block 10 of Shepherd Hills South Subdivision, located in Section 4, T1N, R78, BHM, Rapid City, Pennington County, South Dakota and an unplatted parcel of land located in the Southwest Quarter of the Southwest Quarter (SW1/ 4-SW1/ 4) of Section 33, T2N, R8E, B.H.M; more particularly described as follows; Commencing at the southwest corner of said Section 33, thence on a State Plane-South Zone bearing of N39° 1 9' 52" E, which is the basis of bearing for said description, for a ground distance of 811.83 feet to the northwest corner of Lot 1,

Block 10 of Shepherd Hills South Subdivision, which is the Point of Beginning (P.O.B.) of said parcel to be described; thence so1. °58' 28" W along the west line of said Lot 1 a distance of 233.62 feet; thence leaving said west line N88 ° 01'32"W a distance of 215.98 feet; thence N49° 51' 03" E a distance of 54.99 feet; thence northeasterly along a curve to the left, concave to the northwest, with a radius of 1174.00 feet (which chord bears N43° 25'54"E with a length of 262.51 feet) for an arc length of 263.06 feet; thence SBT 55'44"E a distance of 1.39 feet to said P.O.B. and there terminating, more generally described as being located east Anamosa Street and North Valley Drive.

Planning Commission approved the Final Planned Development Overlay to allow an apartment complex with the following stipulations:

- 1. Prior to the submittal of a Building Permit application, the property shall be platted creating one lot as proposed or an access easement shall be recorded for the driveway extending from Valley Drive;**
- 2. Upon the submittal of a Building Permit application, elevations shall be provided for the trash enclosure screening in order to verify compliance with §17.50.340 of the Rapid City Municipal Code;**
- 3. Prior to the submittal of a Building Permit application, the master meter location shall be moved to the building nearest the right-of-way line, 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 Building Permit application;**
- 4. Prior to the submittal of a Building Permit application, easements shall be secured for all work on adjacent properties, copies of the recorded easement shall be submitted with the Building Permit application;**
- 5. Prior to the submittal of a Building Permit application, the site plan shall be revised to identify property line sidewalks along all street frontages adjacent to the proposed lot or a Variance shall be obtained from City Council to waive this requirement; and,**
- 6. The Final Planned Development Overlay shall allow for a 172-unit apartment complex. Any change of use or expansion of use permitted in the Medium Density Residential District and in compliance with the Parking Regulations shall require the review and approval of a Building Permit. Any change of use or expansion of use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development Overlay.**

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.

8. No. 23RZ011 - Riverside Addition

A request by KTM Design Solutions, Inc for Millstone LLC to consider an application for a **Rezone request from Light Industrial District to General Commercial District** for Lots 21 thru 32 of Block 5 of Riverside Addition, less railroad right-of-way, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at

1002 W. Main Street.

Planning Commission recommended approval of the Rezoning request from Light Industrial District to General Commercial District.

9. No. 23RZ012 - Marlin Drive Commercial Park

A request by Longbranch Civil Engineering, Inc for ZCO Incorporated to consider an application for a **Rezoning request from General Commercial District to Light Industrial District** for Lot 9 of Block 2 of Marlin Drive Commercial Park, located in the NE1/4 of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2214 Marlin Drive.

Planning Commission recommended approval of the Rezoning request from General Commercial District to Light Industrial District.

10. No. 23RZ013 - St. Martin Subdivision

A request by FMG Engineering for The Evangelical Lutheran Good Samaritan Society to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for that portion of Lot 1 lying in the NE1/4 of the SW1/4 of Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of City Springs Road.

Planning Commission recommended the Rezoning request from General Agricultural District to Medium Density Residential District be approved.

11. No. 23RZ014 - Fountain Springs Square

A request by Donovan Broberg of ARC International to consider an application for a **Rezoning request from General Agricultural District to General Commercial District** for a portion of Lot 2BR of Fountain Springs Square, Rapid City, Pennington County, South Dakota, said 1.40 acre of land being more particularly described by metes and bounds as follows, to-wit: beginning, at an iron rod with cap marked "KTM 9961" on the East right-of-way line of Fountain Plaza Drive, a 68 foot wide dedicated public street, said iron rod with cap marking the Southwest corner of Lot 2A of Fountain Springs Square as shown on plat recorded December 22, 2017, and filed as Document No. A201718094 in the office of the Pennington County Register of Deeds, said iron rod with cap also marking a Northwest corner of said Lot 2BR of Fountain Springs Square as shown on plat recorded January 11, 2023, and filed as Document No. A202300330 in the office of the Pennington County Register of Deeds; Thence, North 77° 30' 27" East, along a common boundary line between said Lot 2A and Lot 2BR, a distance of 96.90 feet to an iron rod with cap marked "KTM 9961" found for corner; Thence, North 59° 44' 20" East, along a common boundary line between Lot 2A and Lot 2BR, a distance of 265.87 feet to a point for corner from which an iron rod with cap marked "KTM 9961" found for a Southeast corner of Lot 2A and interior corner of Lot 2BR bears North 59° 44' 20" East a distance of 61.42 feet; Thence, South 73° 03' 30" East, across said Lot 2BR, a distance of 183.81 feet to a point for corner on the Eastern boundary line of Lot 2BR and on a Western boundary line of Lot 3R of Fountain Springs Square as shown on plat recorded January 11, 2023, and filed as Document No. A202300330 in the office of the Pennington County Register of Deeds, from which

an iron rod with cap marked "Scott 4897" found for a Northeast corner of Lot 2BR and a Northwest corner of Lot 3R bears North 22° 19' 59" West, a distance of 135.49 feet; Thence, South 22° 19' 59" East, along a common boundary line between Lot 2BR and said Lot 3R, a distance of 31.61 feet to an iron rod with cap marked "Scott 4897" found for a Southeast corner of Lot 2BR and interior corner of Lot 3R; Thence, South 58° 21' 19" West, along a common boundary line between Lot 2BR and Lot 3R, a distance of 196.41 feet to an iron rod with cap marked "Scott 4897" found for corner; Thence, South 45° 28' 33" West, along a common boundary line between Lot 2BR and Lot 3R, a distance of 74.80 feet to a point for corner on a Northern boundary line of Lot 3 of Fountain Springs Square as shown on plat recorded June 23, 2017, and filed as Document No. A201708266 in the office of the Pennington County Register of Deeds, from which an iron rod with cap marked "Scott 4897" found for a Southeast corner of Lot 2BR and interior corner of Lot 3R bears South 45° 28' 33" West, a distance of 36.98 feet; Thence, South 90° 0' 0" West, along said Northern boundary line of Lot 3, a distance of 165.13 feet to a point for corner; Thence, North 18° 20' 00" West, along said Northern boundary line of Lot 3, a distance of 83.13 feet to a point for corner; Thence, South 77° 30' 00" West, along said Northern boundary line of Lot 3, a distance of 96.94 feet to a point for corner on said East right-of-way line of Fountain Plaza Drive, a 68 foot wide dedicated public street, on the Western boundary of Lot 2BR; Thence, North 12° 27' 53" West, a distance of 26.04 feet to the point of beginning, more generally described as being located at 1840 Fountain Plaza Drive.

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

12. No. 23RZ015 - Fountain Springs Square

A request by Donovan Broberg of ARC International to consider an application for a **Rezoning request from Light Industrial District to General Commercial District** for a portion of Lot 2BR of Fountain Springs Square, Rapid City, Pennington County, South Dakota, said 0.26 acre of land being more particularly described by metes and bounds as follows, to-wit: commencing, for location purposes only, at an iron rod with cap marked "KTM 9961" on the East right-of-way line of Fountain Plaza Drive, a 68 foot wide dedicated public street, said iron rod with cap marking the Southwest corner of Lot 2A of Fountain Springs Square as shown on plat recorded December 22, 2017, and filed as Document No. A201718094 in the office of the Pennington County Register of Deeds, said iron rod with cap also marking a Northwest corner of said Lot 2BR of Fountain Springs Square as shown on plat recorded January 11, 2023, and filed as Document No. A202300330 in the office of the Pennington County Register of Deeds; Thence, North 77° 30' 27" East, along a common boundary line between said Lot 2A and Lot 2BR, a distance of 96.90 feet to an iron rod with cap marked "KTM 9961" found for corner; Thence, North 59° 44' 20" East, along a common boundary line between Lot 2A and Lot 2BR, a distance of 265.87 feet to the point of beginning of the herein described tract; Thence; North 59° 44' 20" East, continuing along a common boundary line between Lot 2A and Lot 2BR, a distance of 61.42 feet to an iron rod with cap marked "KTM 9961" found for a Southeast corner of Lot 2A and interior corner of Lot 2BR; Thence, North 30° 28' 56" West, along a common boundary line between Lot 2A and Lot 2BR, a distance of 35.55 feet to an iron rod with cap marked "Scott 4897" found for a Northeast corner of Lot 2A and a Northwest corner

of Lot 2BR and a Southern corner of Lot 1 of Fountain Springs Square as shown on plat recorded June 23, 2017, and filed as Document No. A201708266 in the office of the Pennington County Register of Deeds; Thence, North 83° 29' 56" East, along a common boundary line between said Lot 1 and Lot 2BR, a distance of 89.91 feet to an iron rod with cap marked "Scott 4897" found for the Northeast corner of Lot 2BR and a Northwest corner of Lot 3R of Fountain Springs Square as shown on plat recorded January 11, 2023, and filed as Document No. A202300330 in the office of the Pennington County Register of Deeds; Thence, South 22° 19' 59" East, along a common boundary line between Lot 2BR and said Lot 3R, a distance of 135.49 feet to a point for corner from which an iron rod with cap marked "Scott 4897" found for a Southeast corner of Lot 2BR and interior corner of Lot 3R bears South 22° 19' 59" East, a distance of 31.61 feet; Thence, North 73° 03' 30" West across Lot 2BR, a distance of 183.81 feet to the point of beginning, more generally described as being located at 1840 Fountain Plaza Drive.

Planning Commission recommended the Rezoning request from Light Industrial District to General Commercial District be approved.

- 13 23TP016 - 2024-2027 Rapid City Area Transportation Improvement Program – Final Report

Planning Commission recommended approval of the 2024-2027 Rapid City Area Transportation Improvement Program – Final Report

---END OF CONSENT CALENDAR---

4. No. 23PL069 - Ennen Subdivision

A request by Towey Design Group for Rob Poeppel to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 thru 5 of Block 1, Lots 1 thru 18 of Block 2, Lots 1 thru 26 of Block 3, Lot 1 thru 35 of Block 4, Lots 1 thru 37 of Block 5, Lot 1 thru 21 of Block 6, Lots 1 thru 15 of Block 7 and Drainage Lot of Block 5 and Drainage Lot 2 of Block 6 of Ennen Subdivision, legally described as Government Lot 4 less Meadow Ridge Subdivision, located in Section 2, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road North of Bridge Drive.

Fisher briefly outlined the application and explained that the staff is requesting the application be continued to the September 21, 2023 Planning Commission Meeting with the applicants concurrence.

Stuck moved, Vidal seconded and the Planning Commission continued the Preliminary Subdivision Plan to the September 21, 2023 Planning Commission Meeting. (7 to 0 with Arguello, Braun, Bulman, Ginsberg, Gollhofer, Heikes, Herr, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)

- *6. No. 23PD023 - Anamosa Crossing Subdivision

A request by FMG Engineering for Elmington Capital to consider an application for an **Initial Planned Development Overlay to allow an apartment complex** for Lots 1A, 2, 3 and 4 of Anamosa Crossing Subdivision; Tract 1 of Century 21

Subdivision, less H1, H2, H3, right-of-way and that portion Tract 1 lying south and west of E. Anamosa Street right-of-way, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at E. Anamosa Street and Camden Drive.

Harrington presented the application and reviewed the associated slides speaking to the layout including 6 apartment buildings, solar panel field to be used for the development, walking paths and open area. Harrington spoke to the recent rezoning of the property to Office Commercial District to allow this development in the otherwise Light Industrial and General Commercial District area, noting the proposed development for affordable and senior housing. Harrington stated that staff recommends approval of the Initial Planned Development Overlay to allow an apartment complex with stipulations.

Fisher clarified this is an Initial Planned Development Overlay and that details will be part of the Final Planned Development Overlay.

Cory Brown, property owner in the area, stated he is interested in additional information and has some concerns regarding increased traffic the development will create.

Harrington stated a Traffic Impact Study will be required as part of the Final Planned Development Overlay.

Kevin Aker, Hebron Brick, who had recently purchased property in area, spoke to concerns with the potential impact their traffic of large trucks as well retail traffic their business may create for the residential development.

Fisher spoke to the varying uses in this area agreeing there may be some concerns, but that staff will work to ensure it will not reduce the rights of surrounding uses.

Ryan Tobin, Elmington Capital, stated that development is 100 percent affordable housing units.

Discussion on the proposed design, the use of alternative energy sources and the need for affordable housing was discussed.

Vidal moved, Heikes seconded and the Planning Commission approval the Initial Planned Overlay to allow a mixed-use development with the following stipulations:

- 1. Prior to issuance of a building permit, the applicant shall enter into a Developmental Lot Agreement allowing the solar panels to serve the proposed apartment development;**
- 2. Upon submittal of a Final Planned Development Overlay application, the applicant shall provide elevations of the buildings, solar panels, signage, and fencing on site;**
- 3. 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 if recommended by the approved Traffic Impact Study;

4. Prior to the issuance of a Building Permit, a Final Planned Development Overlay shall be approved, and:
5. The Initial Planned Development Overlay shall allow for an apartment complex development on Lot 1AR and a solar panel field on proposed Lot 11. (7 to 0 with Arguello, Braun, Bulman, Ginsberg, Golliher, Heikes, Herr, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*14. No. 23UR017 - Irene Estates Subdivision

A request by Jon Eizinger to consider an application for a **Conditional Use Permit to allow an oversize garage** for Lot 2 of Block 1 of Irene Estates, located in Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6015 Nameless Cave Road.

Osborne presented the application and reviewed the associated slide noting the applicant is proposing to build a 1,500 square foot garage. The applicant plans to build into the grade to use the topographic limits in the area using the tree coverage in the area as screening from surrounding properties. Staff recommends approval of the Conditional Use Permit to allow an oversize garage with stipulations.

Bulman moved, Vidal seconded and the Planning Commission approved the Conditional Use Permit to allow an oversized garage with the following stipulations:

1. Upon submittal of a building permit, the site plan shall be revised to show the construction of sidewalk along Nameless Cave Road. Prior to issuance of a Certificate of Occupancy, the sidewalk shall be constructed or a Variance shall be obtained from City Council waiving the requirement to install sidewalk; and,
2. The Conditional Use Permit shall allow for the construction of a 1,500-square-foot garage for a total of 2,700 square feet of garage and storage space on the property. The garage shall be constructed with the materials, color and designed as presented. The garage shall not be used for commercial purposes or as a second residence. Any expansion or change in use that is permitted in the Low Density Residential District shall require the review and approval of a Building Permit. Any expansion or change in use that is a Conditional Use in the Low Density Residential District shall require a review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Arguello, Braun, Bulman, Ginsberg, Golliher, Heikes, Herr, 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. No. 23UR021 - Skyline Pines Subdivision

A request by Skyler Massey for Sonalika Khachikian to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 5 of Block 3 of Skyline Pines Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1706 Pevans Parkway.

Osborne stated that the applicant has revised his plans to meet all requirements and a building permit has been issued requests the Planning Commission acknowledge the withdrawal.

Vidal moved, Kaufman seconded and the Planning Commission acknowledged the withdrawal of the Conditional Use Permit to allow an oversize garage. (7 to 0 with Arguello, Braun, Bulman, Ginsberg, Gollither, Heikes, Herr, 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.

16. No. 23OA002 - Ordinance Amendment to Create Regulations for Indoor Shooting Ranges by Amending Chapter 17 of Rapid City Municipal Code

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Create Regulations for Indoor Shooting Ranges by Amending Chapter 17 of Rapid City Municipal Code.**

Howard presented the Ordinance Amendment and thanked everyone who had worked to make it possible. Howard noted that numerous recent requests for this use have been received and why the need for the revision. Items addressed included separation, design and construction, and operational requirements to meet safety requirements.

Fisher explained that the Ordinance Amendment was designed to allow the use if it meets all requirements and with the option to obtain a Conditional Use Permit if separation requirements aren't met.

Current process for indoor ranges or firing of projectiles of any kind, opportunity for safe gun training, type of weapons allowed, interaction with the ATF, requirements for transport of weapons to and from facility and the support of the law enforcement entities were discussed.

Gollither moved, Vidal seconded and the Planning Commission

recommended that Ordinance 6586 to adopt comprehensive zoning regulations for Indoor Shooting Ranges by amending Title 17 of the Rapid City Municipal Code be approved. (7 to 0 with Arguello, Braun, Bulman, Ginsberg, Gollhofer, Heikes, Herr, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)

17. Staff and Planning Commission Discussion Items

Fisher stated that the Planning 101 Training has been set up stating anyone who wished to attend was welcome.

There being no further business, Gollhofer moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:53 a.m. (7 to 0 with Arguello, Braun, Bulman, Ginsberg, Gollhofer, Heikes, Herr, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)