

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
January 26, 2017

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, , John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney, Steve Rolinger, Kimberly Schmidt and Gerald Sullivan. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Mike Gollither

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Tim Behlings, 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.**

**Motion by Brewer seconded by Rolinger and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff. (9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the January 5, 2017 Planning Commission Meeting Minutes.
2. No. 16CA007 - Amendment to the Comprehensive Plan to adopt the Box Elder Drainage Basin Design Plan  
**Summary of Adoption Action** on a request by City of Rapid City - Public Works to consider an application for an **Amendment to the Comprehensive Plan to adopt the Box Elder Drainage Basin Design Plan** for property generally described as being located north of I-90 from LaCrosse Street west to Deadwood Avenue south of Box Elder Creek in Meade County, east to Elk Vale Road and north of Anamosa Street.  
  
**Planning Commission approved the summary and authorized publication in the Rapid City Journal.**
- \*3. No. 16PD046 - Orchard Meadows  
A request by KTM Design Solutions, Inc for Yasmeeen Dream LLC to consider an application for an **Initial Planned Development Overlay to allow an apartment complex** for Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Tract H of Orchard Meadows, and the point of beginning. Thence first course: N83°21'59"E, a distance of 544.47 feet; Thence second course: N74°46'00"E, a distance of 65.61 feet; Thence third course: S00°06'17"W, a distance of 146.81 feet; Thence fourth course: S45°06'12"W, a distance of 14.14 feet; Thence fifth course: N89°53'48"W, a distance of 14.67 feet; Thence sixth

course: S00°06'12"W, a distance of 52.00 feet; Thence seventh course: S89°53'48"E, a distance of 14.67 feet; Thence eighth course: S44°53'48"E, a distance of 14.14 feet; Thence ninth course: S00°06'12"W, a distance of 604.68 feet; Thence tenth course: N89°54'10"W, a distance of 625.75 feet; Thence eleventh course: N00°00'35"E, a distance of 739.61 feet; Thence twelfth course: N83°22'14"E, a distance of 23.12 feet, to the point of beginning, more generally described as being located south of SD Highway 44 East and east of Elk Vale Road.

**Planning Commission continued the Initial Planned Development Overlay to allow an apartment complex to the February 23, 2017 Planning Commission meeting at the applicant's request.**

***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.***

\*4. No. 17UR001 - Rapid City Greenway Tract

A request by Stanley Design Group for Flutter Productions/ Black Hills Works to consider an application for a **Conditional Use Permit to allow structures in the Flood Hazard District in conjunction with a special event** for Tract 17 (also located in Section 34) Less Lots H1 and H2, of Rapid City Greenway Tract, located in 35,T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

**Planning Commission approved the Conditional Use Permit to allow structures in the Flood Hazard District in conjunction with a special event with the following stipulation(s):**

1. **A Temporary Use Permit shall be obtained;**
2. **Prior to issuance of a Temporary Use Permit, the site plan shall be revised to move the location of the second access away from the bike path;**
3. **Prior to issuance of a Temporary Use Permit, the site plan shall be revised to move the staging tents away from the south side of the restroom facility;**
4. **Prior to issuance of a Temporary Use Permit, the site plan shall be revised to show the proposed banner sign in the banner sign frame located on the west side of the restroom structure;**
5. **Prior to issuance of a Temporary Use Permit, the Floodplain Development Permit shall be revised to show the revised location of the proposed staging tents;**
6. **A Special Event Permit shall be obtained for the sale of alcohol; and,**
7. **The Conditional Use Permit shall allow structures in the Flood Hazard District in conjunction with a special event. Changes to the proposed special event shall require an amendment to the Conditional Use Permit.**

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**---END OF CONSENT CALENDAR---**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

\*5. No. 16PD060 - South Robbinsdale Addition

A request by Harmony Childcare and Preschool LLC to consider an application for a **Final Planned Development Overlay to expand a child care center** for the west 5 feet of Lot 19 and all of Lot 20 of Block 8 of South Robbinsdale Addition, located in Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 606 East Indiana Street.

Lacock presented the application and reviewed the associated slides noting that there is an existing Conditional Use Permit on the property to allow a child care facility and that this is a request to expand that use. Lacock reviewed that to implement the expansion the applicant is requesting an Exception to the number of children the child care center can have from 28 children to 30 children and an Exception to reduce the minimum required parking from six spaces to one space the circular driveway that is used as the drop off area and the use of on street parking for the staff helps to mitigate the reduction of parking. Lacock noted that the fence that is currently on the property will need to be moved from the right-of-way onto the property. Lacock stated that staff does not support the Exception to allow a 15 square foot sign in lieu of the maximum allowed one square foot sign allowed in a residentially zoned area indicating that it goes against the character of the residential area and that this is an existing facility that does not depend upon additional signage to draw business and as such staff requests that the Exception to allow the larger sign be denied and the **Final Planned Development Overlay to expand a child care center be approved** with the stipulations outlined in the Project Report.

In response to a question from Hoogestraat regarding the sign and its placement, Scott Showalter of Harmony Childcare and Preschool LLC, stated that they would be attaching the sign to the building and that they would be open to reducing the sign from the 3 foot by 5 foot sign to a 2 foot by 3 foot sign.

Bulman reviewed the reasons residential signage is restricted to the smaller sign size. One of which is to maintain the residential character of neighborhoods even when a non-residential use is being operated.

Hoogestraat offered a substitute motion to allow a 2 foot by 3 foot sign. Motion failed due to a lack of second.

**Bulman moved, Rolinger seconded and unanimously carried to approve the Final Planned Development Overlay to expand a child care center with the**

following stipulations:

1. Prior to initiation of the expansion of use, the fence located in the East Indiana Street right-of-way shall be moved or the applicant shall post surety to move the fence;
2. The Exception to allow a wall sign measuring 15 square feet in size in lieu of the maximum allowed one square foot is hereby denied;
3. An Exception is hereby granted to allow a maximum of 30 children in lieu of the previously granted maximum of 28 children in the child care center;
4. An Exception is hereby granted to reduce the minimum required parking from six parking spaces to one parking space;
5. Prior to initiation of the expansion of the use, the applicant shall coordinate with the Rapid City Fire Department to address Fire Code issues;
6. The Final Planned Development Overlay shall allow a child care center for 30 children in the Low Density Residential District. Permitted uses within the Low Density Residential 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. (9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)

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\*6. No. 16PD061 - Robbinsdale Addition No. 7

A request by Upper Deck Architects for Presbyterian Retirement Village of Rapid City to consider an application for a **Final Planned Development Overlay to expand assisted living facility** for Block 24A, Lots 4, 5, 6, 7, Lots 15, 16, 17, 18 of Block 23 of Robbinsdale Addition No. 7, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Texas Street and 5th Street intersection.

Braun stated that both Schmidt and Huus would be abstaining from this item due to a conflict of interest. Schmidt left the dais at this time.

Lacock presented the application and reviewed the associated slides noting that this is Phase II of a three phased plan. Phase I was a parking lot expansion to add additional parking on the northwest side of the property and Phase III will be six duplex units located on the southwest side of the property. Lacock reviewed the drawings of the proposed Phase II expansion noting that there are 100 parking spaces on the first floor and 33 spaces located on the north side of the property adjacent to Texas Street. Lacock reviewed the major areas of concern with the plan including drainage, lighting, parking and the impact on the

residential character of the neighborhood. The applicant plans to manage these concerns by including fencing to keep headlights from effecting neighboring properties, masked lighting for the parking lot, landscaping to buffer and enhance the project and increased setbacks to provide additional separation between the facility and the surrounding properties. Lacock reviewed the proposed plan to alleviate parking congestion during the construction including defined off site locations for construction workers and utilizing the parking structure as it is completed. Lacock stated that a Master Drainage Plan has been submitted by the applicant and shows that it will both address the proposed facility and improve the drainage issues for the area. Lacock presented staff's recommendation that the **Final Planned Development Overlay to expand assisted living facility** be approved with stipulations.

In response to a question from Quasney regarding the traffic impact to Texas Street, Lacock stated that none of the residents will have vehicles and should not affect the traffic on Texas Street.

John Antkowiak, 3701 Arizona Street, spoke to his concerns regarding construction issues affecting his property.

In response to question from Braun regarding access, Kim Schmidt of Upper Deck Architects, confirmed that access will be from Texas Street and not from the cul-de-sac on Freedom Court or Centennial Street.

In response to a question from Braun, Daryl Reinicke, West Hills Village, reviewed the notification procedures they are using to inform property owners of construction schedules and the additional communication that West Hills Village is providing.

**Bulman moved, Rolinger seconded and unanimously carried to approve the Final Planned Development Overlay to expand an assisted living facility with the following stipulations:**

- 1. A minimum of 202,630 landscape points shall be provided as shown on the approved landscape plan;**
- 2. Any change to the character of the proposed elevations shall require the review and approval of a Major Amendment to the Planned Development;**
- 3. Any change to the character of the proposed parking lot screening shall require the review and approval of a Major Amendment to the Planned Development;**
- 4. Upon submittal of a Building Permit, the sewer and water services for the single-family lots shall be shown on the plans to be abandoned per City Standards;**
- 5. Upon submittal of a Building Permit, a Geotechnical Report including pavement section recommendations shall be submitted for review and approval;**
- 6. Prior to issuance of a Building Permit, all conflicting utility and drainage easements shall be vacated;**
- 7. Prior to issuance of a Building Permit, a Lot Line Consolidation Plat or a Developmental Lot Agreement shall be submitted for review and**

- approval;
8. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be submitted for review and approval;
  9. Prior to issuance of a Certificate of Occupancy, the property owner shall enter into a covenant agreement with the City for maintenance of the proposed underground stormwater detention facility and stormwater quality manhole;
  10. The stormwater drainage shall be constructed as designed in the Master Drainage Plan;
  11. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,
  12. This Final Planned Development Overlay shall allow for the expansion of an assisted living facility. Permitted uses within the Medium Density Residential 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. (7 to 0 to 2 with Braun, Brewer, Bulman, Herr, Hoogestraat, Rolinger and Sullivan voting yes, none voting no and Huus and Schmidt abstaining)

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\*7. No. 16UR025 - Rapid City Greenway Tract

A request by TKRS Properties, LLC to consider an application for a **Major Amendment to a Conditional Use Permit to revise the stipulation to allow fence slats** for Tract 25 less Lot H1 and H2 (also in Section 1, T1N, R7E), of Rapid City Greenway Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 240 Omaha Street.

Lacock presented the application and reviewed the associated slides stating that the original Conditional Use Permit stipulated the fence be without slats to allow for visibility. When the fence was installed with slats the Police Department determined that the visibility was not impaired by placement of the slats. A Major Amendment to the Conditional Use Permit is required to revise a stipulation of approval. Lacock stated that based on the Police Department's approval staff recommends that the **Major Amendment to a Conditional Use Permit to revise the stipulation to allow fence slats** be approved.

In response to Bulman's request to stipulate that the slates be maintained, Lacock confirmed that there is a lease agreement with the City that states the

fence will be maintained the lessee.

**Hoogestraat moved, Schmidt seconded and unanimously carried to approve the Conditional Use Permit to revise the stipulation to allow fence slats with the following stipulation(s):**

- 1. The Major Amendment to a Conditional Use Permit shall allow a six foot high chain link fence with slats and a bottom rail in the Flood Hazard District. Changes to the proposed fence shall require an amendment to the Conditional Use Permit. (9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)**

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\*8. No. 16PD066 - Boulevard Addition and Flormann Subdivision

A request by Kennedy Design Group Inc for Wal-East Development Inc. to consider an application for a **Major Amendment to the Planned Development to expand an existing on-sale liquor establishment in conjunction with a casino** for Lots 5 thru 9 of Block 37 of Boulevard Addition, located in Section 2, T1N, R7E and Lot 17 and Lot 18 less the east 11 feet of the north 70 feet and less the east 14 feet of the south 70 feet of Block 10 of Flormann Subdivision, located in Section 1, T1N, R7E, all located in BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1320 Mount Rushmore Road.

Laroco presented the application and reviewed the associated slides noting that there is no actual expansion or alteration of the property is being proposed. Laroco noted that in 1994 a Variance was granted for the property to reduce landscaping, parking and setbacks but that when the property was later developed as a Planned Development those Variances were not included as Exceptions and the applicant is requesting that the approved Variance be identified as stipulations of the Planned Development. Laroco clarified that approval of these Exceptions does not change the existing criteria of the property and no additional Exceptions being requested just the expansion of the on-sale liquor establishment. Laroco reviewed the Exception request to reduce the required amount of off-street parking on the property from 52 spaces to 22 spaces, which has been historically shown accommodates the parking needs for the property; the Exception to reduce the required setback from commercial parking to a residential use from 12 feet to 0 feet noting that the 6-foot-tall opaque screening fence that is already existing between the commercial parking and the residential use; and the Exception to reduce the required number of landscaping points from 12,715 to 6,060 points, and to increase the percentage of landscaping points which may be located in the public right-of-way from 25 percent to 32 percent due to the limited area available to provide landscaping. Staff recommends that the **Major Amendment to the Planned Development to expand an existing on-sale liquor establishment in conjunction with a**

**casino** be approved with the stipulations.

In response to a question from Quasney if alternative landscaping can be considered, Kent Kennedy stated that the applicant is willing to work with the City to provide additional landscaping, but that they would sacrifice parking to do so.

Fisher clarified that the Variance obtained in 1994 was to allow the current conditions on the property which reduce landscaping points, setbacks and parking. The expansion in use requires that additional parking be provided. As such, the applicant is requesting an Exception through the Planned Development process to reduce the parking.

Shirley Rising, Medicine Shoppe and Rising Properties, spoke to her concern to the expansion of the casino, the type of business; and the security issues in regards to the surrounding business and neighborhood; and the increased parking and traffic. Rising inquired if in lieu of the Exception for parking an offsite parking agreement could be required.

Brewer spoke to the Mount Rushmore Corridor Study and the guidelines offered and hope that these are considered as the corridor continues to develop.

Paul Bradsky, speaking for the applicant, Wal-East Development Inc., reviewed the prior uses on the property noting that the proposed use is not anticipated to generate any more parking than the previous uses. Bradsky offered to work with the City to eliminate signage to provide additional landscaping and spoke to the additional concerns regarding the safety and operation of the business.

Further discussion followed regarding signage.

**Bulman moved, Rolinger seconded and unanimously carried to approve the requested Major Amendment to the Planned Development with the following stipulations:**

- 1. The requested Exception to reduce the required amount of off-street parking on the property from 52 spaces to 22 spaces is hereby granted;**
- 2. The requested Exception to reduce the required setback from commercial parking to a residential use from 12 feet to 0 feet is hereby granted, contingent upon the provision and maintenance of a minimum 6-foot-tall opaque screening fence between the commercial parking and the residential use;**
- 3. The requested Exception to reduce the required number of landscaping points from 12,715 to 6,060 points, and to increase the percentage of landscaping points which may be located in the public right-of-way from 25 percent to 32 percent is hereby granted;**
- 4. If larger water services are proposed for the site, then prior to issuance of a building permit, water service plans and profile shall be submitted. Any abandoned/unused services shall be abandoned at the main in compliance with City Standard Specifications;**
- 5. All signage shall comply with the requirements of the Rapid City Sign Code. Prior to issuance of a sign permit for this property, review and**



approval from the Historic Sign Review Committee shall be obtained. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers on the property shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;

6. This Major Amendment to the Planned Development shall allow for the expansion of an existing on-sale liquor establishment in conjunction with a casino. All uses permitted within the General Commercial District shall be permitted contingent upon issuance of a building permit and provision of sufficient parking. All conditional uses in the General Commercial District or any uses which result in an increase in the required amount of parking shall require a Major Amendment to the Planned Development. All requirements of the General Commercial District shall be continually met unless specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment to the Planned Development. (9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)

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9. Discussion Items

10. Staff Items

Fisher stated that John Brewer had submitted his resignation from the Planning Commission effective following this meeting and thanked him for his time and years of service and wished him well in his future endeavors.

Brewer in turn thanked staff for their support and his sincere hopes that the Commission continues to provide strong guidance and support the development of the city.

11. Planning Commission Items

12. Committee Reports

- A. City Council Report (January 3, 2017)  
The City Council concurred with the recommendations of the Planning Commission
- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

**There being no further business, Rolinger moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:07 a.m. (9 to 0 with Braun, Brewer, Bulman, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting**

**yes and none voting no)**