

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 10 2016

MEMBERS PRESENT: Erik Braun, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand, Andrew Scull and Jan Swank.

MEMBERS ABSENT: John Brewer, Kay Rippentrop, Steve Rolinger, Kimberly Schmidt and Amanda Scott, Council Liaison was also absent

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Patsy Horton, Rich Broderick, Ted Johnson, Joel Landeen, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:01 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 9 and 10 be removed from the Consent Agenda for separate consideration.

Planning Commission requested that item 11 be removed from the Consent Agenda for separate consideration.

Motion by Marchand seconded by Scull and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 11 in accordance with the staff recommendations with the exception of Items 9, 10 and 11. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the February 25, 2016 Planning Commission Meeting Minutes.
2. No. 15PL105 - Big Sky Business Park
A request by Sperlich Consulting, Inc for Dakota Heartland Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 2 thru 3 of Block 2 of Big Sky Business Park, legally described as a portion of the W1/2 of the SW1/4 of the NW1/4, located in the SW1/4 of the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of existing intersection of Homestead Street and Timmons Boulevard.

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

1. **Prior to submittal of a Development Engineering Plan application, the redline comments on the preliminary plans shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;**

2. Upon submittal of a Development Engineering Plan application, construction plans showing the installation of a sewer main along Homestead Street shall be submitted for review and approval or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the construction of curb and gutter or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, the construction plans shall show the construction of sidewalk along Elk Vale Road or a Variance shall be obtained from City Council;
4. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual or an Exception shall be obtained. The water plan and analysis shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Utility easements shall also be provided as needed;
5. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval or an Exception shall be obtained. The sewer data shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, utility easements shall be provided as needed;
6. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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. Final subdivision improvement plans in accordance with the City's plan preparation and drafting standards shall be provided. All public water and sewer improvements require the review and approval of the South Dakota Department of Environment and Natural Resources. 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;
7. Upon submittal of a Development Engineering Plan application, a drainage plan prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and in compliance with the City's Drainage Basin Plan shall be submitted for review and approval

or an Exception shall be obtained. The drainage plan shall address storm water quantity control and storm water quality treatment. Drainage easements shall also be provided as necessary;

8. Upon submittal of a Development Engineering Plan application, a grading plan and an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval;
 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 10. Upon submittal of a Development Engineering Plan application, a cost estimate of any required subdivision improvements shall be submitted for review and approval;
 11. Prior to submittal of a Final Plat application, all required subdivision improvements shall be completed;
 12. Upon submittal of a Final Plat application, subdivision inspection fees shall be paid; and,
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
3. No. 16RZ002 - SZ Estates

A request by Sperlich Consulting, Inc for Scott and Janice Zandstra to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District II** for Lot A Revised of the N1/2 of Government Lot 4 Less Lot H1 and Less Lot H2, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of the intersection of Gemstone Drive and Parkview Drive.

Planning Commission recommended that the request to rezone property from General Agriculture District to Low Density Residential II District be approved.

- *4. No. 16PD004 - Sections 26, 27 and 35, T2N, R7E

A request by Bailey Associates, Inc. to consider an application for a **Initial and Final Planned Development Overlay to allow a park** for the SE1/2 of the SW1/4 of the SW1/4 of Section 26, T2N, R7E; the SE1/4 of the SE1/4 of Section 27, T2N, R7E; the NW1/2 of the SW1/4 of the SW1/4 of Section 26, T2N, R7E and the north 400 feet of the west 400 feet of the NW1/4 of the NW1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the current terminus of Commerce Road.

Planning Commission approved the requested Major Amendment to the Planned Development with the following stipulations:

1. **Prior to issuance of a building permit, revised plans shall be submitted showing the proposed parking lot does not interfere with the alignment of the proposed arterial street on the property;**

2. **The proposed park shall operate in compliance with the applicant's submitted operations plan. Changes to the operation or operator of the park shall require a Major Amendment to the Planned Development, and;**
3. **All signage shall comply with the requirements of the Rapid City Municipal Code. No Light Emitting Diode (LED) signage is being approved as a part of this Initial and Final Planned Development. The addition of LED signage on the property shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign.**

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.

*5. No. 16PD006 - Founders Park Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc for Founders Park LLC to consider an application for an **Initial Planned Development Overlay to allow an office building** for a parcel of land located in the unplatted portion of the West One-Half of the Northwest One-Quarter of the Southeast One-Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-Five (35) in Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota to be known as Future Lot 4 of Founders Park Subdivision and more fully described as follows: Commencing at the northwest corner of Lot 2 of Founders Park Subdivision, located in said W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed March 3, 2008 and recorded in Book 35 of Plats on Page 13, said point being coincident with a southeasterly corner of Lot 1 of Founders Park Subdivision, also located in said W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed February 1, 2007 and recorded in Book 34 of Plats on Page 80 and said point being marked by a rebar with survey cap "LS 6565". Thence, curving northerly and to the right on the easterly line of said Lot 1 of Founders Park Subdivision on a curve with a radius of 218.29 feet, a delta of 16 degrees 12 minutes 30 seconds, an arc length of 61.75 feet, a chord bearing and distance of North 63 degrees 55 minutes 55 seconds West 61.55 feet more or less to the point of beginning, said point being marked by a rebar with survey cap "LS 6565"; thence, curving northwesterly and to the right on the easterly line of said Lot 1 of Founders Park Subdivision, on a curve with a radius of 274.56 feet, a delta of 91 degrees 33 minutes 44 seconds, an arc length of 438.76 feet and a chord bearing and distance of North 12 degrees 09 minutes 35 seconds East 393.54 feet more or less to a point on the west line of the 63.5 feet wide Founders Park Drive right-of-way and said point being marked by a rebar with survey cap "LS 6565"; thence, southeasterly on the west line of said 63.5 feet wide Founders Park Drive right-of-way and curving to the left on a curve with a radius of 394.00 feet, a delta 37 degrees 24 minutes 47 seconds, an arc length of 257.27 feet, and a chord bearing and distance of South 36 degrees 32

minutes 06 seconds East 252.73 feet more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, South 62 degrees 00 minutes 00 seconds West a distance of 130.50 feet more or less to a point marked by a rebar with survey cap "LS 6565"; thence, South 62 degrees 00 minutes 00 seconds West a distance of 91.04 feet more or less to a point marked by a rebar with survey cap "LS 6565"; thence, South 25 degrees 55 minutes 09 seconds West a distance of 86.32 feet more or less to the point of beginning, more generally described as being located west of Founders Park Drive and south of Cowboy Hill Road.

Planning Commission approved the Initial Planned Development Overlay to allow an office building with the following stipulations:

- 1. The Initial Planned Development Overlay shall allow for an office building;**
- 2. 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 Initial Planned Development Overlay. The addition of electronic or LED signage shall require a Final Planned Development Overlay. A sign permit is required for any new signs; and,**
- 3. A Final Planned Development Overlay application shall be submitted prior to issuance of a Building 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.

6 No. 16PL011 - East Ten Acres Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc. for William Rensch to consider an application for a **Preliminary Subdivision Plan** for Lots A1 and A2 of East Ten Acres Subdivision, legally described as the south 223 feet of Lot A of East Ten Acres Subdivision, located in the SE1/4 of the SW1/4 of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3806 West Main Street.

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

- 1. Prior to submittal of the Development Engineering Plan application, redlined comments shall be addressed. Upon submittal of the Development Engineering Plan application, the redlined comments and the revised drawing(s) as per the redline comments shall be submitted for review and approval or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment shall be obtained. If an Exception is obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;**
- 2. Upon submittal of a Development Engineering Plan application,**

- construction plans for West Main Street shall be submitted for review and approval showing the dedication of 17 additional feet of right-of-way and the construction of a dual water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, construction plans for 38th Street shall be submitted for review and approval showing one additional foot of pavement width for a total of 26 feet and water or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 4. Prior to approval of a Development Engineering Plan application, an Exception shall be obtained to reduce the required 8 foot wide minor drainage and utility easement for the area of the existing garage encroachment along the west lot line of proposed Lot A2. As a part of the Exception request, written documentation from the utility companies indicating concurrence with the request shall be submitted. If the Exception is not obtained, then the garage encroachment shall be removed;
 5. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval if subdivision improvements are required. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;
 6. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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 Registered Professional Engineer;
 7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 9. Prior to submittal of a Final Plat application, the portion of the garage encroaching into the 8 foot wide side yard setback on proposed Lot A2 shall be removed or surety shall be posted to ensure that it is removed in a timely manner;
 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; and,
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).**

7. No. 16PL012 - Founders Park Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc for Founders Park LLC to consider an application for a **Preliminary Subdivision Plan** for Lots 4, 5A and 5B of Founders Park Subdivision, legally described as a portion of the remainder of Block 1 of Riverside Addition and a portion of the unplatted portion of the W1/ 2 of the NW1/4 of the SE1/4 of Section 35, T2N, R7E, located in the W1/2 of the NW1/4 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Founders Park Drive.

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

1. **Upon submittal of a Development Engineering Plan application, construction plans for the public access easement(s) shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with curb, gutter, sidewalk, street light conduit and water along the southern portion of the easement or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, a site plan showing separate water and sewer services to each lot in conformance with City Standards shall be submitted for review and approval or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
3. **Upon submittal of a Development Engineering Plan application, confirmation that street light conduit exists along Founders Park Drive shall be submitted or construction plans shall be submitted for review and approval showing the installation of street light conduit or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
4. **Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval if subdivision improvements are required. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;**
5. **Prior to Development Engineering Plan approval, engineering reports**

required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. 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 Registered Professional Engineer;

6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
7. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;
8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the lots labeled as Lots 3, 4 and 5;
9. Prior to submittal of a Final Plat application, the plat document shall be revised to dimension and label the proposed 4.5 foot wide additional right-of-way being dedicated along Founders Park Drive;
10. Prior to submittal of a Final Plat application, the standard 8 foot wide minor drainage and utility easement note shall be revised to exempt the common lot line between Lots 5A and 5B. In addition, a note shall be added dedicating a 6 foot wide maintenance easement along this common lot line;
11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

8. No. 16RZ003 - The Villas at Villaggio

A request by Sperlich Consulting, Inc for Villaggio LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District** for a portion of the NE ¼ of the SW ¼ of the SE ¼ of Section 22 and Lot H4 of the NE ¼ of the SW ¼ of the SE ¼ of Section 22, all located in T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 1R of Block 2 of The Villaggio at Golden Eagle, a rebar and cap stamped LS 1019, and the Point of Beginning; Thence, first course: N89°53'37"E, a distance of 130.98 feet, to a rebar and cap stamped LS 5225; Thence, second course: N89°53'57"E, a distance of 67.93 feet; Thence, third course: N89°54'26"E, a distance of 83.29 feet, to a 5/8" rebar; Thence, fourth course: N89°55'28"E, a distance of 54.99 feet; Thence, fifth course: N89°55'31"E, a distance of 112.05 feet, to a rebar and cap stamped LS 5225; Thence, sixth course: N89°42'09"E, a distance of 92.60 feet, to a rebar and cap stamped LS 5225; Thence, seventh course: S89°56'05"E, a distance of 117.37 feet, to a rebar and cap stamped LS

1019; Thence, eighth course: S00°06'32"E, a distance of 664.48 feet, to a rebar and cap stamped LS 1019; Thence, ninth course: S89°51'09"W, a distance of 439.72 feet; Thence, tenth course: To the Beginning of a 2,503.28 foot Radius Curve to the Left; Along a Chord Bearing of N37°11'55"W and a Chord Distance of 363.23 feet, and an Arc Length of 363.55 feet; Thence, eleventh course: N00°10'16"W, a distance of 375.17 feet; to the Southwesterly corner of Lot 1R of Block 2 of The Villaggio at Golden Eagle, a rebar and cap stamped LS 1019, and the Point of Beginning, more generally described as being located northeast of the intersection of Catron Boulevard and Vineyard Lane.

Planning Commission recommended that the request to rezone property from General Agriculture District to Low Density Residential-I District be approved.

---END OF CONSENT CALENDAR---

Lacock requested that Items # 9 and # 10 be heard concurrently.

9. No. 16RZ004 - Robbinsdale Addition No. 10
A request by Renner Associates, LLC to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** for Lots 1, 2, 3, 7 and 8 of Block 1 of Robbinsdale Addition No. 10, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast corner of the intersection of 5th Street and Nebraska Street.

10. No. 16RZ005 - Robbinsdale Addition No.7
A request by Renner Associates, LLC to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** for Lots 4, 5, 6, 7, 15, 16, 17 and 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 south of Texas Street and north of Freedom Court.

Scull stated that he would be abstaining from these items.

Lacock presented the applications and reviewed the associated slides. Lacock noted that West Hills Village has purchased the properties in question and that they are requesting the rezonings to Medium Density Residential to allow the future expansion of the assisted living center which is limited to 16 units in the current zoning of Low Density Residential District. Lacock noted that approval of the rezoning requests does not give approval to build the expansion and that West Hills Village will be required to submit a Planned Development application for the expansion. Lacock stated staff has received a number of calls regarding these applications and that there are a number of people in the audience to speak to their concerns regarding the items. Lacock said that staff believes that this is a viable location for the facility and that the properties will remain single family dwellings until the expansion is built and that Staff recommends that the **Rezonings from Low Density Residential District to Medium Density**

Residential District be approved.

Nathan Denholm, 3718 Freedom Court, spoke to his concerns stating that his property is located adjacent to the proposed rezoning on Freedom Court. Denholm requested that the process be slowed down to allow for more information before approving the rezone. He worries about what will be built next to his property and how his property will be affected.

John Antkowiak, 3701 Arizona Street, spoke to his concerns regarding the drainage issues that might be created by the development of the property and the placement of the buildings and the affect that both may have on his property value.

Doug Krull, 114 Centennial Street, said that he also has concerns regarding drainage issues this development may create noting that he has previously had drainage issues. Krull also noted that the traffic will need to be addressed.

Bob Hower, 123 Nebraska Street, spoke to the drainage and flooding issues previously experienced in this area and requested that drainage issues be addressed. He also asked that plans for the proposed development be provided.

David Reinkie, 225 Texas Street, President of West Hills Village, reviewed his history with the facility and stated that he hopes to address the concerns voiced today. Reinkie said that he had Kim Schmidt from Upper Deck Architects and Steve McCarthy, who is a member of the Board of Directors of West Hills Village, available to provide information if needed. He reviewed the proposed plans for the expansion, stating that they are currently looking to build single story; residential style buildings that should fit in to the neighborhood. Reinkie also stated that they will work with landscaping to help provide an aesthetically pleasing property. He did agree that the issue of drainage is known to them and they will be addressing this as they develop the property.

Hoogestraat moved, Swank seconded and unanimously carried to recommend that the Rezoning from Low Density Residential District to Medium Density Residential District (16RZ004) be approved, and;

That the Rezoning from Low Density Residential District to Medium Density Residential District (16RZ005) be approved. (6 to 0 to 1 with Braun, Bulman, Hoogestraat, Jobman, Marchand and Swank voting yes and none voting no and Scull abstaining)

11. No. 16RZ006 - Moon Meadows

A request by KTM Design Solutions for Hagg Brothers LLC to consider an application for a **Rezoning from General Commercial District to Office Commercial District** for that portion of the SW1/4 of the NW1/4 Less Lot H1, Lot H2 and Less Right-of-Way; located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Moon Meadows Drive and east of Highway 16.

Bulman stated that she would be abstaining from this item due to a conflict of interest.

Casey Peterson, 8588 Dreamscape Road, gave an overview of the location of his property and the surrounding area. Peterson stated that he does not feel that the notification requirements meet the need for agriculturally zoned properties and that the requirement for sign placement should define where the signs are placed. Peterson spoke to the development of the Highway 16 Corridor and the changes that development has brought to the area. He addressed the current and pending development speaking to the mix of zoning in the area, spot zoning, and the development of the large housing developments that he believes will create traffic congestion and access issues and that he does not support the proposed rezoning request. He stated that he is also ready to speak to the associated Planned Development that is later on the agenda.

Fisher confirmed that the rezoning is from General Commercial District to Office Commercial District and reviewed the approved uses for the Office Commercial Zoning and stated that the staff is recommending that the **Rezoning from General Commercial District to Office Commercial District** be approved.

Scull stated that Office Commercial District is the one of the most restrictive zonings and as such stated that he feels that this zoning would be the best for this area.

Marchand moved, Hoogestraat seconded and unanimously carried to recommend the Rezoning from General Commercial District to Office Commercial District be approved in conjunction with the associated Initial Planned Development Overlay. (6 to 0 to 1 with Braun, Hoogestraat, Jobman, Marchand, Scull and Swank voting yes and none voting no and Bulman abstaining)

---BEGINNING OF REGULAR AGENDA ITEMS---

12. No. 16TI001 - Sections 26 and 27, T1N, R7E

A request by Black Hills Corporation to consider an application for a **Resolution to Create Project Plan** for Lot 1 of C2B Addition located in Sections 26 and 27 of T1N, R7E, BHM and that portion of vacated Catron Boulevard right-of-way adjacent to Lot 1 of C2B Addition located in Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on Plat filed as Document A201307411 in the Office of the Pennington County Register of Deeds; Lot 2 of TLC Subdivision located in the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on Plat filed in Book 35 of Plats on Page 43 in the Office of the Pennington County Register of Deeds; and Catron Boulevard right-of-way adjacent to Lot 1 of C2B Addition located in the SW1/4SW1/4 of Section 26 and the 27 and Lot 2 of TLC Subdivision located in the NE1/4 of Section 27 all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located southwest corner of the intersection of S. US Highway 16 and Catron Boulevard.

Scull and Bulman stated that they would be recusing themselves from this item due to conflicts and left the dais at this time.

Horton reviewed the application noting that the Planning Commission had previously approved the Creation of the Tax Increment District and that this is for the approval of the Project Plan. Horton stated that recent changes to law allow for additional options for funding and reviewed these options including the use of grants for payment and implementation of project plans. Horton also showed that the Tax Increment District also meets the City's criteria by not being in direct competition with other businesses and the increase in employees, conforms to the Comprehensive Plan and will not create any loss of existing tax revenue. Horton reviewed the proposed Tax Increment District, zoning, current uses, proposed uses and public improvements. Horton reviewed the project plan costs. Horton reviewed that this Tax Increment District will be located in an overlapping Tax Increment District 70 and that the initial payment will go to that Tax Increment District and then to the payment of the new Tax Increment District. She reviewed the payment period, the value increases by the associated Tax Increment Districts and the proposed payoff period of 17 years. Horton stated that Staff recommended that the Tax Increment District be approved.

Jafar Karim, Black Hills Energy, thanked the Planning Commission for their time and the opportunity to offer the project that is before them today. He reviewed the opportunity this Tax Increment District is providing to the community and Black Hills Energy.

Benjamin Snow, President of Rapid City Economic Development, stated that he was here to speak to why they are excited for the proposed project. He spoke to the economic multipliers associated with this proposed project and encouraged the Planning Commission to approve this request.

Braun noted that this is the first time Tax Increment Financing is proposed as a grant for Rapid City and asked Carla to review how the criteria are met. Carla stated that Tax Increment Financing in the form of a grant has been done elsewhere in the state, but this is the first time in Rapid City. She noted that there will be an agreement between the applicant and the City and that they are working on this agreement that will lay out the criteria Black Hills Energy will need to show to obtain the grant funds.

Joel Landeen addressed the difference between this and other Tax Increment Financing in that most Tax Increment Financing is not self-financed and, therefore, interest is paid to a bank or other financial institution. Joel said the project will allow Black Hills Corporation to pay for development now, but that because they will have to wait for the reimbursement of the funds until the Tax Increment District is paid off, in exchange for the risk they are taking to create this development it was agreed that the interest be included in the payment.

Swank moved, Marchand seconded and unanimously carried to recommend approving the Resolution to approve the Project Plan for

Rushmore Gateway Corridor Tax Increment District in order to stimulate economic development within the southwest quadrant of US Highway 16/Catron Boulevard. (5 to 0 to 2 with Braun, Hoogestraat, Jobman, Marchand and Swank voting yes and none voting no and Bulman and Scull abstaining)

*13. No. 16PD003 - Buffalo Crossing

A request by KTM Design Solutions, Inc for KS West, LLC and SK East, LLC to consider an application for an **Initial Planned Development Overlay to allow a hotel** for the SW1/4 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest most corner of the SW1/4 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, S 88°32'08" E, a distance of 638.30'; to the point of beginning; Thence, first course: N 89°18'39" E, a distance of 688.19'; Thence, second course: N 00°01'40" W, a distance of 561.96'; Thence, third course: N 89°29'44" W, a distance of 34.02'; Thence, fourth course: N 44°41'54" W, a distance of 17.10'; Thence, fifth course: N 89°23'24" W, a distance of 241.50'; Thence, sixth course: N 86°41'38" W, a distance of 400.41'; Thence, seventh course: curving to the right with an arc length of 327.92', with a radius of 1,550.00', with a chord bearing of N 83°19'46" E, with a chord length of 327.30'; Thence, eighth course: S 12°43'52" W, a distance of 347.42'; Thence, ninth course: S 00°15'57" E a distance of 284.40", to the said point of beginning, more generally described as being located in the southeast corner of Highway 16 and Catron Boulevard.

Scull and Bulman returned to the dais at this time.

Fisher presented the application and reviewed the associated slides. Fisher stated that the hotel is proposed to be a 99-room Holiday Inn and Suites located within Buffalo Crossing. Fisher noted that the applicant is requesting a Height Exception to the 4 story, 45 foot height allowed in a General Commercial District to allow a 4 story, 52 feet building. Fisher noted that a Height Exception was granted to allow a 75 foot Height Exception on the nearby Black Hills Corporation Headquarters sight. Fisher said that the Future Land Plan supports this use and based on the topography of the area, the height Exception will have a minimal effect on the residential properties to the east. In addition, the site plan shows that all of the parking requirements are being met. Fisher said based on these reasons and that there will be a Final Planned Development before the Planning Commission, staff recommends that the Exception be approved and that the **Initial Planned Development Overlay to allow a hotel** be approved with stipulations.

Hoogestraat moved, Jobman seconded and unanimously carried to recommend that the requested Major Amendment to the Planned Development be approved with the following stipulations:

- 1. The requested Exception to increase the permitted height of the building from 45 feet to 52 feet is hereby granted.**
- 2. Prior to issuance of building permit, a Final Planned Development**

- shall be approved for the property.
3. Prior to issuance of a Certificate of Occupancy, the property shall be platted to secure access and utilities to the property.
 4. This Initial Planned Development shall allow for development of a hotel on the property. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of this Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Scull and Swank 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

*14. No. 16PD005 - Founders Park Subdivision

A request by Fisk Land Surveying and Consulting Engineers for Founders Park LLC to consider an application for a **Major Amendment to a Planned Development to allow a commercial structure with reduced setbacks** for a parcel of land located in the unplatted portion of the West One-Half of the Northwest One-Quarter of the Southeast One-Quarter (W ½ NW ¼ SE ¼) of Section Thirty-Five (35) in Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota to be known as Future Lots 5A and 5B of Founders Park Subdivision and more fully described as follows: Beginning at the northwest corner of Lot 2 of Founders Park Subdivision, located in said W ½ NW ¼ SE ¼ of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed March 3, 2008 and recorded in Book 35 of Plats on Page 13, said point being coincident with a southeasterly corner of Lot 1 of Founders Park Subdivision, also located in said W ½ NW ¼ SE ¼ of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed February 1, 2007 and recorded in Book 34 of Plats on Page 80 and said point being marked by a rebar with survey cap "LS 6565" thence, curving northwesterly and to the right on the northerly line of said Lot 1 of Founders Park Subdivision, on a curve with a radius of 218.29 feet, a delta of 16 degrees 12 minutes 30 seconds, an arc length of 61.75 feet, and a chord bearing and distance of North 63 degrees 55 minutes 55 seconds West 61.55 feet more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 25 degrees 55 minutes 09 seconds East a distance of 86.32 feet more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 62 degrees 00 minutes 00 seconds East a distance of 91.04 feet more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 62 degrees 00 minutes 00 seconds East a distance of 130.50 feet more or less to a point on the west line of the 63.5 feet

wide Founders Park Drive right-of-way and said point being marked by a rebar with survey cap "LS 6565"; thence, southeasterly on the west line of said 63.5 feet wide Founders Park Drive right-of-way and curving to the left on a curve with a radius of 394.00 feet, a delta of 2 degrees 24 minutes 31 seconds, an arc length of 16.56 feet, and a chord bearing and distance of South 56 degrees 26 minutes 45 seconds East 16.56 feet more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, continuing southeasterly on the west line of said 63.5 feet wide Founders Park Drive right-of-way, South 57 degrees 39 minutes 00 seconds East a distance of 87.00 feet more or less to a point on the north line of said Lot 2 of Founders Park Subdivision and said point being marked by a rebar with survey cap "LS 6565"; thence, southwesterly on the northerly line of said Lot 2 of Founders Park Subdivision and curving to the right on a curve with a radius of 193.23 feet, a delta of 59 degrees 36 minutes 37 seconds, an arc length of 201.04 feet and a chord bearing and distance of South 38 degrees 30 minutes 06 seconds West, 192.09 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, continuing southwesterly on the northerly line of said Lot 2 of Founders Park Subdivision and curving to the right on a curve with a radius of 193.23 feet, a delta of 25 degrees 44 minutes 14 seconds, an arc length of 86.80 feet and a chord bearing and distance of South 81 degrees 10 minutes 32 seconds West 86.07 feet more or less to a point marked by a rebar with survey cap "LS 6565"; thence, northwesterly and continuing on the northerly line of said Lot 2 of Founders Park Subdivision and curving to the right on a curve with a radius of 218.29 feet, a delta of 16 degrees 13 minutes 50 seconds, an arc length of 61.84 feet and a chord bearing and distance of North 80 degrees 09 minutes 05 seconds West 61.63 feet more or less, to the point of beginning., more generally described as being located west of Founders Park Drive south of Cowboy Hill Road.

Lacock presented the application and reviewed the associated slides. Lacock reviewed the previous Major Amendments to the property noting that the applicant is proposing to subdivide of the property to create two lots which will place the lot line down the middle of the building. Lacock stated that the placement of building requires an Exception to reduce the setbacks to zero feet. Lacock said that staff supports the request for a **Major Amendment to a Planned Development to allow a commercial structure with reduced setbacks** with stipulations.

Lacock noted that an associated Planned Development was approved on the consent agenda and that it will be before the Planning Commission again for the Final Planned Development review.

In response to question from Scull, Lacock confirmed that this in essence is creating a condominium line and that all parking and landscaping requirements are being met.

Scull moved, Bulman seconded and unanimously carried approve the Major Amendment to a Planned Development to allow a commercial structure with reduced setbacks with the following stipulations:

1. **An Exception is hereby granted to reduce the minimum required side**

- yard setback on proposed Lots 5A and 5B from 12 feet to “0” feet;
2. 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 Major Amendment to the Planned Development. 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,
 3. The Major Amendment to a Planned Development shall allow for an office building. Permitted uses within the Office Commercial 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 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Scull and Swank 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

*15. No. 16PD007 - Original Town of Rapid City

A request by TSP for Matt Ehlman to consider an application for a **Major Amendment to a Planned Development Overlay to allow a mixed use development and to allow an on-sale liquor establishment in conjunction with a restaurant** for Lot 10 thru 16 of Block 87 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 329 Main Street.

Fisher stated that due to the required signage not being posted, staff is requesting to continue the **Major Amendment to a Planned Development Overlay to allow a mixed use development and to allow an on-sale liquor establishment in conjunction with a restaurant** to the March 24, 2016 Planning Commission.

Bulman moved, Hoogestraat seconded and unanimously carried to continue the Major Amendment to a Planned Development Overlay to allow a mixed use development and to allow an on-sale liquor establishment in conjunction with a restaurant to the March 24, 2016 Planning Commission meeting. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Scull and Swank 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

*16. No. 16PD008 - Moon Meadows

A request by KTM Design Solutions for Hagg Brothers LLC to consider an application for a **Initial Planned Development Overlay to construct an apartment complex** for that portion of the SW1/4 of the NW1/4 Less Lot H1, Lot H2 and Less right-of-way, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located as the southeast corner of Highway 16 and Moon Meadows Drive.

Scull and Bulman stated that they would be abstaining from this item.

Lacock presented the application and reviewed the associated slides. Lacock noted that the application (16RZ006) to rezone the property from General Commercial District to Office Commercial District had been approved earlier in the meeting. Lacock reviewed the Exception request to allow a height of 40 feet in lieu of the maximum allowed height of 35 feet in the Office Commercial District noting that the requested height is actually lower than the allowed height in a General Commercial District. Lacock noted that this is an Initial Planned Development and that a Final Planned Development application will be required which will address many of the stipulations required by this application. Lacock reviewed the master plan for the Planned Development and pointed out that the higher density residential with the remainder of the proposed lots being for more commercial uses and will create a type of buffer between the residential properties and the more commercial uses and US Highway 16. Lacock noted that there is a Preliminary Subdivision Plan that is under review for this property which will address drainage and access issues.. Lacock stated that staff recommends that the **Initial Planned Development Overlay to construct an apartment complex** be approved with stipulations.

In response to a question from Braun, Lacock confirmed that there is access to the property from the south from Sammis Trail.

Casey Peterson, 8588 Dreamscape Road, showed a photo that he took of the property in question and the residential properties to the east showing the differences in elevations. He again reviewed his concerns regarding notification. Peterson also stated that the traffic impact and access issues need to be considered and requests that the height Exception request be denied.

Braun noted his concerns regarding access should be addressed with the Final Planned Development so he will be supporting the request.

Hoogestraat moved, Swank seconded and unanimously carried to approve the Initial Planned Development Overlay to allow an apartment complex in conjunction with the associated Rezoning request with the following stipulations:

- 1. An Exception is hereby granted to allow a height of three stories and 40 feet in lieu of the maximum allowed height of three stories and 35 feet;**
- 2. A Final Planned Development shall be submitted for review and approval;**

3. Upon submittal of a Final Planned Development Overlay application, a landscape plan, utility plan, drainage plan, and fire flow analysis shall be submitted for review and approval;
4. Upon submittal of a Final Planned Development Overlay application, a revised site plan shall be submitted identifying proposed rights-of-way and lot lines as per the Preliminary Subdivision Plan review and approval. All required setbacks from property lines shall be met or an Exception request shall be submitted with the Final Planned Development Overlay application;
5. Upon submittal of a Final Planned Development Overlay application, a revised parking plan shall be submitted identifying a total of 240 parking spaces or an Exception request shall be submitted. In addition, the proposed lot shall be revised as needed to provide the minimum required parking if necessary;
6. 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 Initial Planned Development Overlay. The addition of electronic or LED signage shall require a Final Planned Development Overlay. A sign permit is required for any new signs;
7. Prior to issuance of a Building Permit, the Access and Utility Easement identified on the Master Plan which crosses the property shall be vacated; and,
8. The Initial Planned Development Overlay shall allow for a 160-unit apartment complex with eight apartment structures and a leasing office / amenity center. Any change in use or Conditional Uses shall require the approval of a Final Planned Development Overlay. (5 to 0 to 2 with Braun, Hoogestraat, Jobman, Marchand and Swank voting yes and none voting no and Bulman and Scull abstaining)

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

17. No. 16OA001 - Ordinance Amendment to Chapter 17.16.030 of the Rapid City Municipal Code to allow microbreweries as a conditional use in the Central Business District

A request by the City of Rapid City to consider an application for an **Ordinance Amendment to Chapter 17.16.030 of the Rapid City Municipal Code to allow microbreweries as a conditional use in the Central Business District** .

Scull and Bulman returned to the dais at this time.

Fisher reviewed the Ordinance Amendment stating that there have been a number of requests for microbreweries in the Central Business District. Fisher reviewed some of the options this Ordinance Amendment will provide. She noted that this will be both a Conditional Use and an On-Sale Liquor Use which

would allow the review of each application.

Scull reviewed an article he had read that addressed the ability of the City of Rapid City to work with citizens and new business opportunities such as this and asked if staff could also consider micro-distilleries. Fisher stated that they would be open to that.

Discussion followed.

Scull moved, Marchand seconded and unanimously carried to recommend that the proposed Ordinance Amendment be approved. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Scull and Swank voting yes and none voting no)

18. Discussion Items

Fisher thanked Brett for all he has brought to Rapid City in his time with the City and wished him the best in his endeavors.

19. Staff Items

20. Planning Commission Items

21. Committee Reports

- A. City Council Report (February 16, 2016)
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, Scull moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:28 a.m. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Scull and Swank voting yes and none voting no)