

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 5, 2020

MEMBERS PRESENT: Kelly Arguello, Karen Bulman, Racheal Caesar, Mike Gollither, John Herr, Eirik Heikes, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: Erik Braun, Galen Hoogestraat, Eric Ottenbacher. John Roberts, Council Liaison was also absent.

STAFF PRESENT: Ken Young, Vicki Fisher, Kip Harrington, Patsy Horton, Tim Behlings, Todd Peckosh, Ted Johnson, Wade Nyberg and Andrea Wolff.

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

Caesar reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Motion by Vidal seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (8 to 0 with Arguello, Bulman, Caesar, Gollither, Heikes, Herr, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the February 20, 2020 Planning Commission Meeting Minutes.
2. No. 20AN001 - Section 20, T2N, R8E
A request by Forest Products Distributors, Inc. to consider an application for a **Petition for Annexation** for Durawood Tract, Section 20, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5400 Old Folsom Road.

Planning Commission recommended approving the Annexation request.

3. No. 20PL010 - Mahoney Addition
A request by FMG Engineering for Black Hills Habitat for Humanity to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1, 2 and 3 of Block 105 of Mahoney Addition, legally described as Block 105 of Mahoney Addition located in SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, South Dakota, more generally described as being located southwest corner of the intersection of Midway Street and Mac Arthur Street.

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

1. **Upon submittal of a Final Plat application, the plat document shall include the dedication of 8.5 feet of additional right-of-way along Mac Arthur Street and Midway Street as shown on the proposed Layout Plan; and,**

2. **Upon submittal of a Final Plat application, the plat document shall show "MacArthur Street" as "Mac Arthur Street".**

4. No. 20RZ010 - Orchard Meadows Subdivision
A request by Dream Design International, Inc for Yasmeeen Dream, LLC to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for the balance of Tract A of E1/2 of SW1/4 and W1/2 of SE 1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of Tract A of the E1/2 of the SW1/4 and W1/2 of the SE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Thence South 25°17'04" East, 258.35' to the point of beginning; Thence (1) South 25°17'04" East, 55.24 feet to a point; Thence (2) South 25°17'04" East, 20.04 feet to a point of non-tangency; Thence (3) North 88°03'29" West, 19.38 feet to a point of non-tangency; Thence (4) North 76°40'37" West, 82.31 feet to a point of non-tangency; Thence (5) South 87°09'26" West, 53.94 feet to a point of non-tangency; Thence (6) North 75°49'26" West, 26.72 feet to a point of non-tangency; Thence (7) North 88°07'28" West, 80.98 feet to a point of non-tangency; Thence (8) South 70°55'46" West, 12.21 feet to a point of non-tangency; Thence (9) North 4°04'22" West, 8.15 feet to a point; Thence (10) North 4°01'08" West, 61.48 feet to a point of non-tangency; Thence (11) South 84°29'56" East, 245.59 feet to a point of non-tangency; Thence (12) South 0°00'00" East, 0.00 feet, more generally described as being located east of Elk Vale Road, south of Jaffa Garden Way.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to Medium Density Residential District

5. No. 20RZ011 - Orchard Meadows Subdivision
A request by Dream Design International, Inc for Yasmeeen Dream, LLC to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for the balance of Tract A of E1/2 of SW1/4 and W1/2 of SE 1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of Tract A of the E1/2 of the SW1/4 and W1/2 of the SE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Thence South 29°56'34" West, 669.63' to the point of beginning; Thence (1) South 3°42'37" East, 44.34 feet to a point of non-tangency; Thence (2) South 4°26'12" East, 73.81 feet to a point of non-tangency; Thence (3) South 17°06'55" East, 49.61 feet to a point of non-tangency; Thence (4) South 44°22'42" East, 89.27 feet to a point of non-tangency; Thence (5) South 74°59'01" East, 102.94 feet to a point of non-tangency; Thence (6) North 76°03'53" East, 26.40 feet to a point of non-tangency; Thence (7) North 41°51'53" West, 39.56 feet to a point of non-tangency; Thence (8) North 74°11'46" West, 52.73 feet to a point of non-tangency; Thence (9) North 24°07'07" West, 68.36 feet to a point of non-tangency; Thence (10) North 79°45'30" West, 74.87 feet to a point of non-tangency; Thence (11) North 5°17'24" East, 66.61 feet to a point of non-tangency; Thence (12) North 30°55'28" West, 74.04 feet, more generally described as being located east of Elk Vale Road, south of Jaffa Garden Way.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to Medium Density Residential District

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 6 and 7 be heard together.

6. No. 19RZ045 - Section 35, T1N, R7E
A request by Cory Back for SLH Holdings, LLC to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for the SE1/4 of the NW1/4 less Lot H-2 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Sammis Trail and Healing Way.
- *7. No. 20PD002 - Section 35, T1N, R7E
A request by Cory Back for SLH Holdings LLC to consider an application for an **Initial Planned Development Overlay to allow a senior living facility** for the SE1/4 of the NW1/4 less Lot H2 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Sammis Trail and Healing Way.

Fisher reviewed the applications and the associated slides. Fisher noted that the neighborhood had voiced concerns with the rezoning request prior to the January 23, 2020 Planning Commission meeting and, as such, the Rezone request (19RZ045) had been continued to allow it to be heard in conjunction with the proposed Initial Planned Development application. Fisher indicated that the applicant had meet with the neighborhood to review the Planned Development for a senior living facility in the Medium Density Residential District and the neighborhood has not contacted staff with any additional concerns. Fisher stated that Healing Way, which runs along the west of the property is a collector street and Moon Meadows Drive is projected to extend through the development as an arterial street. Fisher noted there have been some discussion of the future regarding the vacation of Sammis Trail which is along the south lot line once Moon Meadows Drive has been constructed. Fisher did state that Moon Meadows Drive will need to be constructed before the Public Works Department would agree to the vacation of the Sammis Trail right-of-way. Fisher stated that the plans identify development in 2 phases. Phase 1 in the northwest section of the property being 3 story assisted living facility that would provide memory care with 121 units. Phase 2 would include up to 100 townhomes depending on topography. Fisher noted that the applicant is requesting an Exception to reduce the back yard setback from 25 to 20 feet and staff is in support of the request if Moon Meadows Drive is constructed as planned. Fisher stated that staff supports the approval of the Rezoning request from General Agricultural District to Medium Density Residential District in conjunction with the Planned Development and the Initial Planned Development Overlay to allow a senior living facility with stipulations outlined in the Project Report.

In response to a question from Arguello whether Moon Meadows Drive would be extended through to Highway 79, Harrington stated that it eventually will but not as part of this project.

In response to a question from Caesar about the 40 units rule for single access Fisher noted that only Council can grant an exception to this limit but that this is anticipated to be an interim status and that once Healing Way is constructed to the

north, the issue would no longer exist.

In response to a question from Bulman regarding existing properties along Sammis Trail, Fisher stated the section of Sammis Trail extending west from Moon Meadows Drive would be retained.

Heikes said he believes this is a great layout and asked if there is transit access to this area. Harrington stated that currently there is not but Transportation is working on a Transit Development Plan that he believes will help to identify this and other areas where there are transit needs.

Bulman moved, Vidal seconded and the Planning Commission recommended approval of the Rezoning request to rezone a parcel of land from General Agricultural District to Medium Density Residential District in conjunction with approval of the associated Initial Planned Development Overlay application (File# 20PD002), and;

The Planning Commission recommended approval of the Initial Planned Development Overlay to allow a senior living facility in conjunction with the associated Rezoning application (File# 19RZ045) with the following stipulations:

- 1. An Exception is hereby granted to reduce the required rear yard setback for a townhome on the southern lot line of the property from 25 feet to 22 feet;**
- 2. Upon submittal of a Final Planned Development Overlay application, a parking plan shall be submitted for review and approval. In particular, the parking plan shall provide a minimum of 1.5 parking spaces per independent living unit and 0.33 spaces per assisted living unit with ADA parking in compliance with Chapter 17.50.270.H of the Rapid City Municipal Code;**
- 3. Upon submittal of a Final Planned Development Overlay, the site plan shall be revised to show landscaping designed in compliance with Rapid City Municipal Code Section 17.50.300;**
- 4. Upon submittal of a Final Planned Development Overlay application, the elevations for the proposed assisted living facility shall be submitted for review and approval;**
- 5. Upon submittal of a Final Planned Development Overlay application, a drainage plan shall be submitted for review and approval;**
- 6. Upon submittal of a Final Planned Development Overlay, the site plan shall be revised to demonstrate adequate water and sewer service for the entire proposed development;**
- 7. Upon submittal of a Final Planned Development Overlay application, the site layout shall be revised identifying a minimum of 170 square feet of usable open space per unit of Phase One of development of the project. The open space shall include recreational area(s) and pedestrian walkways for the tenants;**
- 8. Upon submittal of a Final Planned Development Overlay application, a sign package in conformance with Chapter 17.50.080 of the Rapid City Municipal Code shall be submitted for review and approval if signage is being proposed. No electronic signs are being approved as a part of this Initial Planned Development Overlay. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or**

- street(s). A Sign Permit shall be obtained for each individual sign;
9. Upon submittal of a Final Planned Development Overlay application, a lighting plan shall be submitted for review and approval. All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 10. Prior to submittal of a Final Planned Development Overlay, the site plan shall be revised to show secondary access to the proposed development or an Exception to allow more than 40 dwelling-units with a single point of access shall be obtained through the Rapid City Council;
 11. Prior to construction of Phase Two of the proposed development, the property shall be subdivided in accordance with the applicant's Master Plan. Additionally, development of each proposed lot shall require the review and approval of a subsequent Major Amendment to the Planned Development Overlay;
 12. Prior to issuance of a Building Permit, the property shall be rezoned to Medium Density Residential District and a Final Planned Development Overlay shall be approved;
 13. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Initial and/or Final Planned Development Overlay; and,
 14. The requirement to submit a Final Planned Development Overlay application shall not be waived pursuant to Chapter 17.50.050.D.4 of the Rapid City Municipal Code. (8 to 0 with Arguello, Bulman, Caesar, Gollhofer, Heikes, Herr, Quasney 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.

*8. No. 20PD003 - Original Town of Rapid City

A request by Fisk Land Surveying & Consulting Engineers, Inc for OneHeart to consider an application for a **Major Amendment to a Planned Development Overlay to allow a care campus with medical facilities, childcare and support services** for Lots 7 thru 16 and the E 1/2 of vacated 2nd Street in Block 109; Lots 1 thru 16 and the adjoining vacated W1/2 of 2nd Street and the vacated E1/2 of 3rd Street; Lots 17 thru 22, Lots 23 and the W1/2 of Lot 24; the E1/2 of Lot 24 and all of Lot 25; and Lots 26 thru 32 in Block 108, all in Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of 3rd Street, south of Kansas City Street.

Fisher presented the application and reviewed the associated slides. Fisher stated that this is a care campus that will provide professional medical, child care, education, outreach and counseling along with a broad range of services to assist the in-need population. Fisher noted that the County had previously moved a treatment oriented facility to the east of this location. Fisher noted that this is for

those that are looking for long term life change and not as a transient or sort term facility. Fisher noted that the plan of the care campus is to provide training, education and housing in a safe learning environment in the hopes to teach a new way of life and ending the cycle of poverty. Fisher also noted there are a couple of residential structures on the southern portion of the property that will have to be renamed and the property rezoned to General Commercial District prior to development in that area. Fisher stated that the campus will be developed in a phased process with the current structures being reutilized. Fisher noted that the vacated alley is proposed to be fenced to control access to the Serenity Garden located on the campus. Fisher stated that the applicant has requested an Exception to reduce the required landscape islands in the parking lot from 2 to 0 and with all the other landscaping they are providing staff is in support of that request. Fisher reviewed the parking noting that the applicant has requested an Exception to reduce the required parking from 240 spaces to 130 spaces. Fisher noted that due to the unique clientele the number of parking spaces should be greatly reduced and as such staff is in support of the request. Fisher noted that this is an outreach to provide a wide variety of services to the community and that its location near other services makes it a good option and that staff recommends approval of the Major Amendment to a Planned Development Overlay to allow a care campus with medical facilities, childcare and support services with stipulations.

Charity Doyle, Executive Director of OneHeart, spoke to the need for a different approach to the homeless issue. Doyle stated that the current funds are going to symptoms of poverty but are not addressing the long term and OneHeart's goal is offer the opportunity to change the focus from short term back end services to providing a way out of the homeless lifestyle with options for training and assistance. Doyle noted some of those that will be offering their services in the OneHeart campus including, YMCA, WDT Career Learning Center and SDSMT. Doyle further noted that the participants of this program will go through a screening process and have been referred to the program by the program partners.

In response to a question from Quasney about parking, Fisher said that development of the parking area will be part of phase 1 and is anticipated to meet the parking needs based on the targeted clientele and the applicant's operational plan. Quasney stated that although he supports the program, he is concerned with the parking in this already congested area.

In response to Quasney's question on parking, Doyle noted that OneHeart owns property that could possibly be used for parking in the future but was not included in the plan as they are not ready to develop that property currently.

Fisher noted there is a change to Stipulation number 3, where the language currently reads "Prior to submittal of a Building Permit, the site plan shall be revised to show a minimum of 5 ADA spaces" that as the site plan already shows these ADA spaces the language be revised to read "Shall continue to show". Fisher noted that Dan Kuhls, the Director of Building and Grounds for Pennington County, having worked with staff on this item has voiced his concerns regarding the parking in the area and anticipated he would want to speak to this item.

Janelle Fink, Fisk Landscaping and Consulting Engineering, Inc, spoke to the calculation used for this project, noting that the general calculation used for parking

is based on the assumption that the space and use are open to the public creating the need for more parking. However, with this program the use is limited to those using the program and the supporting personnel and not the general public. Using this calculation the reduction in parking still meets the projected parking needs.

Mike Kuhl, Director of Building and Grounds for Pennington County said that he couldn't confirm the calculated number of parking spaces and only time will tell, but that the parking demand for their care campus shows there is parking available. Kuhl did say that identifying the Pennington County Parking garage or on-street parking is not a viable options. Kuhl noted that since the new downtown parking system there has been a shift in use of the parking structure and patterns in the area creating more congestion than previously.

Heikes stated that Mr. Kuhl had answered his question about the capacity of the parking garage. In response to Heikes' question regarding public transit availability, Fink stated that there is a stop for Rapid Transit in front of the building.

Vidal stated that he supports the program and believes the program is viable without additional parking.

Arguello spoke to the need and commended the participation of numerous agency interaction. In response to a questions from Arguello, if there is any historical value to the structures that are being removed for the construction of this campus, Fisher stated that there was not. Fink stated they are removing two residential structures and the rest of the buildings are being repurposed and that the two new structures are anticipated to be a sweat lodge and green houses. Fink did state that new architectural aspects will be added to some of the buildings.

Additional discussion regarding parking followed.

Mike Kuhl, also noted that the Pennington County Planning Commission has not had a chance to address this issue and provide direction. He reiterated the use of the area and the parking changes since the initiation of the downtown parking system have added to the parking demand.

Fisher clarified that the staff had included Pennington County when project review was routed back in February and that Sheriff Kevin Thom had provided a letter of support. Fisher further clarified that the parking and Exceptions for parking are reviewed based on the operation plan and self-monitoring is needed to ensure that the initial plans are still accurate and if not, that steps must be taken to address the issues.

In response to a question from Heikes on pedestrian and bicycle accessibility, Harrington noted that the Kansas City Street is a designated shared lane facility with shared lane markings. Harrington further noted that the downtown area allows for good pedestrian access.

Bulman moved, Vidal seconded and the Planning Commission recommended approval of the Major Amendment to the Planned Development Overlay to allow a care campus with medical facilities, childcare, and support services with stipulations as noted below:

1. An Exception is hereby granted to reduce the required off-street parking from 240 spaces to 130 spaces;
2. An Exception is hereby granted to reduce the required number of landscape islands from 2 to 0;
3. Prior to submittal of a Building Permit, the site plan shall be revised to show a minimum of 5 ADA spaces, with at least one of the spaces being “Van Accessible”;
4. The maximum number of children allowed within the childcare center shall be determined by the amount of play area provided at a ratio of 50 square feet of fenced outdoor play area or 70 square feet of indoor play area or a combination thereof per child;
5. Prior to submittal of a Building Permit, the site plan shall be revised to show all outdoor play areas with a minimum 52-inch high fence;
6. The portion of the property currently zoned High Density Residential District shall be rezoned to General Commercial District prior to initiation of use for that specific phase of the project;
7. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,
8. The Major Amendment to the Planned Development Overlay shall allow a care campus with medical facilities, childcare, and support services pursuant to the applicant’s operational plan. All requirements of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Major Amendment to the Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the General Commercial District or uses which increase the required amount of parking on the site shall require a Major Amendment to the Planned Development. (8 to 0 with Arguello, Bulman, Caesar, Gollhofer, Heikes, Herr, Quasney and Vidal voting yes and none voting no).

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

- *9. No. 20UR004 - Section 3, T1N, R7E
A request by Kennedy Design Group, Inc for M.G. Oil Co. to consider an application for a **Conditional Use Permit to allow on-sale liquor in conjunction with an**

entertainment venue for Lot D, E, F and G of Lot 1 of the NE1/4 of the NE1/4, less Lot H of Lot 1 of Baken Park Subdivision (NKA Tract 11 Rapid City Greenway Tract), less Lot H1 of said Lot D, less Lot H1, Lot H2, Lot H3 of said Lot E, less Lot H1 and Lot H2 of said Lot G, more generally described as being located at 2001 W. Main Street.

Fisher presented the application and reviewed the associated slides, Fisher spoke to the excitement of this proposed project to reuse and revitalize the current Baken Park Shopping Center structure. Fisher reviewed the plans which shows creating a 35,000 entertainment center that will include a casino, dance club, restaurant reception space and banquet area. Fisher stated that the plans show that approximately 8,000 square feet of the building will be removed to create a walkway with pedestrian walkway and patio seating, opening up and refreshing the building. Fisher noted that the street access points will not change. Fisher noted that the parking is currently legal non-conforming but the planned removal of usable building space for the walkway should help to avoid a parking shortage. Fisher spoke to the possible use of the park area to the west of the structure stating that it would provide an opportunity to create greater use of the park and to further upgrade this vital property. Fisher stated that staff recommends approving the Conditional Use Permit to allow on-sale liquor in conjunction with an entertainment venue with stipulations.

Quasney spoke of his support noting that he hopes that some of the drainage issues on the property will be addressed.

Caesar spoke to her anticipation to see the revitalization of this property.

In response to a question from Caesar regarding the billboards signs on the property, Dana Giesey, replied that they do plan to update some of the signage but is not aware of any plans to change the billboard signs, but that it could be discussed. Fisher noted that there may be easements with leases associated with these signs and if so she does not see any change in the near future.

Heikes spoke to the potential use of the back of the structure along the west side and a potential agreement between the Parks Department for the use of and access to the creek. Heikes stated that this offers this structure to actually have two fronts.

Giesey noted they do have plans to clear some of the transformers and other issues located to the west of the property. They plan to clean up and in the future, use it as access and are excited to work towards these plans.

Arguello stated he rarely uses the word brilliant, but he feels that is what this is and spoke to how such development draws quality tenants. In response to Arguello's question if this updating will be expanded to the rest of the structure, Geese confirmed that yes they plan to update the building front and back elevations.

Quasney moved, Gollither seconded and the Planning Commission recommended approval of the requested Conditional Use Permit to allow on-sale liquor use in conjunction with an entertainment venue with the following stipulations:

1. **Prior to issuance of any Certificate of Occupancy for the space, the applicant shall coordinate with the Building Services Division to finish all outstanding electrical code requirements within the space, pursuant to all previous violation letters issued by the Department of Community Development;**
2. **Prior to issuance of a Building Permit, the subject property shall be platted to create a single lot for the proposed structure or a Developmental Lot Agreement shall be entered into and recorded;**
3. **All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Major Amendment. The inclusion of any LED message centers shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign; and,**
4. **The requested Conditional Use Permit shall allow on-sale liquor use in conjunction with an entertainment venue on the property operated in compliance with the submitted operations plan. All requirements of the Community Shopping Center-2 District shall be continually maintained. Any permitted use in the Community Shopping Center-2 District shall be allowed with a Building Permit. Conditional uses in the Community Shopping Center-2 District or any expansion of the on-sale liquor use on the property shall require a Major Amendment to the Conditional Use Permit. (8 to 0 with Arguello, Bulman, Caesar, Gollhofer, Heikes, Herr, Quasney and Vidal voting yes and none voting no).**

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

*10. No. 20UR005 - Northern Heights Subdivision

A request by Kennedy Design Group, Inc for M.G. Oil Co. to consider an application for a **Major Amendment to a Conditional Use Permit to allow on-sale liquor use in conjunction with a casino** for Lot 1 of Tract A of Block 1 of Northern Heights Subdivision, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1565 Haines Avenue.

Fisher presented the application and reviewed the associated sides. Fisher noted that the change in renters on this property allowed the casino to expand to fill those areas. Fisher reviewed the history of the property noting that the original Conditional Use Permit to allow the on-sale liquor use in conjunction with the existing casino was approved by Planning Commission and appealed to City Council, where Council denied the request. The property owner sued the City and the court determined it was the correct location for the use. Fisher noted that this time there was no neighborhood concerns voiced and that staff recommends approval of the Major Amendment to a Conditional Use Permit to allow on-sale liquor use in conjunction with a casino with stipulations.

Golliher moved, Heikes seconded and the Planning Commission approved the requested Major Amendment to the Conditional Use Permit to allow on-sale liquor use in conjunction with a casino with the following stipulations

- 1. Prior to issuance of a Building permit, the site plan shall be revised to show a minimum of 99 off-street parking spaces and four ADA compliant spaces, including at least one “Van Accessible” space;**
- 2. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Major Amendment. The inclusion of any LED message centers shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign; and,**
- 3. The requested Major Amendment to the Conditional Use Permit shall allow on-sale liquor use in conjunction with a casino on the property operated in compliance with the submitted operations plan. All requirements of the General Commercial District shall be continually maintained. Any permitted use in the General Commercial District shall be allowed with a Building Permit. Conditional uses in the General Commercial District or any expansion of the on-sale liquor use on the property shall require a Major Amendment to the Conditional Use Permit. (8 to 0 with Arguello, Bulman, Caesar, Golliher, Heikes, Herr, Quasney 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.

11. No. 20TI002 - Section 3, T1N, R8E

A request by City of Rapid City to consider an application for a **Resolution to approve TID No. 68 Project Plan Amendment #1 to reallocate project plan costs** for the SE1/4NE1/4, Government Lot 1 and Tract C of Big Sky Subdivision, and the dedicated right-of-way for Homestead Street lying adjacent to Tract C of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street.

Horton reviewed the application showing the development from 2008 to 2018 noting that this TID was a joint venture between the City and the developer to construct a portion of the City’s 16 inch water line to the airport. Horton noted that the developer has been fully reimbursed. The City is now requesting to be reimbursed for all costs associated with the water line, including property acquisition costs. Horton reviewed the history of easements acquired and payments from enterprise funds that allowed the completion of the water line project. Horton noted that the TIF Committee recommended approval of the Resolution to approve TID No. 68 Project Plan Amendment #1 to reallocate project plan costs as identified in the staff report.

In response to a question from Caesar regarding eligible reimbursements, Horton stated that two Enterprise funds have already paid for the City’s project costs.

Bulman moved, Gollither seconded and the Planning Commission approved TIF Committee's approval of the reallocation amendment as proposed and also recommended that Council authorize adding the Property Acquisition costs to the Project Plan as allowable costs. (8 to 0 with Arguello, Bulman, Caesar, Gollither, Heikes, Herr, Quasney and Vidal voting yes and none voting no).

12. Discussion Items
None

13. Staff Items
None

14. Planning Commission Items
None

There being no further business, Gollither moved, Quasney seconded and unanimously carried to adjourn the meeting at 8:00 a.m. (8 to 0 with Arguello, Bulman, Caesar, Gollither, Heikes, Herr, Quasney and Vidal voting yes and none voting no).