MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Eirik Heikes, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Mike Golliher, John Herr. Bill Evans, Council Liaison was also absent.


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 Caesar seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (8 to 0 with Arguello, Braun, Bulman, Caesar, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 27, 2020 Planning Commission Meeting Minutes.

2. No. 20PL064 - Shepherd Hills South Subdivision
   A request by KTM Design Solutions, Inc for Yasmeen Dream 111, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 17 of Block 1, Lots 1 thru 12 of Block 2, Lots 1 thru 11 of Block 3, Lots 1 thru 12 of Block 4, Lots 1 thru 17 of Block 5, Lot 1 thru 2 of Block 6 of Shepherd Hills South Subdivision, legally described as a portion of the NW1/4SE1/4 Less Menard Subdivision, Less Shepherd Hills Subdivision, Less right-of-way; portion of W400 ft of NE1/4SE1/4 Less Shepherd Hills Subdivision and Less right-of-way; portion of NE1/4SE1/4 Less W400 ft; portion of SW1/4SE1/4 and the SE1/4SE1/4, all in Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota, more generally described as being located east of E. Anamosa Street between E. Philadelphia and Mickelson Drive.

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 plat document shall be revised to include the unplatted lot in the southeast corner of E. Anamosa Street and E. Philadelphia Street and the proposed green space between E. Philadelphia Street and proposed Street A;

2. Prior to submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval or an
Exception shall be obtained waiving the requirement. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

3. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow 160 dwelling units with one point of access or the plat document shall be revised to provide a second street connection. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

4. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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 Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;

5. Upon submittal of a Development Engineering Plan application, construction plans for Street A shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way with an additional 10 feet of right-of-way the first 200 feet extending east from the intersections of E. Anamosa Street and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with the cul-de-sac bulb at the northern terminus of each street located in a minimum 104-foot diameter right-of-way and constructed with a minimum 84-foot diameter pavement or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. The plans shall also confirm that Street A connects with E. Anamosa Street at an angle between 75 to 90 degrees;

6. Upon submittal of a Development Engineering Plan application, construction plans for Street B and Isaac Street shall be submitted for review and approval showing the streets located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

7. Upon submittal of a Development Engineering Plan application, construction plans for E. Anamosa Street, a principal arterial street, shall be submitted for review and approval showing the street located in a minimum 100-foot wide right-of-way with a minimum 36-foot wide paved surface and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

8. Upon submittal of a Development Engineering Plan application, a cost
estimate for the required subdivision improvements 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;

10. Prior to approval of the Development Engineering Plan application, an Oversize Agreement shall be acted upon by City Council for any requested oversize costs;

11. Prior to submittal of a Final Plat application, proposed street names for Street A and Street B shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;

12. Prior to submittal of a Final Plat application, that portion of proposed Lots 16 and 17 of Block B currently zoned General Agriculture District shall be rezoned to Low Density Residential District II;

13. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements and green spaces. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements;

14. 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,

15. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

*3. No. 20UR020 - Oldfield Subdivision and Morningside Addition
A request by Kellie Johnson to consider an application for a Conditional Use Permit to allow a childcare center for all of Block 6 and vacated E1/2 of street between Lot G of Oldfield Subdivision and Block 6 of Morningside Addition, all of Lot G and vacated west half of street, located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1213 Harmony Heights Lane.

Planning Commission approved the Conditional Use Permit with the following stipulation(s):

1. Prior to submittal of a building permit application, the owner shall contact City Water Reclamation Division for pretreatment and sewer discharge industrial monitoring requirements. In addition, utility or plumbing plans shall be provided to Public Works if additional infrastructure is required for compliance;

2. 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 shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;

3. The proposed childcare center shall operate in compliance with the submitted operations plan and all approved plans. Changes in the operators of the facilities shall require a Major Amendment to the Conditional Use Permit; and,

4. The Conditional Use Permit shall allow a childcare center for a maximum
of 90 children and 10 staff. Permitted uses within the Low Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any expansion of the childcare center or new conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit.

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

4. No. 20OA007 - Ordinance Amendment to Amend Fence Height Provisions by Amending Section 17.50.340 of the Rapid City Municipal Code
A request by City of Rapid City to consider an application for an Ordinance Amendment to Amend Fence Height Provisions by Amending Section 17.50.340 of the Rapid City Municipal Code.

Planning Commission recommended approval of the Ordinance Amendment to Amend Fence Height Provisions by Amending Section 17.50.340 of the Rapid City Municipal Code.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*5. No. 20UR014 - Marcoe Heights #1 Subdivision
A request by Kennedy Design Group, Inc for Ryan Zens to consider an application for a Conditional Use Permit to allow a childcare center for Lots 2 thru 6 of Block 3 of Marcoe Heights #1 Subdivision, located in Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4703 South Canyon Road.

Lacock presented the application, noting that this item had been continued from the August 6, 2020 Planning Commission meeting to address concerns with traffic, noise and privacy. Lacock stated that the applicant held a neighborhood meeting to address these concerns and from that meeting it was decided to add fencing along the south and west sides of the playground area to provide an additional buffer for noise and privacy. Also, the signing and striping of the approach and drop off areas are to be revised to provide more concise directions and information. Lacock stated that with these revisions, staff recommends approval of the Conditional Use Permit to allow a childcare center with the stipulations outlined in the Project Report. Lacock stated that the City’s Traffic Engineer, Steve Frooman, would be presenting the speed study done on South Canyon Road.

Frooman noted that during the August 6, 2020 Planning Commission meeting a number of concerns regarding the speed on South Canyon Road had been discussed. As such, Frooman presented a report and reviewed the information that had been gathered in 2016, 2019 and 2020 on the portions of South Canyon Road near the application site. Frooman explained both the numbers and how the information was gathered using 24-hour radar counters mounted on utility poles or
tube counters over multiple day periods that shows the average speed per this study is in the 35 to 36 miles per hour range. Frooman said this does not mean that there are not those who go above the speed limit, it is just a very small number. Frooman further stated that as the study shows that only approximately 1% of the traffic is over 45 miles an hour, changes cannot be justified without verified evidence of risk.

In response to questions from Vidal regarding the School Zone located at San Marco and South Canyon Road, Frooman visually estimated that it is approximately 600 to 700 feet from the proposed child care. Frooman noted that they are have a project under design to place a cross walk east of the Capital Street and South Canyon Road intersections and are in discussions with the School District whether or not it will be a designated School Crossing.

In response to a question from Stuck regarding on street parking in front of the property, Frooman stated that there are no plans to remove it. Frooman said that no changes would be made without review and input from the neighborhood and City Council. Frooman further stated that if the lane is not used for parking it would likely be striped as a 4-lane road in order to utilize the existing pavement.

Braun asked if the specified area could be striped and signed as “No Parking” Frooman said that although the actual use of the building might affect the need or use of it would not cause the City to remove the on-street parking stating that those decisions are made based on specific criteria independent of the site’s use.

Fisher spoke to the use of on-street parking as a traffic control device and that the removal of it might cause problems of its own.

Arguello asked if striping, lights or signing could be funded either by the City or privately by the applicant to alert traffic to the sensitivity of the area, Frooman stated that on street signage would not be allowed on South Canyon Road.

In response to a question from Quasney if on-site signs for children at play could be used, Frooman said they could be placed on the property, but not in the street or off site. In response to Quasney’s questions about striping, Frooman said the Planning Commission could require the applicant to do so.

Caesar spoke to her remaining concerns with the speed and pedestrian versus vehicle crashes and asked what would cause an area to be a risk area. Frooman reviewed what information he uses, but that he does not know the criterion that is used by the police to qualify as a risk.

Braun requested that the discussion be contained to the property and not the street safety.

In response to questions from Stuck on the required signage, Lacock reviewed the required striping showing the flow of traffic, turning, and the fencing along the south and west side of the designated play area.

In response to Ottenbacher’s question on how the applicant will keep people from using the on street parking for drop off, Zen stated that they will have a traffic liaison
that will monitor the drop off and pick up.

In response to a question from Arguello on the fence design, Zen stated that it would be a 6-foot wooden privacy fence.

In response to a question from Vidal, Zen confirmed that the pick-up, drop-off and parking procedures are addressed and agreed to as part of the information packet provided to parents.

Quasney said that he believes there is a need for childcare facilities, especially in this area and asked about the fire safety. Behlings confirmed that the building will be fire sprinkled and meets all safety requirements.

Bulman spoke to the need for childcare centers and that the proposed location is a good location for the neighborhood and she thinks the issues with parking can be addressed and believes that the request should be approved.

Greg Palmer, 4638 South Canyon Road, spoke about the on-street parking further along the road noting that he is worried that “no parking” requirements could migrate further up the road, which would cause a hardship for him. Palmer spoke to his concerns with the speed study and that he adamantly disagrees with the study. Palmer stated that he does not believe the access on the west end of the property allows for east bound traffic to stop as the curve creates a hazard. He also stated that he is concerned about his ability to access and leave his property. Palmer stated that he supports the project, but he has concerns with the speed on South Canyon Road.

Stuck asked if there is a review period for the Conditional Use Permit. Fisher stated that the use would need to operate in compliance with the operational plan and should there be concerns, a Revocation of the Conditional Use Permit would be brought to the Planning Commission for their action. Fisher stated that the complaint based process has worked to date and it is rare that a revocation has been done.

Caesar moved, Vidal seconded and the Planning Commission approved the Conditional Use Permit with the following stipulation(s):

1. Upon submittal of a Building Permit, a site plan shall be submitted identifying signage and striping for the approaches;
2. Upon submittal of a Building Permit, the site plan shall be revised to show a six-foot high screening fence along the drive aisle on the south and west sides of the property;
3. 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 shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;
4. The proposed childcare center shall operate in compliance with the submitted operations plan and all approved plans. Changes in the operators of the facilities shall require a Major Amendment to the Conditional Use Permit; and,
5. The Conditional Use Permit shall allow a childcare center for 125
children and 15 staff. Permitted uses within the Low Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any expansion of the childcare center or new conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Arguello, Braun, Bulman, Caesar, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)

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

*6. No. 20UR019 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an ice arena for Tract 27 (also in T1N, R8E, Section 6) of Rapid City Greenway Tract, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 235 Waterloo Street.

Lacock presented the application and reviewed the associated slides. Lacock reviewed the proposed operation plan stating that the use is identified to be for a small beer garden that will be used during adult and minor league hockey games. Lacock stated that the beer garden will be locked when not in use. Lacock said that staff recommends approval of the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an ice arena with the stipulations in the Project Report.

In response to a question from Braun as to who would operate the beer garden, Doug Lowe, Recreation Division Manager for the City of Rapid City, stated that Park staff would operate in accordance with regulations.

In response to a question from Stuck whether the Parks Department operates other such facilities, Lowe stated that they do and that the same person who operates them will operate this location.

Bulman moved, Vidal seconded and the Planning Commission approved the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an ice arena with the following stipulation(s):

1. 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 Conditional Use Permit. 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,

2. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with an ice arena operated in compliance with the applicant’s operations plan. The applicant shall be in compliance with the operations plan at all times. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any
change in use that is a permitted use in the Flood Hazard District shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Flood Hazard District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Arguello, Braun, Bulman, Caesar, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)

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

7. Discussion Items
Fisher noted that at the next Planning Commission meeting, September 24, 2020, the Election of Officers will be held at the end of the meeting.

8. Staff Items
None

9. Planning Commission Items
Behlings spoke to all of the fire danger and fire activity across the country and that the language being used to describe it such as “unprecedented” and “never-seen-before”. However, he believe that it is an expected event with all the building into the wilderness and rural areas. Behlings explained that as we continue to build into the rural areas, the Fire Department’s Fire Prevention and Mitigation of Wild Land Fuel helps to control and possibly slow this danger in our area. Behlings further spoke to the positive use of prescribed burns and their ability to help further mitigate these dangers. He spoke to the ongoing programs that the Fire Department and Office Tim Weaver’s continuing work with the proactive measures and his hopes that the work continues.

Discussion followed on how these programs and controls are used and enforced.

There being no further business, Caesar moved, Vidal seconded and unanimously carried to adjourn the meeting at 8:23 a.m. (8 to 0 with Arguello, Braun, Bulman, Caesar, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)