

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
May 27, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Eirik Heikes, John Herr, Haven Stuck, Eric Ottenbacher, and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: Mike Quasney

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Karl Bauer, Kip Harrington, Sarah Hanzel, Brad Staton, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. Approval of the April 22, 2021 Zoning Board of Adjustment Minutes

Bulman moved, Caesar seconded and the Zoning Board of Adjustment approved the April 22, 2021 Zoning Board of Adjustment Minutes. **(9\_ to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

2. No. 21VA002 - Garden Lane Subdivision

A request by Renner Associates, LLC for Evergreen Real Estate, LLC to consider an application for a **Variance to reduce the minimum required front yard setback from 20 feet to 8 feet** for Lot B of Lot 2, less the south 175 feet of Lot B of Lot 2 in the SW1/4 of the NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2905 Garden Lane.

Lacock presented the applicant and reviewed the associated slides stating that the applicant has submitted a Preliminary Subdivision Plan to split the lot into two buildable lots and as part of platting the property, 16 feet of right-of-way is required to be dedicated for Garden Lane. As such, the applicant is requesting the Variance to allow an 8 feet setback in lieu of the required 20 feet front yard setback. Lacock noted that the Variance is specifically for the existing structure and is a public benefit and that staff is recommending approval of the Variance. Lacock explained that if the property is redeveloped or new development is done on Lot 2 it would need to comply with all setbacks. Lacock noted that there is no new construction being proposed with this request and that should the applicant not move forward with the plat no changes would be required. Lacock noted that approval could be based on either Criteria #1 for reasonable use of the lot or Criteria #2 being the platting of the lot creates special circumstances. Fisher reiterated that the Variance is specific to the existing structure.

**Stuck moved, Gollhofer seconded and the Zoning Board of Adjustment approved the Variance to reduce the minimum required front yard setback from 20 feet to 8 feet based on Criteria # 1 and #2. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

3. No. 21VA003 - Sunnyvale

A request by Fisk Land Surveying & Consulting Engineers, Inc for James and Charlette Steele to consider an application for a **Variance to reduce the rear yard setback from 25 feet to 4.8 feet and the side yard setback from 8 feet to 5 feet** for Lot 10 of Tract D of Sunnyvale, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1605 Sunnyvale Drive.

Lacock stated that the applicant has requested that the Variance to reduce the rear yard setback from 25 feet to 4.8 feet and the side yard setback from 8 feet to 5 feet be continued to the June 24, 2021 Zoning Board of Adjustment Meeting.

**Vidal moved, Gollhofer seconded and the Zoning Board of Adjustment continued the Variance to reduce the rear yard setback from 25 feet to 4.8 feet and the side yard setback from 8 feet to 5 feet to the June 24, 2021 Variance Board of Adjustment Meeting.**

4. Discussion Items

5. Staff Items

6. Zoning Board of Adjustment Items

Bulman noted that the Zoning Board of Adjustment Agenda included the approval the April 22, 2021 Zoning Board of Adjustment Minutes. Braun called for motion on the item and action was taken.

**There being no further business Caesar moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:08 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 27, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Eirik Heikes, John Herr, Eric Ottenbacher, Haven Stuck and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: Mike Quasney.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Karl Bauer, Kip Harrington, Sarah Hanzel, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:08 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 Item 3 be removed from the Consent Agenda for separate consideration.**

**Bulman requested that Item 9 be removed from the Consent Agenda for separate consideration.**

**Motion by Caesar seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 10 in accordance with the staff recommendations with the exception of Items 3 and 9. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the May 6, 2021 Planning Commission Meeting Minutes.

\*2. No. 21PD017 - Orchard Meadows No. 2

A request by KTM Design Solutions, Inc for Creekside Heights Apartments LLC to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for portions of Lot 1 and Lot 2 of Orchard Meadows No. 2, Section 9, T1N, R8E, BHM, City of Rapid City, Pennington County, South Dakota, more fully described as follows; Commencing at a 1949 BLM brass cap, being a witness corner located 13.2 feet westerly of the 1/4 corner of Sections 9 and 16, T1N, R8E, BHM, thence North 00°56'53" West, 675.91 feet to the point of beginning; Thence (1) North 22°18'43" East, 70.38 feet; Thence (2) North 49°02'58" East, 75.26 feet; Thence (3) South 83°19'17" East, 57.96 feet; Thence (4) North 0°00'49" West, 116.29 feet; Thence (5) North 33°13'14" West, 42.12 feet; Thence (6) North 18°20'38" West, 87.24 feet; Thence (7) North 0°02'20" East, 228.76 feet to a non-tangent circular curve concave to the west; Thence (8) through said curve having a delta angle of 217°37'44", a radius length of 59.00 feet, an arc length of 224.10 feet,

a chord bearing of N00°02'20"E and a chord length of 111.70 feet; Thence (9) North 0°02'20" East, 44.22 feet; Thence (10) North 54°24'49" West, 123.82 feet; Thence (11) North 74°40'40" West, 68.17 feet; Thence (12) South 51°55'21" West, 51.65 feet; Thence (13) North 80°42'46" West, 26.72 feet; Thence (14) North 89°44'13" West, 31.51 feet; Thence (15) South 0°13'26" West, 223.52 feet; Thence (16) North 89°46'34" West, 200.44 feet; Thence (17) South 0°15'47" West, 223.18 feet; Thence (18) North 90°00'00" West, 447.28 feet; Thence (19) South 11°01'46" West, 196.01 feet; Thence (20) South 62°52'58" East, 24.34 feet; Thence (21) South 79°58'45" East, 38.14 feet; Thence (22) South 88°42'53" East, 104.40 feet; Thence (23) North 70°43'18" East, 148.66 feet; Thence (24) South 87°25'56" East, 258.15 feet; Thence (25) South 80°25'18" East, 140.67 feet; Thence (26) South 66°54'57" East, 46.84 feet; Thence (27) South 48°41'23" East, 67.74 feet; Thence (28) South 42°23'28" East, 76.08 feet; Thence (29) South 30°57'17" East, 30.14 feet to the point of beginning, more generally described as being located east of Elk Vale Road south of Jaffa Garden Way terminus.

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

1. **Acknowledge the previously granted Exception to allow a maximum height of three-stories and 39.75 feet in lieu of the maximum allowed height of 35 feet;**
2. **The required lift station shall be completed and operational prior to issuance of a Certificate of Occupancy. In addition, easements shall be dedicated as needed;**
3. **All signage shall meet the requirements of the Rapid City Sign Code. Any proposed electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs;**
4. **Prior to approval of a Building Permit, an easement shall be provided for the 12-inch water main for Rapid Valley Sanitary District; and,**
5. **This Final Planned Development Overlay shall allow Phase 1 of a four-phase apartment development to include a 182-unit apartment complex, clubhouse, and swimming pool. Future phases shall require the review and approval of a Major Amendment. Any change in use shall require an amendment to the Planned Development Overlay.**

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

- \*4. No. 21PD019 - Marlin Drive Commercial Park  
A request by KTM Design Solutions, Inc for Midland Scientific Properties SD LLC to consider an application for a **Final Planned Development Overlay to construct an industrial building** for Lot 3R of Block 1 of Marlin Drive Commercial Park, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2215 Marlin Drive.

**Planning Commission approved the requested Final Planned Development with the following stipulations:**

- 1. Upon submittal of a Building Permit, the site plan shall be revised to show a 26-foot wide parking aisle and 18-foot long parking stalls;**
- 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 Final Planned Development Overlay. The inclusion or addition of any LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign; and,**
- 3. This Final Planned Development Overlay shall allow for an industrial building for medical testing device manufacture and distribution. All uses permitted in the Light Industrial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Planned Development.**

***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.***

**\*5. No. 21PD021 - North Valley Park Subdivision**

A request by KTM Design Solutions, Inc for Yasmeen Dream LLC to consider an application for an **Initial Planned Development Overlay to allow a townhome apartment complex** for Lot J of North Valley Park Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 865 N. Valley Drive.

**Planning Commission approved the Initial Planned Development Overlay to allow a townhome apartment development with the following stipulations:**

- 1. Upon submittal of a Final Planned Development Overlay application, a detailed site plan and narrative shall be submitted identifying how useable open space will be provided;**
- 2. Upon submittal of a Final Planned Development Overlay application, the land area regulation calculations for the development shall be revised to show the requirements for multi-family dwellings not townhomes. Specifically lot coverage, lot size, and parking;**
- 3. Upon submittal of a Final Planned Development Overlay application, a parking plan for a multi-family development shall be submitted showing ADA parking spaces;**
- 4. Upon submittal of a Final Planned Development Overlay application, water and sewer plans shall be submitted for review and approval demonstrating that capacity is available for the proposed development;**
- 5. Upon submittal of a Final Planned Development Overlay application, a landscape plan shall be submitted for review and approval;**
- 6. Upon submittal of a Final Planned Development Overlay application, a drainage report and calculations shall be submitted;**

7. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval;
8. Upon submittal of a Final Planned Development Overlay, the site plan shall be revised to show the location of dumpsters; and,
9. This Initial Planned Development Overlay shall allow a 66-unit townhome apartment complex. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval. Any conditional use shall require the review and approval of a Final Planned Development Overlay.

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

6. No. 21RZ013 - Schnasse Addition

A request by Michael Powell to consider an application for a **Rezoning request from General Commercial District to Medium Density Residential District** for Lot 13 of Block 13 of Schnasse Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 306 E. Denver Street.

**Planning Commission recommended approval of the Rezoning request from General Commercial District to Medium Density Residential District.**

7. No. 21RZ014 - Section 33, T2N, R8E

A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Rezoning request from Light Industrial District to Medium Density Residential District** for a portion of SE1/4-NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the North 1/16th corner of Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a rebar and plastic cap marked "DAVIS ENG"; thence S02°02'07"W, a distance of 159.93 feet to the point of beginning; Thence first course: S02°00'44"W, a distance of 415.29 feet; Thence second course: On a non-tangent curve turning to the left with an arc length of 243.49 feet, with a radius of 1000.00 feet, with a chord bearing of N49°08'45"W, with a chord length of 242.89 feet; Thence third course: N56°07'17"W, a distance of 442.32 feet; Thence fourth course: N33°52'43"E, a distance of 34.00 feet; Thence fifth course: S88°02'48"E, a distance of 546.88 feet to the point of beginning, more generally described as being located east of North Valley Drive terminus.

**Planning Commission recommended approval of the Rezoning request from Light Industrial District to Medium Density Residential District.**

8. No. 21RZ015 - Moon Meadows Park Subdivision

A request by Towey Design Group for Pink Cabin LLP to consider an application for a **Rezoning request from Office Commercial District to Medium Density Residential District** for a tract of land located in the E1/2SE1/4SW1/4NW1/4 of Section 35, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota; more

particularly described as follows: beginning at the center west 1/16th corner of Section 35, T1N, R7E; being the point of beginning; Thence N 00° 01'50" W, 568.56 feet to the south R.O.W. line of Moon Meadows Drive. Thence thru the following three courses of said R.O.W. line: 1) S 89°58'10" W, 34.00 feet; 2) N 44°42'03" W, 17.11'; 3) N 89°23'33" W, 99.15 feet to the NE corner of Lot 3, Block 2 of Moon Meadows Park Subdivision; Thence S00°01'10" E, 580.22 feet to the SE corner of said Lot 3; Thence S 89°23'40" E, 145.30 feet to the point of beginning, more generally described as being located west of Healing Way between Moon Meadows and Sammis Trail.

**Planning Commission recommended approval of the Rezoning request from Office Commercial District to Medium Density Residential District.**

10. No. 21PL041 - South Creek Industrial Park

A request by FMG Engineering for Rapid City Economic Development Foundation to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 10 of Block 1 of South Creek Industrial Park, property generally described as being located south of St. Patrick Street, east of S.D. Highway 79.

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

1. **Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the proposed Major Drainage Easements; and,**
2. **Upon submittal of a Final Plat application, the plat document shall show all necessary easements.**

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

3. No. 21CA001 - Sections 17 and 8, T1N, R8E

A request by KTM Design Solutions, Inc for 605 Storage LLC to consider an application for a **Comprehensive Plan Amendment to the Major Street Plan** Lot A, less the west 17 feet and less Lot H2 of Section 17 and Lot E less the west 17 feet less Lot H2 of Section 8, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3276 and 3300 Cambell Street.

Harrington reviewed the application noting that it is a Comprehensive Plan Amendment to the Major Street Plan to remove a portion of a proposed minor arterial street. Harrington reviewed the slides showing the location of the section of road that is being requested to be removed. The section of road is located between the Cambell Street and Fairmont Boulevard intersection and the Rapid City Pierre and Eastern Railroad right-of-way. Harrington noted that the photos indicated that although the road is not currently constructed the right-of-way appears to be intact. Harrington stated that there are certain criteria that is reviewed when considering a Comprehensive Plan Amendment, but that one of the main goals of the Comprehensive Plan is to provide connectivity through a continuous network of sidewalks, bike paths and roadways within and between neighborhoods and that this section of road is vital to those criteria. Harrington stated that the Fairmont Boulevard

Corridor provides a direct connection between Mount Rushmore Road to the east through to Elk Vale Road to the west. Harrington noted that the Rapid City does not have a great grid system and that this corridor is one of the few direct east-west connections. Harrington stated that the corridor connection would provide direct access to Rapid Valley and eastern developing areas to City services including the hospital and schools as well as an emergency route for hospital access. Harrington acknowledged that the railroad tracks do present a challenge to the construction of the connection, but that there are options including Federal grants and possibly CIP or Vision Funds. Harrington stated that staff is aware of these challenges, but believe that the importance of the connectivity that this corridor provides makes it vital to retain for future development and as such staff recommends to deny the Comprehensive Plan Amendment.

Kyle Trealar, KTM Design International, stated that some of the reasons for the request is that the Cambell/Highway 79 Corridor is a rapidly growing and developing area noting the current industrial uses in the area and the active status of the railroad restricts the continuation of the proposed Fairmont Boulevard. Trealar stated that Holiday has contacted them in interest of developing at this location. Trealar spoke to the cost of extending Fairmont Boulevard through this existing right-of-way with the active switch yard noting it would be difficult and expensive as this is a switch yard where cars sit, not like a track where trains occasionally run through which means the potential need for a bridge or overpass would be required. Trealar stated that in talks with the railroad they do not have plans to vacate or inactivate this line or switch yard especially with the current increase in railroad transport of goods. Trealar spoke to the difficulty and cost of extending Fairmont Boulevard.

In response to a questions from Vidal whether Minnesota connects across Cambell, Harrington stated that currently it does not connect but the Comprehensive Plan shows it connecting, and that if neither of these corridors are allowed to cross it will create a 2 mile disconnection for east to west traffic. Harrington pointed to the long term nature of the Comprehensive Plan stating it is the duty of Long Range Planning to plan for the 50 to 100 year growth of a city and Harrington said that as learned through past events, loss of right-of-way is generally a final action. Harrington reiterated that the goal of the Comprehensive Plan is to preserve the option for east west connectivity by retaining the right-of-way.

In response to a question from Vidal, Harrington confirmed that there were grant options available although they have not been researched to date as the connection is not needed currently. Harrington further stated that the City has not utilized these grants previously, but that the South Dakota Department of Transportation has and it will be a joint project the South Dakota Department of Transportation will be able to assist with the process.

In response to a question from Vidal on the plans that lead to this request, Trealar stated that they have a Holiday Convenience Store that would like to develop on this corner which would require replatting and vacation of the right-of-way.

Fisher noted that Public Works had reviewed all of the crossing options along Cambell Street that they could give up to allow the development of a Holiday Convenience Store along the corridor and noted that the Fairmont Boulevard

crossing was identified as being one of the most viable crossing. They believe regardless of the flood plain, and the topography challenges that were identified, it remains the most viable. Fisher stated that dirt moves and funds are available and history shows that these types of obstacles are overcome when the need and desire is there. Fisher further stated that the Fire Department has identified this crossing as the most direct and the hardest one to give up.

In response to a question from Caesar on engineering for a crossing, Harrington stated such studies have not been done. Todd Peckosh of the Public Works Department, stated that the raise would be 20 feet and over the 500 feet allotted this would be doable.

In response to a question from Arguello on the projected timeline of construction of proposed connection, Harrington noted that any timeline is development driven and dependent on the property owner. Harrington also noted that the arterial designation of Fairmont Boulevard is not anticipated to create a problem for the residential area it runs through, noting there are numerous other arterial streets that dissect residential areas.

In response to Arguello's question on ownership of the land in question, Fisher stated it is mostly privately owned. Fisher noted the growth in this area is anticipated to remain industrial.

In response to Stuck's question on the east-west connections being E. St. Patrick Street with the next connection being Catron Boulevard, Harrington confirmed that was correct.

In response to a question from Heikes on the difference between an at grade crossing versus an overpass, Peckosh stated the railroad does not show any interest in an at grade overpass, which would entail moving the switch yard, so an overpass would be the best option.

Bulman discussed this and past reviews of connection projects, stating that although such development is often costly that it is imperative.

Vidal also spoke about past discussion on future connections and current development and their relationships, noting specifically the signal light on Catron and Minnesota which currently appears to make no sense, but the future connection of Minnesota Street and growth along that corridor make it make sense.

Caesar stated that what she would like to avoid is someone in the future sitting at the dead-end street wondering why there isn't a road there.

Braun returned to the item to allow comment from Herr due to oversight during discussion. Herr said he understands the need to have the connectivity but asked why there the City has no timeline or defined plan for long term infrastructure and why the City does not build infrastructure in front of development rather than react to development, noting that other cities use this process.

**Golliher moved, Vince seconded and the Planning Commission recommended**

**denial of the Comprehensive Plan Amendment. (8 to 1 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Ottenbacher, Stuck and Vidal voting yes and Herr voting no)**

9. No. 21PL040 - Catron Ridge Subdivision

A request by Longbranch Civil Engineering, Inc for Coldwell Banker Black Hills Legacy to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 2 of Block 1, Lots 1 thru 17 of Block 2 and Lots 1 thru 22 of Block 3 of Cartron Ridge Subdivision, legally described as Tract 3 of Par Subdivision located in the SW1/4 of the SE1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard between Wellington Drive and Tartan Court.

Bulman asked for clarification on the location of the access for this Preliminary Subdivision Plan. Fisher reviewed the application noting it is to develop 36 townhome lots, one apartment lot and three single-family residential lots on a 20 acre parcel and that the access will be taken from Catron Boulevard. Bulman discussed her concerns regarding the access location and the increased traffic it will create, stating as a resident she is very concerned that the increase created by all the development is changing the nature of Carton Boulevard which was initially developed as a thoroughfare with posted speed limits of 60 to 65 miles an hour. Bulman mentioned the possible need for an additional signal light in the future. Fisher stated that the access from the south side of Catron will be separated from the access on the north side of Catron by medians creating safer access and also noted that the South Dakota Department of Transportation had reviewed this application and that they did not feel this would create the need for a signal light at this time.

Stuck and Ottenbacher voiced concerns regarding the increased traffic the development along and beyond Catron Boulevard is creating, the speed of that traffic and the additional accesses being taken along Catron creating safety issues and altering the express nature of the corridor.

Heikes stated that there are many comments made about thoughts and feelings and requested more discussion on metrics, numbers, engineering data, Fisher stated that these numbers are being reviewed but it takes time. Fisher also noted that the applicant has been informed that a Traffic Impact Study may be required by the South Dakota Department of Transportation.

Discussion followed future development. Fisher reviewed the requirements to deny a Preliminary Subdivision Plan, stating that if the applicant is meeting the requirements it is extremely difficult for the Planning Commission to deny a Preliminary Subdivision Plan.

Bulman stated that she would be abstaining from voting on this item as she has a conflict of interest.

**Herr moved, Caesar seconded and the Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

- 1. Prior to submittal of a Development Engineering Plan application, a**

permit shall be obtained from the South Dakota Department of Transportation in compliance with South Dakota Administrative Rule 70:09:03:0 for access to US16B/Catron Boulevard. In addition, a Traffic Impact Study shall be submitted for review and approval if deemed necessary;

2. Upon submittal of a Development Engineering Plan application, construction plans for Tall Grass Drive, a local street, shall be submitted for review and approval showing the street located in a minimum 62-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. 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 Pinnacle Court, a local street, shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual and the permanent and temporary cul-de-sac(s) shall meet the design standards set forth in Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, construction plans providing a water main along Catron Boulevard from Tall Grass Drive to the east lot line of the property shall be submitted for review and approval;
5. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
7. 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;
8. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
9. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
10. Prior to submittal of a Final Plat application, the property shall be rezoned

- from General Agriculture District to Low Density Residential District II and Medium Density Residential District, respectively, to allow the proposed 39 single family residential lots and one apartment lot;
11. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements, including the proposed Drainage Lot. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;
  12. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in the residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable;
  13. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative
  14. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property with the Rapid City Fire Department. In addition, all mitigation efforts shall be completed prior to submittal of a Final Plat application;
  15. 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,
  16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (8 to 1 to 1 with Arguello, Braun, Caesar, Golliher, Herr, Heikes, Stuck and Vidal voting yes and Ottenbacher voting no and Bulman abstaining)

---BEGINNING OF REGULAR AGENDA ITEMS---

\*11. No. 21PD018 - Rushmore Crossing

A request by Pramono Nugroho for Storming Crab to consider an application for a **Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant** for Lot 7R of Block 3 of Rushmore Crossing, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1756 Eglin Street.

Lacock presented the application noting that the previous Conditional Use Permit for this property had been inactive for over two years and as such the current operator is required to obtain a new Conditional Use Permit since a lot can change in two years and it allow the review of the new operations plan. Lacock stated that the establishment remains in compliance with all setbacks, parking and landscaping and that it is located in a busy active area where this type of use is encouraged. Lacock stated that the applicant is bringing a new restaurant to the area which is always an exciting development. Lacock presented staff's recommendation to approve Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant with stipulations.

In response to a question from Ottenbacher on the number of other on-sale venues in the area, Lacock stated that there are a number, but that the majority are associated with restaurants and salons.

Ottenbacher inquired if there are any plans to expand Eglin as it is a very congested area, Peckosh stated that there is not a time line, but that it is being reviewed,

**Bulman moved, Caesar seconded and the Planning Commission recommended that the Major Amendment to a Planned Development Overlay be approved with the following stipulations:**

- 1. All signage shall comply with the requirements of the Rapid City Municipal Code. Electronic or Light Emitting Diode (LED) message centers are not permitted as a part of this request. The addition of LED message centers in the future shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;**
- 2. This Major Amendment to a Planned Development shall allow for an on-sale liquor establishment in conjunction with a restaurant and patio on the property. The on-sale liquor use shall be operated in compliance with the submitted operations plan. Any expansion of the on-sale liquor use or patio area shall require a Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon an approved Building Permit and provision of sufficient parking. All conditional uses or any use that results in an increase in parking shall require a Major Amendment to the Planned Development. 9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Herr, Ottenbacher, 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.***

\*12. No. 21PD020 - Big Sky Business Park

A request by Daene Boomsma for Boom Investment, LLC to consider an application for a **Final Planned Development Overlay to allow a 16-unit apartment building** for Lot 5 of Block 5 of Bug Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 523 Degeest Drive.

Lacock presented the application and reviewed the associated slides noting that the applicant is requesting an Exception to allow a lot size of 27,878 square feet in lieu of the minimum required 29,000 square feet for a 16-unit apartment building, noting that the reduction is less than 20 percent which if not in a Planned Development would be administratively reviewed. Lacock stated that the applicant meets all the setback, parking and landscaping requirements for a sixteen unit apartment complex. Lacock noted that the placement of the dumpster enclosure is to be addressed to show that it does not conflict with sight triangles prior to obtaining a Building Permit and defined usable open space in the form of a patio for use by residents will be required to be shown on the plans submitted for a Building Permit. Lacock said that staff

recommends approval of the Final Planned Development Overlay to allow a 16-unit apartment building with stipulations.

In response to a question from Stuck on the future development or completion of Degeest Drive, Lacock noted that as they continue to develop to the north they will continue to extend Degeest to a collector street to City Road standards, but as the current road extends beyond this property and thus it is not a stipulation of approval.

Aguello spoke to his pleasure that patios and open space have been included. Lacock thanked the Planning Commission on the discussion that has led to open space being a consideration on this and other projects that are coming forward.

Braun stated that he appreciates that the unique design used to increase the number of units in a positive way, especially with the housing shortage being faced by the City at this time.

**Vidal moved, Golliher seconded and the Planning Commission recommended approval of the Final Planned Development Overlay with the following stipulations:**

- 1. An Exception is hereby granted to allow a lot size of 27,878 square feet in lieu of the minimum required 29,000 square feet for a 16-unit apartment building;**
- 2. Upon submittal of a Building Permit, the applicant shall demonstrate that the dumpster will not interfere with sight triangles or the dumpster location shall be revised outside of sight triangles;**
- 3. Prior to submittal of a Building Permit, the site plan shall be revised to show the outdoor patio area for useable open space;**
- 4. 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 Final Planned Development Overlay. The inclusion or addition of any LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign; and,**
- 5. The Final Planned Development Overlay shall allow for a 16-unit apartment building. Any change in use that is permitted in the Medium Density Residential District shall require a Minimal Amendment to the Final Planned Development. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. 9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Ottenbacher, 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.***

Hanzel requested that Items #13 and #14 be taken together.

13. No. 21RZ016 - Catron Ridge Subdivision

A request by Longbranch Civil Engineering, Inc for Coldwell Banker BlackHills Legacy to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for a portion Tract 3 of Par Subdivision, located in the SW ¼ of the SE ¼, Section 23, T1N, R7E, B.H.M., Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Tract 3 of Par Subdivision, common with the northwesterly corner of Lot 1 of Meadow View Subdivision and common with the southeasterly corner of the SE ¼ of the SE ¼ of the SW ¼ of Section 23, T1N, R7E, B.H.M., and the point of beginning; Thence, S 89°54'27" E, a distance of 332.50 feet to a random point along the southerly property line of Tract 3 of Par Subdivision common with the northerly property line of Lot 1 of Meadow View Subdivision; Thence, a 59.00 foot radius curve to the right with a chord bearing of N 09°51'12" E, and a chord distance of 113.11 feet with a delta angle 146°54'38" and arc length of 151.28 feet; Thence, N 18°48'56" W a distance of 98.86 feet; Thence, N89°54'27" W a distance of 320.00 feet to a random point along westerly property line of Tract 3 of Par Subdivision, common with easterly property line of the SE ¼ of the SE ¼ of the SW ¼ of Section 23, T1N, R7E, B.H.M., Thence, S 00°00'29" E, a distance of 205.00 feet to the southwesterly corner of Tract 3 of Par Subdivision, common with the northwesterly corner of Lot 1 of Meadow View Subdivision and common with the southeasterly corner of the SE ¼ of the SE ¼ of the SW ¼ of Section 23, T1N, R7E, B.H.M., and the point of beginning, more generally described as being located north of Catron Boulevard between Wellington Drive and Tartan Court.

14. No. 21RZ017 - Catron Ridge Subdivision

A request by Longbranch Civil Engineering, Inc for Coldwell Banker BlackHills Legacy to consider an application for a **Rezoning request from General Agricultural District to Low Density Residential District II** for a portion Tract 3 of Par Subdivision, located in the SW ¼ of the SE ¼, and the SE ¼ of the SE ¼ of Section 23, T1N, R7E, B.H.M., Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Tract 3 of Par Subdivision, common with the northeasterly corner of Lot 1 of Meadow View Subdivision and common with a random point along the northwesterly boundary of the Catron Boulevard right of way and the point of beginning; Thence, N 53°14'19" E, a distance of 800.88 feet to the southeasterly property corner of Tract 3 of Par Subdivision common with the southwesterly property corner of Tract 2 of Par Subdivision and common with the northwesterly boundary of the Catron Boulevard right of way; Thence, N36°22'45" W a distance of 172.00 feet to an angle point on the easterly property line of Tract 3 of Par Subdivision common with an angle point on the westerly boundary of Tract 2 of Par Subdivision; Thence, N 08°50'52" W a distance of 209.82 feet to the northeasterly property corner of Tract 3 of Par Subdivision and common with the northwesterly property corner of Tract 2 of Par Subdivision common with the southerly boundary of the Enchanted Hills Common area; Thence, S 67°39'41" W a distance of 483.67 feet to an angle point on the northerly boundary of Tract 3 of Par Subdivision common with an angle point of the southerly boundary of the Enchanted Hills Common area; Thence, N 72°49'39" W a distance of 655.05 feet to an angle point on the northerly boundary of Tract 3 of Par Subdivision common with an angle point of the southerly boundary of the Enchanted Hills Common area; Thence, S 69°30'31" W a distance of 210.01 feet to the northwesterly property corner of Tract 3 of Par Subdivision, and a point on the easterly boundary of the SE ¼ of the

SE ¼ of the SW ¼ of Section 23, T1N, R7E, B.H.M.; Thence, S 00°00'29" E a distance of 554.94 feet to a point on the easterly boundary of the SE ¼ of the SW ¼ of Section 23, T1N, R7E, B.H.M.; Thence, S 89°54'27" E a distance of 320.00 feet; Thence, S 18°48'56" E a distance of 98.86 feet; Thence, a 59.00 foot radius curve to the left with a chord bearing of S 09°51'12" W, and a chord distance of 113.11 feet with a delta angle 146°54'38" and arc length of 151.28 feet; Thence, S 89°54'27" E a distance of 430.02 feet to the southeasterly corner of Tract 3 of Par Subdivision, common with the northeasterly corner of Lot 1 of Meadow View Subdivision and common with a random point along the northwesterly boundary of the Catron Boulevard right of way and the point of beginning, more generally described as being located north of Catron Boulevard between Wellington Drive and Tartan Court.

Hanzel noted that these items are associated with the Preliminary Subdivision Plan for Catron Ridge (21PL041) which was reviewed and approved previously in this meeting. Hanzel stated that she inadvertently placed these items on the Non-Consent Agenda and as they have not received any concerns on these items staff recommends approval of the Rezoning request from General Agricultural District to Medium Density Residential District and the Rezoning request from General Agricultural District to Low Density Residential District II.

**Bulman moved, Stuck seconded and the Planning Commission recommended approval of the Rezoning request from General Agricultural District to Medium Density Residential District, and;  
The Planning Commission recommended approval of the Rezoning request from General Agricultural District to Low Density Residential District II. 9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

15. Discussion Items

Fisher announced that Lacock will be leaving to take a position in Sioux Falls and invited everyone to the Farwell party that will be held to wish him the best in his new venture. Fisher stated that Lacock had brought this own special touch to the Department and the projects that he worked on and that he would be missed

The Planning Commissioners took turns wishing Lacock well in his future endeavors.

Fisher stated that it is the plan to move the Planning Commission back to the dais if there were no concerns by the members. As there were none Fisher stated that at the June 10, 2021 meeting the Planning Commission would return to the original seating arrangement.

Nyberg stated that the Attorney's Office is working on an Ordinance for Medical Cannabis and proposed plans to license Medical Cannabis. Nyberg stated that they will not be issuing any license until there is direction from the State so the Ordinance will be informational at this point. Nyberg stated that the Ordinance will go to Council without Planning Commission review as it

does not fall within the Chapters reviewed by Planning Commission.

In response to Caesar's question on deadlines, Nyberg stated that October 29<sup>th</sup> is the deadline for rules to be in place and another deadline is in November to issue cards for those that are eligible. Caesar spoke to how some areas have clustered their dispensaries creating issues and she will be watching to see that this is not the case as Rapid City moves forward.

In response to a question from Stuck on City and County license issuing, Nyberg confirmed that both entities will have the ability to issue licenses for dispensaries but noted that there are additional establishments identified in the Statute, including cultivation, manufacturing and testing and that they will be addressing all of those. Nyberg stated that they will be working to meet all requirements.

In response to a question from Ottenbacher on limits or caps, Nyberg said there is the option to set a cap for dispensaries and that they are looking at this.

Fisher stated that the Planning staff is working to incorporate this into the Zoning Ordinance.

16. Staff Items  
None

17. Planning Commission Items  
None

**There being no further business, Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:36 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)**