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

1. Approval of the October 21, 2021 Zoning Board of Adjustment Minutes

   Bulman moved, Quasney seconded and the Zoning Board of Adjustment approved the October 21, 2021 Zoning Board of Adjustment Minutes with corrections as suggested. (7 to 1 with Bulman, Caesar, Golliher, Ottenbacher, Quasney, Stuck and Vidal voting yes and Herr voting no)

Caesar noted the minutes needed to be corrected to reflect that the Council Liaison was absent rather than present.

2. No. 21VA008 - Highpointe Ranch Subdivision

   A request by Boom Construction, Inc. to consider an application for a Variance request to reduce a portion of the side yard setback from 8 feet to 5.5 feet Lot 15 of Block 4 of Highpointe Ranch Subdivision, located in Section 20, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5936 Cloud Peak.

   Hanzel present the application noting the Variance is being requested to correct a construction error that was not identified until construction was underway. Hanzel reviewed the associated slides noting that there is an 8 foot drainage easement and that the applicant had vacated the section of the drainage easement where the footing encroached into the drainage easement. The Vacation of Easement (21VE006) was approved by staff as the remaining drainage easement is adequate for drainage and utility access for the property. Hanzel further noted that the structure will be fire sprinkler protected and that staff feels this is the minimal adjustment needed while remaining in harmony with the neighborhood and as such staff recommends approval of the Variance request to reduce a portion of the side yard setback from 8 feet to 5.5 feet.

   In response to a question from Bulman whether there were inspections prior to foundations being dug, Fisher stated that there is no requirement to have a surveyed site plan for single family or townhome construction. Fisher further stated there is no inspection although it has been attempted previously to require one but due to financial constraints it has not been required. Fisher also noted that this is a singular event and that repeated offenses would not be supported.
Haven spoke to his concern that this could be abused and that he is glad to hear that staff is aware of and handling these as they are.

In response to Herr’s question why as to why Council does not require site surveys, Fisher reiterated that it is cost and time driven.

In response to the motion to approve, Fisher clarified that it is the foundation creating the special circumstance and that should be the criteria for approval.

Caesar questioned if perhaps in harmony should be considered. Bulman decided to retain the Criteria of special circumstances.

In response to a question from Herr on covenants, Fisher stated that the City does not enforce covenants between private parties.

**Bulman moved, Quasney seconded and the Zoning Board of Adjustment approved the Variance to reduce a portion of the side yard setback from 8 feet to 5.5 feet based on Criteria Special Circumstances The Variance is only for the portion of property identified as the vacated drainage and utility easement filed on the property as Exhibit A, File #21VE006. (7to 1 with Bulman, Caesar, Golliher, Ottenbacher, Quasney, Stuck and Vidal voting yes and Herr voting no)**

3. **Discussion Items**
   None

4. **Staff Items**
   None

5. **Zoning Board of Adjustment Items**
   None

There being no further business Bulman moved, Ottenbacher seconded and unanimously carried to adjourn the meeting at 7:17 a.m. (8 to 0 with Bulman, Caesar, Golliher, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)
MEMBERS PRESENT: Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Erik Braun, Eirik Heikes. Ron Weifenbach, Council Liaison, was also absent.


Caesar called the meeting to order at 7:17 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.

Herr requested that Items 2, 3 and 4 be removed from the Consent Agenda for separate consideration.

Ottenbacher called for point of order to allow for the audience to be queried if there where items they wished to pull, there were none.

Motion by Vidal seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Items 2, 3 and 4 and. (8 to 0 with Bulman, Caesar, Golliher, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 21, 2021 Planning Commission Meeting Minutes.

5. No. 21PL105 - Black Elk Peak Subdivision
   A request by Richard W. Sterkel to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 thru 8 and storage Lot of Black Elk Peak Subdivision, legally described as Lot G of Clemmons Addition, located in Section 23, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Greenfield Drive and Green Valley Drive.

   Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:
   1. Upon submittal of a Development Engineering Plan, construction plans for Green Valley Drive shall be submitted for review and approval showing a sewer main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering application;
   2. Upon submittal of a Development Engineering Plan, construction plans
for Greenfield Drive shall be submitted for review and approval showing a sewer main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering application;

3. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval identifying the drainage ditch design;

4. Upon submittal of a Development Engineering Plan application, the construction plans for Green Valley Drive and Greenfield Drive shall provide sidewalk along the street(s) or a Variance shall be obtained from City Council prior to submittal of the Development Engineering Plan application;

5. Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate that fire flows are being provided to support the proposed subdivision. If fire flows are insufficient, then upon submittal of a Final Plat application, the applicant shall enter into a Covenant Agreement with the City to ensure that fire suppression systems are installed in all new residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, the covenant agreement shall 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;

6. Prior to approval of the Development Engineering Plan application, engineering design reports 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;

7. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;

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 approval of the Development Engineering Plan application, a Floodplain Development Permit shall be obtained from the City for all subdivision improvements. In addition, a Floodplain Development Permit shall be obtained from Pennington County for the construction of the proposed approaches to each lot and any on-site development;

11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; and
12. Prior to approval of the Development Engineering Plan application, an approach permit shall be obtained from the Pennington County Highway Department. In addition, a copy of the approved approach permit shall be submitted to the City;

13. 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

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

6. No. 21PL108 - Diamond Ridge Subdivision
A request by KTM Design Solutions, Inc for Yasmeen Dream II, LLC to consider an application for a Preliminary Subdivision Plan for proposed Tract 2 and dedicated Public right-of-way of Diamond Ridge Subdivision, legally described as a portion of the east 910 feet of Government Lot 4, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of E. Anamosa Street and west of Diamond Ridge Boulevard.

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

1. Upon submittal of a Development Engineering Plan application, construction plans for E. Anamosa Street shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a principal arterial street or shall meet criteria for obtaining an Exception. The construction plans shall include a street connection from E. Anamosa Street to the paved terminus of Diamond Ridge Boulevard. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

2. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained from City Council to allow 55 dwelling units with one point of access in lieu of a maximum of 40 dwelling units or the plat document shall be revised accordingly. If an Exception is obtained, then 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 all residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable;

3. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;

4. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

5. 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;

6. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;

7. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;

8. Upon submittal of a Final Plat application, the plat document shall show the dedication of 50 feet of right-of-way for E. Anamosa Street;

9. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements and a Major Drainage easement shall be dedicated for all drainage improvements;

10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

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


---END OF CONSENT CALENDAR---

2. No. 21RZ019 - Highpointe Ranch Subdivision
A request by KTM Design Solutions, Inc for Watershed II, LLC to consider an application for a Rezoning request from No Use District to Low Density Residential District II for portions of the NE1/4, and the SE1/4, Section 20, T1N, R7E, BHM., Pennington County, South Dakota, commencing at the East 1/4 corner of Section 20, T1N, R7E, being monumented by a 8"x6"x6" granite stone, and being the point of beginning; Thence (1) with the east boundary of said Section 20, North 0°08'06" West, 841.48 feet; Thence (2) North 57°53'10" West, 911.33 feet; Thence (3) North 38°30'50" West, 620.65 feet; Thence (4) South 0°10'16" East, 483.60 feet; Thence (5) North 89°45'37" West, 822.36 feet; Thence (6) South 16°17'46" West, 102.05 feet; Thence (7) South 0°02'34" West, 222.42 feet; Thence (8) South 30°17'54" West, 187.39 feet; Thence (9) South 0°12'47" East, 124.89 feet; Thence (10) South 24°12'42" West, 162.57 feet; Thence (11) South 0°12'27" East, 1,454.15 feet; Thence (12) South 0°12'27" East, 1,320.91 feet to the point of beginning, more generally described as being located north of terminus of Cloud Peak Drive.

Fisher reviewed that this is application is be recommended to be continued to allow
the review of the Traffic Impact Study noting that it would be heard in conjunction with the associated Preliminary Subdivision Plan (21PL101).

Herr stated that he would like to see this be zoned Park Forest District, Fisher clarified that can be discussed when the application is presented at the November 24, 2021 Planning Commission Meeting.

Stuck spoke to the importance of the traffic to this item and asked when they would receive it to review the Traffic Impact Study. Fisher stated it would be linked to the agenda when it is published the Friday prior to the meeting and it could be made available to the Commission prior to that if requested.

Planning Commission recommended the Rezoning request from No Use District to Low Density Residential District II be continued to the November 24, 2021 Planning Commission Meeting. 8 to 0 with Bulman, Caesar, Golliher, Herr, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)

Caesar stated that items #3 and #4 would be heard together.

3. No. 21AN003 - Elks Crossing
A request by KTM Design Solutions, Inc for Dennis Zandstra Real Estate Holdings, LLC to consider an application for a Petition for Annexation for the S1/2 of the N1/2 of the NW1/4 of Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of Pahlmeyer Drive and Caymus Drive.

Caesar stated she pulled these items because there was no link to the Project Report on the agenda and would like to hear information so she can review the request.

Hanzel presented the applications noting they are located east of Elk Vale Drive and south of the Elks Crossing Subdivision and that development of the area will be residential. The associated rezoning would be Low Density Residential II. Hanzel stated that there is a proposed collector street that will run through the area noting that, that will be discussed during the platting of the property. Hanzel noted that the property meets requirement for annexation and staff is recommending approval.

4. No. 21RZ024 - Elks Crossing
A request by KTM Design Solutions, Inc for Dennis Zandstra Real Estate Holdings, LLC to consider an application for a Rezoning request from No Use District to Low Density Residential District II for the S1/2 of the N1/2 of the NW1/4 of Section 21, located in Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of Pahlmeyer Drive and Caymus Drive.

Vidal moved, Golliher seconded and the Planning Commission recommended that the Petition for Annexation be approved, and;
That the Rezoning request from No Use District to Low Density Residential District II be approved contingent upon approval of the annexation petition. 8 to 0 with Bulman, Caesar, Golliher, Herr, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)
---BEGINNING OF REGULAR AGENDA ITEMS---

*8 No. 21PD036 - North 80 Subdivision
A request by KTM Design Solutions, Inc for Foster Rentals Inc to consider an application for a Major Amendment to a Planned Development Overlay to allow an arcade within a restaurant for Lot B of Lot 5 of North 80 Subdivision, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 405 E. Stumer Road.

Bauer presented the application and reviewed the associated slides stating that they are looking to add a 2,900 square foot addition to the existing Pizza Ranch restaurant to include an arcade and remove a lane of parking. Bauer stated they are requesting an Exception to allow a reduction in the parking requirement from 105 spaces to 102 spaces. Bauer noted that the original Planned Development Overlay had received an Exception to reduce the number of stacking lane spaces from seven spaces to two spaces which appears to be working which is acknowledged and remains effective with this Major Amendment to the Planned Development. Bauer stated that the applicant is reducing seating in the restaurant section, which assists in the support of the reduced parking. Bauer stated that the parking plan shows that some of the parking is being changed from straight to diagonal parking and that staff recommends granting the Exception and approval of the application.

In response to a question from Stuck about the definition of arcade, Fisher stated that there is no definition of arcade in the Rapid City Municipal Code, but the generally accepted use of an arcade is games or activities for tickets or prizes.

In response to Stuck’s question on what triggers a Major Amendment, Fisher explained what requires a Major Amendment stating that the change of use or expansion over 20 percent creates the need for a Major Amendment.

In response to a question from Quasney on future changes to seating effect on parking and the review and approval of changes, Fisher clarified that parking is based on calculations for use for the entire structure not dividing between arcade and restaurant. Fisher stated that if a change of more than 20 percent is made, it would require review by the Planning Commission.

Planning Commission approved the Major Amendment to the Planned Development Overlay with the following stipulations:
1. An Exception is hereby granted to allow a reduction in the parking requirement from 105 spaces to 102 spaces;
2. Acknowledge the previously granted Exception to reduce the number of stacking lane spaces from seven spaces to two spaces;
3. Any future signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; The inclusion or addition of any LED message centers shall require a Major Amendment to the Planned Development Overlay; and,
4. This Major Amendment to a Planned Development Overlay shall allow an arcade within a restaurant, as per the applicant’s operational plan. Any use that is permitted within the General Commercial District shall be allowed with an approved Building Permit contingent upon parking
requirements being met. 8 to 0 with Bulman, Caesar, Golliher, Herr, 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.

*9. No. 21UR020 - Section 20, T1N, R8E
A request by FMG Engineering for Prairie Acres General LLC to consider an application for a **Major Amendment to a Conditional Use Permit to expand an existing mobile home park** for the SW1/4 of the SW1/4 of Section 20 less Lot H1 and less Seger Drive, the north 8/10 of the W1/2 of W1/2 of the SE1/4 of the SW1/4 of Section 20 and the W1/2 of the E1/2 of the SE1/4 of the SW1/4 of Section 20 less Tract of Vetsch Subdivision less Lot H1 and less Seger Drive and the E1/2 of the W1/2 of the SE1/4 of the SW1/4 of Section 20, less Lot H1 and less Seger Drive, located in T2N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at 1550 Seger Drive and 1980 Seger Drive.

Hanzel presented the application and reviewed the associated slides noting that there are 207 existing units with some undeveloped area which would be where the expansion would be located. Hanzel stated that the Traffic Engineer has reviewed the application and has determined the expansion would not require a Traffic Impact Study. Hanzel stated the expansion is for 85 additional units bringing the total units to 292 which is anticipated to be done in two phases. Hanzel stated that circulation within the park is on private roads most of which are paved. The property is served by a combination of City sanitary sewer and private water and the parking allows for two parking spaces per unit as well as separate identified parking areas for guests. Hanzel noted that many of the existing lots do not meet the 25 foot setback, but are considered legal non-conforming and any replacement or expansion of those individual units would require they meet setbacks. Hanzel noted there is generally room for them to meet the criteria, but those that do not will seek a Zoning Exception or Variance. Hanzel stated that the Mobile Home requirements for space and coverage are met in abundance and that staff is always happy to see additional housing opportunities in the community. Hanzel stated that staff is recommending the Major Amendment to a Conditional Use Permit to expand an existing mobile home park be approved with stipulations as outlined in the Project Report.

In response to questions from Ottenbacher on retention ponds and future building, Hanzel noted that these were used as lagoons when the park was operating outside City limits but they are now on City sewer services and the lagoons are no longer required.

In response to a question from Ottenbacher regarding separation between the park and the adjoining business, Hanzel stated that there is no requirement for fencing or screening as the uses are both existing. Fisher stated that should the commercial use expand, they would then be required to provide the screening.

In response to comments made by Caesar to the potential for future requirement of screening or separation for the residents of even these types of affordable housing,
Fisher clarified that the costs to allow these benefits affects the price of the development, which are always passed to the customer.

In response to Quasney comments on providing accommodations and open areas being provided even for affordable housing, Fisher reviewed that these are options are needed for multi-family such as apartments but it are not required for single family homes. Fisher stated that they would need Planning Commission support such a proposal if they wished to see this requirement.

In response to a question from Stuck regarding separation requirements, Hanzel stated that only new units will be required to meet the setback and separation requirements. Fisher reviewed the legal non-conforming section of the Rapid City Municipal Code.

In response to a question from Bulman regarding water and sewer requirements, Peckosh clarified that the existing units will remain on private water service and any new units will be added to the City public main and it is cable to accommodate service.

In response to a question from Caesar to clarify the sewer service verses water service, Peckosh confirmed that the sanitary sewer main serves the park in its entirety with the water being served by private water. Peckosh also confirmed that the sewer main has ample capacity to serve both existing and proposed expansion.

In response to a question from Ottenbacher as to how the lagoons will be decommissioned, Peckosh stated that they had already been decommissioned and referred to the applicant for the management of the reclamation.

Kyle Hansen, FMG Engineering, stated they the lagoons were abandoned in 2016 when the sanitary sewer was brought into the park. Hansen noted that as part of the reclamation process the South Dakota Department of Natural Resources required soil samples be provided to the State to identify any contaminants. Hansen stated that contaminants were identified in the eastern lagoons but that they have an approved reclamation plan which includes the removal of the contaminated dirt which will be dried to remove contamination to meet state requirements.

Bulman, Vidal Planning Commission recommended approval of the Conditional use Permit to allow a kennel with overnight boarding and day care facility with the following stipulations:

1. Prior to issuance of a building permit, the applicant shall enter into a Developmental Lot Agreement for the three lots associated with the property.

2. Prior to issuance of a building permit, the applicant shall receive authorization from the Public Works Director to utilize a non-conforming water and sewer service line in compliance with Chapter 13.12 of the Rapid City Municipal Code. Alternatively, the applicant shall design the water and sewer service line in compliance with all requirements of RCMC 13.08.430, including 13.08.430.B.e ‘Mobile Home Park on a premises’ Rapid City Municipal Code.

3. The applicant shall obtain a building permit prior to placement of any mobile homes. The Park Manager shall provide a site plan for every
mobile home install and permitted structures showing clearances pursuant to Rapid City Municipal Code 15.48. In addition, the Park Manager shall provide a letter stating they approve of mobile home installs and any other structures requiring permits such as decks, carports, and deck covers.

4. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as part of this Conditional Use Permit. The addition of electronic or LED signage shall require a Major Amendment to the Conditional use Permit. A sign permit is required for any new signs; and,

5. The Conditional Use Permit shall allow for up to 297 mobile home spaces in accordance with the site plan submitted. Any expansion beyond 297 mobile home spaces shall require the review and approval of a Major Amendment to the Conditional Use Permit. 8 to 0 with Bulman, Caesar, Golliher, Herr, 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.

10. Discussion Items

Fisher informed the Planning Commission of the number of Medical Cannabis applications that have been received by staff, noting that there were 19 submittals along with multiple others and that staff is concerned for the thorough review of all items. Fisher stated that due to these concerns the Planning Commission may need to meet the following week to hear all applications. Fisher noted that this is a special circumstance with the high number of applications, new uses and tight timelines, and as such she said that staff will be reviewing the items to glean those items that are easily supportable and those that may have circumstances that need to be reviewed and discussed and she hopes that the Planning Commission will work with and support staff’s work in this effort.

In response to a question from Stuck Fisher stated that non-associated applications will be placed at the start of the agenda to allow those applicants to be heard prior to the numerous Medical Cannabis applications.

Fisher acknowledged that the November 24, 2021 Planning Commission Meeting is close to the Thanksgiving holiday and she requests the Planning Commissioners work with staff to confirm quorum as soon as possible.

11. Staff Items

None

12. Planning Commission Items

None
There being no further business, Golliher moved, Vidal seconded and unanimously carried to adjourn the meeting at 8:06 a.m. (8 to 0 with Bulman, Caesar, Golliher, Herr, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)