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

MEMBERS ABSENT: Rachael Caesar. Ron Weifenbach, Council Liaison was also absent.


Braun called the meeting to order at 7:06 a.m.

**27. No. 21PD050 - Marshall Heights Subdivision #2**

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Major Amendment to a Planned Development Overlay to allow a Medical Cannabis Dispensary** for Tract A and B of Marshall Heights Subdivision #2, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2130 N. LaCrosse Street.

Fisher stated that the required sign was not displayed continually on the property and therefore did not meet the notification requirements and as such staff requests that the Major Amendment to a Planned Development Overlay to allow a Medical Cannabis Dispensary be continued to the January 6, 2022 Planning Commission Meeting.

In response to a question from Quasney whether delaying the application put it past the deadline for qualifying for State Lottery, Fisher confirmed that it unfortunately does, but that staff is tasked with ensuring that all requirements are met to allow applications to be heard.

Emmett Reistroffer, Genesis Farms, LLC, thanked staff for working with them on all their applications. Reistroffer explained the poster/sign was only down for a couple of hours at most due to miscommunication between shift staff and would ask that the application be allowed to be heard.

In response to a question from Vidal as to what the purpose of sign being posted, Groote confirmed it is to give notice to the public and that the Ordinance requires it be posted continually.

Bulman moved, Golliher seconded and the Planning Commission continued the Major Amendment to a Planned Development Overlay to allow a Medical Cannabis Dispensary to the January 6, 2022 Planning Commission Meeting. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Herr, Ottenbacher, Quasney and Vidal voting yes and none voting no)

*The Rapid City Planning Commission’s action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be*
submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.
*28. No. 21PD049 - Big Sky Business Park  
A request by Indigo Design, LLC for Pilot Properties, LLC to consider an application for a **Major Amendment to a Planned Development to expand an apartment complex** for Lots 4 thru 6 of Block 5 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Berneice Street and Neel Street.

Stuck returned to the dais at this time.

Hanzel presented the application and reviewed the associated slides noting that this is to expand an existing apartment complex. Hanzel explained that staff wanted to present this application so that Planning Commission can see the proposed design which staff supports and recommends be approved. Hanzel reviewed that this is a phased project with Phase 1 being projected to start in 2022 with Phase 3 being slated for 2024. Hanzel reviewed the project noting the proposed open space for the residents in addition to a patio area for their use. Hanzel stated that staff recommends the Major Amendment to a Planned Development to expand an apartment complex be approved with stipulations.

Vidal moved, Golliher seconded and the Planning Commission recommended approval of the Final Planned Development Overlay to expand an apartment complex with the following stipulations:
1. A building permit shall be obtained prior to any construction. A Certificate of Occupancy is required prior to occupancy;
2. All plans, including Footing and Foundation plans, shall be stamped by an engineer;
3. Prior to submittal of a building permit, a recorded plat document shall be submitted showing lot lines configured such that sewer and water service lines do not cross property lines;
4. Upon submittal of a building permit, an executed development lot agreement or covenant agreement allowing shared access and parking shall be submitted;
5. Upon submittal of a building permit, written permission shall be submitted from the owner of Lot 3C, Block 1, Big Sky Business Park allowing storm water from the proposed project to drain across the lot to the existing detention cell;
6. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Major Amendment to the Initial and/or Final Planned Development Overlay;
7. An Air Quality Permit shall be obtained prior to disturbance of 1 acre or more of soil;
8. 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 shall be obtained for any new signs; and
9. This Final Planned Development Overlay shall allow a 48-unit apartment development. These 48 units are in addition to the 48 units previously approved with 13PD053. Any change in use that is a permitted use in the Office Commercial District and complies with the Parking Ordinance shall require the review and approval of a building permit. Any change in use that is a conditional use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Arguello, Braun, Bulman, 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.

*29. No. 21RZ030 - Rice Valley View Properties Subdivision
A request by Indigo Design, LLC for Rice Valley View Properties to consider an application for a Rezoning request from General Commercial District to Office Commercial District for Lot 4, Lot 5 and Lot 7 of Rice Valley View Properties Subdivision, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Omaha Street and west of Cambell Street.

Hanzel presented the application and reviewed the application, noting that the surrounding area is generally General Commercial and Light Industrial. Hanzel further noted that there is high vehicle and truck traffic along Cambell Street and Omaha. Hanzel reviewed some of the items staff reviews for a rezoning request and stated that staff raised concerns about the potential for land use conflicts which lead to staff's original recommendation to deny. However, Hanzel stated that staff has had further discussion with the applicant on the future development plans and plans to take access from Omaha Street. Hanzel also noted that the applicant plans to use the elevation difference from E. Omaha as a buffer between the residential use and the highly trafficked street. Hanzel reviewed that following these discussions, staff has revised their recommendation to approve the Rezoning request from General Commercial District to Office Commercial District in conjunction with a Planned Development Designation to allow review of future development of the area so these areas of concern can be addressed. Hanzel further stated that the applicant has been made aware that based on the number of residential units a Traffic Impact Study may be required.

Fisher reviewed the unique basis of this application and the change of staff’s recommendation, noting that this is a viable development option and staff wants to promote mixed use design that provides opportunity for families that might be better served by this type of residential development.

Kyle Hibbs, Indigo Design, LLC, representing Blue Line Development, briefly reviewed the proposed development and that the plan is to develop a 180 unit apartment with 3, 60-unit buildings with target tenants being young families and the elderly. Hibbs noted that proposed access to the development is anticipated to be
taken from Omaha Street through the lot to the west. Hibbs reviewed that rent would be based on income and unit size and that they have considered both transportation and walkability options as well as that there will be two play areas provided on-site for residents.

Scott Engman, Habitat for Humanity, spoke to their concerns regarding access to the proposed development stating that their location has seen issues and worries that additional use of access from this area would create further difficulties and would prefer access be taken from Cambell if possible.

Fisher reiterated that it is anticipated the applicant will have to provide a Traffic Impact Study which would address access issues at that time; however, that requirement is not a part of the request before the Planning Commission today. Fisher noted the study would be required as a part of the Planned Development Overlay application that would be submitted to allow the development of the property, should the Planning Commission approve the Rezoning request.

Ottenbacher asked about the proposed number of units and proposed continuing the application to allow more concrete plans for the proposed development. Fisher reviewed the ordinance for residential structures, clarifying the need for a Planned Development. Fisher further clarified that the time and tool to review issues related to the development is the Planned Development Overlay, that the Rezoning request is the initial step to allow the applicant to know if the land supports moving forward with that application.

Hibbs reviewed plans for access reviewing how access is planned to be taken from Omaha. Fisher further noted that should the Traffic Impact Study be required with the Planned Development Application it might identify that two points of access are required but again noted that it is a part of the Planned Development process.

Fisher clarified that although staff’s initial recommendation had been to deny, current recommendation before the Planning Commission is to approve in conjunction with a Planned Development, which would allow Planning Commission to review any development as it goes forward.

Further discussion relating to the proposed development of the property including access, design, floodplain, nearby railroad access, uncommon location for residential development followed with staff addressing these issues. Harrington clarified the railroad property is considered rail banked, which is not abandoned, but is reserved for future railroad use if necessary and that the City is looking to enter a lease for this of right-of-way for recreational uses. Fisher clarified this is not located in the flood plain. Fisher discussed how the Comprehensive Plan promotes infill development and mixed-use development within the city.

Braun stated he the feels that part of benefit is the businesses and traffic as is building within rather than in sprawling outside of the City.

Golliher moved, Vidal seconded and the Planning Commission recommended approval of the Rezoning request from General Commercial District to Office Commercial District in conjunction with a Planned...
Development Designation.
(7 to 2 with Arguello, Braun, Bulman, Golliher, Herr, Stuck and Vidal voting yes and Ottenbacher and Quasney voting no)

30. Discussion Items
   None

31. Staff Items
   Harrington informed the Planning Commission that Vicki Fisher had been appointed and sworn in by City Council at the December 6th City Council meeting as the official Director of the Department of Community Development.

   Fisher thanked everyone and thanked the Planning Commission for their thorough review of the applications brought before them.

32. Planning Commission Items
   None

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