MEMBERS PRESENT: Kelly Arguello, Erik Braun, Eirik Heikes, John Herr, Mike Quasney, Haven Stuck and Vince Vidal. Ron Weifenbach, Council Liaison was also present.

MEMBERS ABSENT: Karen Bulman, Rachael Caesar, Mike Golliher, and Eric Ottenbacher.


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.

Staff requested that Items 8 and 14 be removed from the Consent Agenda for separate consideration.

Motion by Vidal seconded by Heikes and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 16 in accordance with the staff recommendations with the exception of Items 8 and 14. (7 to 0 with Arguello, Braun, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the December 9, 2021 Planning Commission Meeting Minutes.

2. No. 21PL034 - Murphy Ranch Estates Subdivision
A request by KTM Design Solutions, Inc for Murphy Brothers Partnership LLC to consider an application for a Preliminary Subdivision Plan for proposed Lot 11 and Lot 12 of Block 1, Lots 1 thru 72 and Drainage Lot 1 of Block 15, Lots 1 thru 33 and Drainage Lot 3 of Block 16, Lots 1 thru 23 and Drainage Lot 2 of Block 17, Lots 1 thru 10 and Lot D Revised of Block 18 and dedicated public right-of-way of Murphy Ranch Estates Subdivision, legally described as a portion of Tract F of the NW 1/4; the W 175’ of the N 90’ of Tract G in the NW1/4 and SW1/4, Lot C of the SW1/4 of the NW1/4; the balance of Tract G of the NW1/4 and the SW1/4; the private lane adjoining Tract G of the NW1/4and SW1/4and adjoining Lot C of the SW1/4 of the N1/4; Lot D of the NE 1/4 of the SW1/4 and Lot A of the NW1/4 of the SW1/4; Lot B of the SE1/4 of the NW1/4; Lot C of the NE1/4 of the SW1/4; and Lot 1 of Buchholz Subdivision located in the NW 1/4 and the SW ¼, all in Section 14, T1N, R8E, B.H.M., Pennington County, South Dakota, more generally described as being located southeast of Longview Road and Reservoir Road.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:
1. Prior to submittal of a Development Engineering Plan application, an
agreement between the City of Rapid City and Rapid Valley Sanitary District (RVSD) for RVSD to serve the proposed development shall be executed;

2. Upon submittal of a Development Engineering Plan application, a road maintenance agreement shall be submitted for review and approval. In addition, the approved agreement shall be submitted for recording with the Final Plat application;

3. Upon submittal of a Development Engineering Plan application, construction plans for Magnum Court, Altar Court, Glock Court, Springfield Road, Rigby Loop, Mauser Road and Corbett Road shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street with an additional 10 feet of right-of-way along Corbett Road and Magnum Court as they extend from S.D. Highway 44 or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb(s) at the street terminus shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

4. Upon submittal of a Development Engineering Plan application, construction plans for the installation of a new median end within S.D. Highway 44 right-of-way in conformance with Chapter 12 of the SDDOT Road Design Manual shall be submitted for review and approval. In addition, an access permit shall be obtained from the South Dakota Department of Transportation prior to approval of the Development Engineering Plan application;

5. Upon submittal of a Development Engineering Plan application, a detailed site plan shall be submitted for review and approval showing the existing development on the property to ensure that all setbacks and land use(s) area in compliance with the Pennington County Zoning Ordinance. Prior to submittal of a Final Plat application, any land use issues shall be resolved with the Pennington County Planning Department;

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

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

8. 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;
9. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;

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

11. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;

12. 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,

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

3. No. 21AN005 - Section 23, T2N, R7E
A request by KTLDCO, LLC to consider an application for a Petition of De-Annexation for NW1/4 of the SE1/4, located in Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the current terminus of Santana Court.

Planning Commission recommended approving the de-annexation petition.

4. No. 21PL119 - Shepherd Hills South Subdivision and Diamond Ridge Subdivision
A request by KTM Design Solutions, Inc for BH Capital LLC to consider an application for a Preliminary Subdivision Plan for proposed Lot 3 of Block 6, Lot 1 and 2 of Block 7, Lot 1 and Drainage Lot of Block 8, Lot 1 and 2 of Block 9, Lot 1 and Drainage Lot of Block 10 of Shepherd Hills South Subdivision and Lots 17 and 18 of Block 7, Lots 29 and 30 of Block 3 of Diamond Ridge Subdivision, legally described as a portion of the S1/2 of the SE1/4 of Section 32, T2N, R8E, BHM; the S1/2 of the SW1/4 of Section 33, T2N, R8E, BHM; the NE1/4 of Government Lot 1 of Section 5, T1N, R8E; Government Lot 4 less the east 910 feet and the east 910 feet of Government 4 less Diamond Ridge Subdivision of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located mostly northeast of the intersection of Mickelson Drive and E. Anamosa Street.

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

1. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval;

2. 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. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

3. Upon submittal of a Development Engineering Plan application, construction plans for Mickelson Drive shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual.
Manual for a minor arterial street or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

4. Upon submittal of a Development Engineering Plan application, construction plans for N. Valley Drive shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a collector street with an additional 10 feet or right-of-way the first 200 feet as the street extends from E. Anamosa Street or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

5. Upon submittal of a Development Engineering Plan application, construction plans for Diamond Ridge Boulevard shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street with an additional 10 feet or right-of-way the first 200 feet as the street extends from E. Anamosa Street or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

6. Upon submittal of a Development Engineering Plan application, construction plans for the north-south section line highway and the east-west section line highway shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception or shall be vacated. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

7. Upon submittal of a Development Engineering Plan application, the sewer shall be redesigned or an exception shall be obtained to allow a sewer main outside of right-of-way;

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, 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;

11. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
12. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;

13. Prior to submittal of a Final Plat application, that portion of the property currently zoned General Agriculture District shall be rezoned to Medium Density Residential District;

14. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the proposed Drainage Lots and any other drainage elements created with the proposed development. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;

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.

*5. No. 21PD048 - Buffalo Crossing West
A request by KTM Design Solutions, Inc for US Hotel and Resort Management Inc to consider an application for a Revocation of a Planned Development Designation for Lot F Rev of Buffalo Crossing West, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1920 Hope Court.

Planning Commission approved the Planned Development Designation Revocation.

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. 21PL129 - Buffalo Crossing West
A request by KTM Design Solutions, Inc for US Hotel and Resort Management Inc to consider an application for a Preliminary Subdivision Plan for proposed Lot F1 and Lot F2 of Buffalo Crossing West, legally described as Lot F Rev of Buffalo Crossing West, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1920 Hope Court.

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 the western half of the section line highway located along the west lot line shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street or shall meet criteria for obtaining an Exception or shall be vacated. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; and,

2. Upon submittal of a Final Plat application, the plat document shall be
revised to show the vacation information for the eastern half of the section line highway and the western half if this portion is also vacated.

*7. No. 21UR052 - Rapid City Greenway Tract
A request by Black Hills War Monument Association to consider an application for a Conditional Use Permit to update the current Black Hills Veterans' War Monument for Tract 20 less Lot H1, of Rapid City Greenway Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on 6th Street Promenade at Memorial Park.

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.

Planning Commission approved the Conditional Use Permit with the following stipulations:
1. Prior to issuance of a building permit a Floodplain Development Permit shall be required; and,
2. Prior to issuance of a building permit, the applicant shall submit plans showing all utilities in the area and foundation details to demonstrate the proposed work will not impact existing utilities as storm sewer is in the vicinity of the proposed monument expansion.

9. No. 21RZ033 - Section 32, T2N, R8E
A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a Rezoning request from General Agricultural District to Medium Density Residential District for a portion of the SE1/4 - SE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: all of the SE1/4 - SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, excepting therefrom: Commencing at the southeast corner of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, monumented by a 1949 BLM brass cap, being the point of beginning; Thence first course: with the south line of said Section 32, N87°54'50"W, a distance of 455.82 feet, Thence second course: leaving said Section line, N21°28'22"E, a distance of 478.46 feet; Then
tence third course: S68°31'38"E, a distance of 109.38 feet; Thence fourth course: S89°47'52"E, a distance of 191.84 feet to a point on the east line of aforementioned Section 32; Thence fifth course: with the east line of said Section 32, S01°48'49"W, a distance of 415.94 feet to the point of beginning, more generally described as being located northeast of the intersection of E. Anamosa Street and Valley Drive.

Planning Commission recommended the Rezoning request from General Agricultural District to Medium Density Residential District be approved in conjunction with a Planned Development Designation.

10. No. 21RZ034 - Section 32, T2N, R8E
A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a Rezoning request from General Agricultural District to General Commercial District for a portion of the SE1/4 - SE1/4, Section 32, T2N, R8E,
BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, monumented by a 1949 BLM brass cap, being the point of beginning; Thence first course: with the south line of said Section 32, N87°54'50"W, a distance of 455.82 feet, Thence second course: leaving said Section line, N21°28'22"E, a distance of 478.46 feet; Thence third course: S68°31'38"E, a distance of 109.38 feet; Thence fourth course: S89°47'52"E, a distance of 191.84 feet to a point on the the east line of aforementioned Section 32; Thence fifth course: with the east line of said Section 32, S01°48'49"W, a distance of 415.94 feet to the point of beginning, more generally described as being located northeast of the intersection of E. Anamosa Street and Valley Drive.

Planning Commission recommended the Rezoning request from General Agricultural District to General Commercial District be approved in conjunction with a Planned Development Designation.

11. No. 21RZ035 - Section 33, T2N, R8E
A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a Rezoning request from General Agricultural District to General Commercial District for a portion of the SW1/4-SW1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Southwest Corner of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, monumented by a 1949 BLM brass cap, being the point of beginning; Thence first course: with the west line of said Section 33, N01°48'49"E, a distance of 415.94 feet, Thence second course: leaving said Section line, S88°11'11"E, a distance of 178.41 feet to a non-tangent curve; Thence third course: on a curve turning to the left with an arc length of 29.23 feet, with a radius of 466.00 feet, with a chord bearing of N30°23'31"E, with a chord length of 29.23 feet; Thence fourth course: S61°24'18"E, a distance of 34.00 feet to a non-tangent curve; Thence fifth course: on a curve turning to the right with an arc length of 66.84 feet, with a radius of 500.00 feet, with a chord bearing of S32°25'29"W, with a chord length of 66.79 feet to a curve; Thence sixth course: S36°15'16"W, a distance of 34.94 feet; Thence seventh course: on a curve turning to the left with an arc length of 240.00 feet, with a radius of 500.00 feet, with a chord bearing of S22°30'14"W, with a chord length of 237.70 feet; Thence eighth course: S05°49'40"W, a distance of 51.29 feet; Thence ninth course: S02°05'28"W, a distance of 66.62 feet to a point on the south line of aforementioned Section 33; Thence tenth course: with the south line of said Section 33, N88°04'36"W, a distance of 81.08 feet to the point of beginning, more generally described as being located northeast of the intersection of E. Anamosa Street and Valley Drive.

Planning Commission recommended the Rezoning request from General Agricultural District to General Commercial District be approved in conjunction with a Planned Development Designation.

12. No. 21RZ036 - Section 33, T2N, R8E
A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a Rezoning request from General Agricultural District to Medium Density Residential District for a portion of the SW1/4-SW1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the west 1/16th corner common to Sections 33, T2N, R8E,
and Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, monumented by a 1 ¼ inch plastic cap LS6251 on a rebar, being the point of beginning; Thence first course: with the south line of said Section 33, N88°01'11"W, a distance of 1,243.28 feet; Thence second course: leaving said Section line, N2°05'28"E, a distance of 66.62 feet; Thence third course: N5°49'40"E, a distance of 51.29 feet to a curve; Thence fourth course: on a curve turning to the right with an arc length of 240.00 feet, with a radius of 500.00 feet, with a chord bearing of N22°30'14"E, with a chord length of 237.70 feet; Thence fifth course: N36°15'16"E, a distance of 34.94 feet; Thence sixth course: on a non-tangent curve turning to the left with an arc length of 66.84 feet, with a radius of 500.00 feet, with a chord bearing of N32°25'29"E, with a chord length of 66.79 feet; Thence seventh course: N61°24'18"W, a distance of 34.00 feet; Thence eighth course: on a curve turning to the right with an arc length of 29.23 feet, with a radius of 466.00 feet, with a chord bearing of S30°23'31"E, with a chord length of 29.23 feet; Thence ninth course: N88°11'11"W, a distance of 178.41 feet to a point on the west line of aforementioned Section 33; Thence tenth course: with said west line of Section 33, N1°48'49"E, a distance of 909.25 feet to the south 1/16th corner of Sections 32 and 33; Thence eleventh course: leaving said west line, and with the south 1/16th line of said Section 33, S88°00'54"E, a distance of 1,201.88 feet; Thence twelfth course: leaving said south 1/16th line, S2°08'20"W, a distance of 666.97 feet; Thence thirteenth course: S88°01'32"E, a distance of 127.19 feet to a point on the west 1/16th line of aforementioned Section 33; Thence fourteenth course: with said west 1/16th line, S1°53'40"W, a distance of 658.05 feet to the point of beginning, more generally described as being located northeast of the intersection of E. Anamosa Street and Valley Drive.

Planning Commission recommended the Rezoning request from General Agricultural District to Medium Density Residential District be approved in conjunction with a Planned Development Designation.

13. No. 21PL140 - Rushmore Candy Acres
A request by Baseline Surveying Inc for Cameron Fullerton to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 and 2 of Rushmore Candy Acres, legally described as Lots A and A1 of Lot H2 of the SW1/4 of the SW1/4 all located in the SW1/4 of the SW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 9815 S. Hwy 16.

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

1. Upon submittal of a Development Engineering Plan application, a revised parking layout for Lot 2 shall be provided, showing that the proposed access easement shall not conflict with the required striped parking for Lot 2;
2. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application. The revised plans shall be to a readable scale;
3. Upon submittal 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
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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;

4. Upon submittal of a Development Engineering Plan application, construction plans for the private access easement, a commercial street, shall be submitted for review and approval 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;

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

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

7. Prior to approval of the Development Engineering Plan application, any utilities and drainage proposed offsite shall be secured within easement(s).

8. 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;

9. Prior to submittal of a Final Plat application, Surveyor's Note #4 shall be changed to identify the correct section, township, and range; and

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

15. No. 21PL145 - Trailwood Village
A request by Baseline Surveying for Gordon Howie to consider an application for a Preliminary Subdivision Plan for Proposed Lots 4, 5 and Drainage Lot 1 of Trailwood Village, legally described as balance of Tract T, less Lot H-1 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Reservoir Road and Long View Road.

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 shall be submitted for review and approval showing sidewalk along Williams Street or prior to submittal of a Development Engineering Plan application, a Variance shall be obtained from City Council waiving the requirement;

2. Upon submittal of a Development Engineering Plan application, drainage report shall be submitted for review and approval confirming that the storm water quality for the proposed development was previously accounted for in the existing drainage improvements, or
provide storm water quality treatment as required by Rapid City Municipal Code Chapter 8.48. All Discharge points shall be addressed for post-runoff versus pre-runoff rates. In addition, easements shall be provided as needed;

3. Upon submittal of a Final Plat application, the plat document shall be revised to show the dedication of 7 additional feet of right-of-way along Long View Road;

4. Upon submittal of a Final Plat application, the plat document must be revised to show the dedication of 8.5 additional feet of right-of-way along Reservoir Road;

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. 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;

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

8. Upon submittal of a Development Engineering Plan application, the narrow strip of property that fronts Bonita Lane between Lots 1R and Lot 16 of Trailwood Village shall be identified as Drainage Lot 1, or shall be incorporated into the existing major drainage easement; and

9. Upon submittal of a Final Plat application, an easement shall be identified on the plat to provide access to the manhole and drop inlet located on the Drainage Lot.

16. No. 21VR002 - Sections 20 and 21, T1N, R8E
A request by KTM Design Solutions, Inc for SSST, LLC to consider an application for a **Vacation of a Section Line** for S1/2 of the N1/2 of the NW1/4 of Section 21, and the NE1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Caymus Drive and Pahlmeyer Drive.

Planning Commission recommended approval of the Vacation of Section Line Highway.

---END OF CONSENT CALENDAR---

8. No. 21RZ032 - Fountain Springs Park Subdivision
A request by Shane Boyum to consider an application for a **Rezoning request from Office Commercial District to Medium Density Residential District** for Lot 13 of Block 1 of Fountain Springs Park Subdivision, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Wesleyan Boulevard and Plaza Boulevard.

Hanzel stated that staff had received public comment on this item and as such reviewed the application and associated slides. Hanzel noted that staff’s review showed the use in accordance with the Future Land Use Plan designation of Urban Neighborhood, which would support the rezoning request to Medium Density Residential District. Hanzel noted that when a future development request
on this property is received it would be reviewed then either through a building permit or through a Planned Development or Conditional Use Permit if required. Hanzel stated that staff recommends approval of the Rezoning request from Office Commercial District to Medium Density Residential District.

Patty Kussman, 2022 Harmony Heights Lane, Harmony Heights Townhomes Homeowners, stated that she wanted their home owner’s group to state concerns with drainage in the area. They are not opposed to development of the lot, she just wanted to be sure that both Planning and Engineering are aware of the drainage concerns with this lot and thanked the Commission for hearing their concerns.

In response to a question from Quasney regarding drainage, Fisher confirmed there is a major drainage easement at the rear of the property and in wet years there is additional flow, but the City works hard to maintain these easements. Fisher further stated that any development would need to show that drainage is being addressed as to not create future issues.

Quasney moved, Arguello seconded and the Planning Commission recommended the Rezoning request from Office Commercial District to Medium Density Residential District be approved. (7 to 0 with Arguello, Braun, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

14. No. 21PL143 - Apple Valley Subdivision
A request by Towey Design Group, Inc for Meadow Valley, LLC to consider an application for a Preliminary Subdivision Plan for proposed Lots 15 thru 20 of Block 12, Lots 1 thru 21 of Block 2, Lots 22 thru 42 of Block 4, Lots 1 thru 16 of Block 1, Lots 17 thru 32 of Block 3 of Apple Valley Subdivision, legally described as SW1/4 of the NW1/4 of Section 13, T1N, R8E and the NW1/4 of the SW1/4 of Section 13, T1N, R8E, all located in BHM, Pennington County, South Dakota, more generally described as being located south of Long View Road east of Anderson Road.

Fisher reviewed the application and the associated slides noting this is phase one of a four phased development to create 80 residential lots. Fisher stated that the property is located in the County but within the 3 mile platting jurisdiction and that in reviewing the plat the City reviews that it meets infrastructure requirements, such as whether water and sewer meets the needs, does street construction support the use and access. Fisher stated that the County has jurisdiction over zoning and density and that they have worked with the applicant who is requesting a rezoning to Urban Residential District which allows smaller lots and that they will have to secure the required zoning form the County. Fisher stated that should they not receive the requested zoning the plat will not move forward. Fisher reviewed the items that are addressed when reviewing plats including water and sewer services, road access and traffic. Fisher noted that a Traffic Impact Study was submitted and that the study identified that no additional street improvements beyond those required by the City’s Infrastructure Design Criteria Manual are recommended. Fisher also stated that the applicant is proposing improvement to Long View Road through a TID with the County. Fisher stated that future phases will be reviewed as they come forward. Fisher stated that staff recommends approval of the Preliminary Subdivision Plan with stipulations. Fisher acknowledged that this will change the density of the area but that that is under the control of the County and is
outside of the City’s overview.

In response to questions from Heikes on covenants and house types, Fisher stated that the City will require covenants for drainage maintenance of major drainage easements and elements, but she would defer to the applicant on the types of houses.

In response to the question on types of houses, Andrew Scull, 2665 Cavern Road, representing Pink Cabin LLC, stated there will be no modular homes or manufactured homes and that there will be covenants that will be filed with the County. Scull reviewed that they have worked with the County and are have received a TIF for Anderson Road and Long View and sewer and water infrastructure and have Exceptions from the City on the type of storm pipe to be used and allowing the road to be built to rural standards and an agreement is in place with Rapid City and Rapid Valley Sewer for the sanitary system to tie into the City system and are on the agenda to be heard at the County Planning Commission for the rezoning request.

In response to a question from Herr whether the properties will be sprinkled and if they have water capacity, Scull stated that ample capacity is available through Rapid Valley Sanitary District.

In response to questions from Stuck defining what the Preliminary Subdivision Plan addresses, Fisher reviewed the platting process and authorities of the City and the County explaining that the Preliminary Subdivision Plan is a “what if” scenario should they get County approval of zoning that will support this density, they would have to meet the stipulations. However, Fisher stated, should they not obtain that approval the platting process would not move forward. Stuck clarified that the County has the final say over the actual development.

Scull requested that the Planning Commission not continue the item so that they could move forward without delays. Scull stated that they are aware that if the rezoning request is not approved this Preliminary Subdivision Plan is null and void.

Dan Mulally, 6390 Longview Road, requested that this not be approved to avoid spot zoning and urban sprawl which he believes is not good for the expansion of the city and voiced his thoughts that the City needs to be taking a closer look at development. Mulally requested that the item be continued.

Travis Lasseter, 22849 162nd Avenue, Pennington County Commissioner for District 4, asked for a continuation of the item to allow the County to review this item before any action is taken. Lasseter stated with all the projected growth that will impact this area it is important that infrastructure needs for future development is addressed. Lasseter stated that the current Long Range Zoning for this area is Low Density Residential and does not meet the lot sizes proposed.

In response to question from Arguello on lot size and density of this development in comparison to the City, Fisher stated that the City’s Future Land Use Plan identifies the appropriate use of the property as Low Density Neighborhood and they reviewed it as such to ensure the services, traffic and drainage needs would be addressed and met.
In response to a question from Stuck on order of actions for a development, Fisher noted that Preliminary Subdivision Plans are often processed prior to the other processes including Rezoning and development as the Preliminary Subdivision Plans will be moot if the Rezoning request is not obtained.

In response to Stuck’s question if continuation would cause a delay, Scull spoke to the development process, noting that yes, it would delay the development due to meeting and publication requirements, which Scull stated is the reason these dual applications are often done.

In response to a question from Vidal regarding fire and police services for the development, Scull stated that this would be in the Rapid Valley Volunteer Fire Department District and policing would be through the County Sheriff Dept. Scull further noted that included in the TID for Long View Road there are funds for a Sheriff Substation which would serve not just the development but allow for better response time to the entire valley area. Scull also stated that the development would be fully hydranted.

In response to a question from Quasney regarding Exceptions to street construction, Fisher confirmed the Exceptions were granted in regards only to Anderson Road.

Bob Anderson, 3365 Anderson Road, acknowledged the valley is changing, noting that the current residents in the area are generally on larger lots and the insertion of small lot development among them will create an inconsistency. Anderson spoke to the traffic impact to Radar Hill Road as the area expands stating that it is already heavily trafficked and will only get worse. Anderson also spoke to the existing uses in the area including horses and livestock that will be impacted.

Braun stated that these types of applications are hard as the authority is split and although the infrastructure appears to be met, he understands the concerns of the surrounding property owners.

Fisher spoke to the zoning and platting process and the City is required to leave the density discussion to the County and restrict their review and actions to the infrastructure.

Further discussion on City/County jurisdiction followed.

**Vidal moved to approve with stipulations, motion failed due to lack of second.**

In response to Quasney’s inquiry if the applicant would prefer to move forward to avoid delays, Scull reiterating that they would like to move forward without delays stating that they have already been working with the City and the County for approximately 8 months on this project. Fisher confirmed that regardless of what the City approves regarding this Preliminary Subdivision Plan, if the County does not approve the Rezoning request the application is moot and that approval in essence states that the applicant must obtain the Rezoning request in order for the platting to move forward.
Herr stated that he feels approval makes it appear that the Planning Commission agreed with the spot zoning, AKA giving their blessing, which is why he would rather wait till the County has made their decision before they approve the Preliminary Subdivision Plan.

Herr moved, Stuck seconded and the Planning Commission approved that the Preliminary Subdivision Plan be continued to the January 27, 2022 Planning Commission Meeting. Roll Call Vote (4 to 3 with Arguello, Heikes, Herr and Stuck voting yes and Braun, Quasney and Vidal voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Braun stated that the Planning Commission had received a request for Item # 20 to be heard out of order so that item would be heard next.

*20. No. 21PD047 - Section 9, T1N, R8E
A request by Joseph Mailander of Clearwell Engineering for SDRC Terra Kennedy MHP 2, LLC to consider an application for an Initial Planned Development Overlay to allow the expansion of an existing mobile home park for Lot 3A of Lot 3 of the SW1/4 of the NW1/4 and the balance of Lot 3 of the SW1/4 of the NW1/4, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2412 S. Valley Drive.

Hanzel presented the application and reviewed the associated slides noting there are 14 existing mobile homes along with a stick built home and a garage structure and the applicant is requesting to expand to allow a total up to 45 lots. Hanzel pointed out that this portion of South Valley Drive is located in the County. Hanzel noted this property was developed in the County and annexed into the City so there are non-conforming elements which will remain non-conforming until such time they are replaced or upgraded, at which time they will be required to meet City requirements for setbacks and separation. Hanzel noted the proposed sites meet minimum lot size and separation as well as parking and that landscaping along the eastern and northern sides of the property will provide separation. Hanzel further noted that they are proposing a 6-foot privacy fence around the property boundary that is not required by code, as well as a park area for residents. Hanzel further noted that portions are located in the 100 Year Flood Plain which requires the applicant to obtain a Flood Plain Development Permit. Hanzel stated that staff recommends approval of this Initial Planned Development Overlay to allow the expansion of an existing mobile home park with the stipulations noted in the Project Report. Hanzel stated that as it is an Initial Planned Development Overlay and that they will continue to work on the design of infrastructure and utilities which would be provided as a part of the Final Planned Development Overlay.

Pat Jones, 219 Cleveland Street, Council Representative to Ward 1, spoke to his concerns regarding development in the area of South Valley Road with some being well addressed and some not. Jones noted that proposed development is not what the community feel the surrounding property owners want to see in the area. Jones noted there are security concerns in this area and asked for Police and Sheriff input. Jones spoke to traffic concerns on the two lane road with speed being a concern. Jones stated that there will be an increase in traffic that the road is not designed to handle. Jones noted he as questions regarding ownership of the...
property and whether the applicant is the owner of record. Jones believes this expansion is too big and will impact the area and the residents and requests that they continue this request until some of these concerns are addressed.

In response to Herr’s comment on access, Hanzel showed where Garden Lane provides two access points into the new development and South Valley Drive provides a third access through a private road. Hanzel noted that the developer will have to work with Pennington County Highway Department for any future access on to South Valley Drive.

Jones spoke to the concerns about insurance which is why he is concerned that the owner is clearly identified. Jones noted that he agrees housing is needed, but it needs to be done right.

Jay Schmit, 2333 South Valley Drive, stated their concerns regarding activities in the trailer park and the security issues resulting from speeding issues and drainage along Garden Lane. Schmit stated that the Police Department has responded to numerous calls regarding one of the mobile homes in the park. Schmit stated that Garden Lane is a City street but is not maintained by either the City or the County, noting parts of it are gravel and that the addition of more houses in this area is not a good idea. Schmit stated that people who live in the area in stick built houses do not want to see more mobile homes in the area.

Dottie Kruthuff, 2403 South Valley Drive, spoke to her concerns regarding the security in the area stating that she has made numerous calls to the police due to activities in the park. She also spoke to the issue of speeding on the road and that the street is not set up for the increase of residents.

Steven Klutz, 2726 Garden Lane, spoke to the impact this will have to quality of life, stating that this will increase traffic, noise, light, pollution and crime. Klutz stated that the infrastructure is not equal to these increases. Klutz spoke to the flooding of South Valley Drive in the past which will impair emergency services to the area. Klutz believes Rapid City must stop this type of development and the city needs to focus on development that improves the quality of life. Klutz worries that adding mobile homes will devalue existing properties with stick built homes. Klutz spoke to his concerns regarding the flood zone and the dangers of developing in areas within the floodplain referencing past flooding events in the area.

Weifenbach concurred with Jones that the area has undergone stress due to recent development to it and that the inability of the City and County to work together creates a friction. Weifenbach stated that he believes that the property owner needs to step up and address the management of the park. Weifenbach spoke to the development to the south of this area and the improvements to that area and that the future development needs to take that and the current residents into consideration.

Bruce Rook, 2702 Garden Lane, spoke to the pride of the existing residents of the stick built houses on the surrounding property for their homes and to the activities and police calls in the park that makes them fearful in their homes. Rook spoke to the elevation of the road as it relates to drainage and the maintenance of South Valley Drive and Garden Lane noting that it is lacking. Rook spoke to their
annexation into the City stating that residents did not want it and feel they have received no benefits for having been annexed. Rook noted that should the item be approved he is ready to appeal.

Joe Mailander, lead engineer for Clearwell PLLC, representing the property owner Impact Community, stated that this is actually infill development and that it is an attempt to meet housing needs. The proposal would add 30 units on the currently undeveloped area on the property with the addition of interior roads, sewer and hard surface roadway at the existing access on South Valley Drive. Mailander noted that there are proposed screening through fencing and landscaping around the property. He acknowledged the issues with South Valley Drive but that is not the due to the park and that they will have a minor impact on the road itself. He noted that this is the initial review and there will be further design and engineering before it comes back before the City for the Final Development review.

In response to questions from Stuck on the past activities in the park and worries regarding approving this addition, Fisher reviewed that new mobile home spaces must meet current requirement size, parking, access, the existing units remain legal non-conforming until changes are made to them. Stuck further noted that the Planning Commission does not have authority over many of the concerns. Fisher spoke to the importance of public meetings such as this to allow for issues to be discussed including concern with activities in the park and the need for maintenance and infrastructure improvements to the roads in this area. Fisher stated that they would encourage the Police Chief to view this meeting so they can see the concerns that were discussed and for the owner to indicate how they plan to manage the park to see that the issues do not continue.

Timothy Heys, Terra Kennedy LLC, Impact Communities, stated that they are the new owners of the park and their goals are to upgrade and improve existing parks while expanding them. Heys stated they work to provide and encourage affordable homes and work to meet and exceed requirements. He noted they do what they can but cannot control all aspects of residents.

In response to a question from Vidal whether the lots were for sale or for rent, Heys stated they prefer to sell and that the Manager could answer questions on the management of the park.

Vidal spoke to his concerns regarding safety as well as issues regarding development that he would like to address and to allow for the law enforcement input.

**Vidal moved to continue to the January 27, 2022 Planning Commission Meeting, Quasney seconded the motion.**

In response to a question from Quasney on how long Impact Communities has owned the property, Heys said Impact Communities has been the owner for approximately 5 years. In response to Quasney’s question regarding the noted actives, Heys stated they cannot control privately owned homes, but should the home be required to move, they help cover moving costs, but they have to work with the home owners to do this. Quasney stated there are concerns to the number of housing units being put into a flood plain and the streets being able to handle the
current and increased traffic.

In response to Herr's comment that it was his understanding all Mobile Home Parks within the City require a Conditional Use Permit, Fisher reviewed why this is being presented as a Planned Development rather than a Conditional Use Permit due to the land area uses that need to be addressed. In response to Herr's question whether the permit can be pulled, Fisher stated that that is the duty of the Planning Commission to review and decide if the use is appropriate.

Braun noted that the meeting was nearing the 9:00 deadline and asked for a motion to continue the meeting past 9:00.

**Vidal moved to continue the Planning Commission Meeting past 9:00, Stuck seconded and Planning Commission unanimously approved.**

Arguello spoke to his concerns regarding the road strain and need for common space, as well as the density and quality of life, stating that he believes the owners should want to work with the authorities to address issues. Arguello agreed that the issues need to be addressed, stating that there needs to see a solid plan of action.

Heikes discussed his concerns agreeing with Arguello that taking an action on this request at this time would give the impression of approval and the perpetuation of a bad situation and he would also like more information before taking any action.

Fisher stated it appears there are enough concerns regarding this application that need to be addressed even though this is an Initial Planned Development Overlay. Fisher asked if the applicant thought they could achieve these answers by the January 27, 2022 Planning Commission meeting or by the February 10, 2022 Planning Commission Meeting.

Anita Atheide, Communities Manager for SDRC Terra Kennedy MHP 2, LLC, stated she knew there were issues, but did not know they were so severe and that she will start to address these issues.

In response to Braun's question if it would be better to continue to the February 10, 2022 Planning Commission Meeting to allow the applicant to address the issues discussed and for the agencies to be able to review and be available to speak to them, Fisher agreed that the later meeting date would work best and reviewed how staff would work with the applicant to meet that date.

**Vidal offered a Substitute motion to continue to the February 10, 2022 Planning Commission Meeting Quasney seconded.**

Quasney thanked the neighbors for standing up and speaking to the issues.

**Vidal moved, Quasney seconded and the Planning Commission approved to continue to the February 10, 2022 Planning Commission Meeting. (7 to 0 with Arguello, Braun, Heikes, Herr, 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.

*17. No. 21PD039 - Superpumper Addition
A request by KTM for DTJ, LLC to consider an application for an Initial Planned Development Overlay to allow mini warehousing for Lot 2 less Lots A, B and C, less Drainage Lot 1, less Drainage Lot 2 and less right-of-way of Super Pumper Addition, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the Cambell Street and E. Fairmont Boulevard intersection.

Weifenbach stepped down for the dais at this time.

Hanzel presented the application and reviewed the associated slides noting the request is for a property of approximately 12 acres, located in a General Commercial District, which a permitted use in the zoning district, but that there are required design stipulations to help avoid creating an industrial impact on the neighborhood. Hanzel noted that the applicant is requesting an Exception to the fencing requirement to provide an opaque screening material. Hanzel stated that the applicant is also requesting an Exception to use metal siding on the east and west sides which are the interior walls that contain the operating doors, while the north and south sides which are the exterior sides would be done in simulated wood siding. The applicant provided examples of other units that had been allowed to do this previously. Hanzel stated that staff is in support of the Exceptions with the stipulations that the applicant provide landscape plan showing the use of coniferous trees and provide other design elements on the upper portions of the side wall elevations (at 6 feet), so they are visible above the required 6-foot fence. Hanzel stated that staff recommends approval of the Initial Planned Development Overlay to allow mini warehousing with stipulations outlined in the Project Report.

Heikes agreed that the use of landscaping to provide buffering to help change up the visual impact is a best practice. In response to his request to see more information on the plan, Hanzel noted that this is an Initial Planned Development Overlay and more detail will be addressed as part of the Final Planned Development Overlay.

Nathon Barton, 4724 Croyle Court, representing Southside Church of Christ which is the property adjacent to the west. Barton indicated no major objection but wishes to address the specific item of grading on the southwest corner and the access onto Fairmont Boulevard. Barton stated the grade appears a retaining wall and questions the impact it will have on the current access to the church as well as damage to the existing landscaping of the church. Barton pointed out that he is a licensed engineer in numerous states, and further spoke to issues with the power line pole location.

Braun spoke to pavement and drainage on the property, Fisher confirmed flows must be addressed, noting they are proposing detention ponds onsite.

Fisher stated that this is an Initial Planned Development and that when the final
plans do come in these issue will be addressed.

Ryan Wordeman, 258 Evans Lane, Spearfish, applicant, spoke to the use of the simulated wood, indicating it would not work with the construction of the buildings they are using. Wordeman stated that the iron fencing provides a design aspect that opaque chain link fencing does not, and they are open to providing the landscaping buffering.

In response to a question from Bruan on meeting stipulations, Hanzel stated the applicant requests that the Exception to siding include removing the decorative element to the exterior cladding. Fisher clarified that the applicant is proposing to provide the landscaping will help to soften the impact, but there will be many years before the trees actually provide screening, so staff request limited decorative element to help maintain the neighborhood aspect and lessen the impact to the surrounding properties.

In response to questions from Stuck on siding and decorative aspect, Fisher reviewed requirements and reasons for requesting the decorative element.

**Herr moved to approve with revision to stipulation #2 be revised to grant the Exception to allow metal siding on the sidewall elevations in lieu of masonry, concrete or wood or metal simulated wood siding and not have the contingency that decorative element be required, Heikes seconded.**

In response to a question from Stuck regarding the Exception to height requested in the applicants Letter of Exception, Hanzel explained that in the General Commercial Zoning District a 45 foot height is allowed so no Exception is required.

**Herr moved, Heikes seconded and the Planning Commission approved the Initial Planned Development Overlay to allow mini warehousing with the following stipulations as revised:**

1. **An exception is hereby granted to provide a decorative iron fence or black chain link fence in lieu of decorative opaque screening material contingent upon the applicant providing a landscaping plan with the Final Planned Development Overlay which identifies a continues landscaping screen comprised of coniferous trees along the property boundaries. In addition, coniferous trees spaced at minimum 40 feet shall be prioritized along the western lot line to provide a visual and sound buffer for the residential uses located on the adjacent property;**

2. **An exception is hereby granted to allow metal siding on the sidewall elevations in lieu of masonry, concrete or wood or metal simulated wood siding. In addition decorative elements shall not be required on the sidewall;**

3. **Upon submittal of a Final Planned Development Overlay application, plans shall be submitted and approved showing ingress and egress, width of driveways, location of buildings, architectural elevations of all buildings indicating height and type of materials to be used, landscaping, screening and security fence and outdoor storage areas;**

4. **Upon submittal of a Final Planned Development Overlay application, plans shall be submitted for review and approval indicating exterior building material;**
5. Upon submittal of a Final Planned Development Overlay application, a landscaping plan shall be submitted for review and approval demonstrating that at least 324,889 points and all other requirements of the City’s Landscaping Regulations are being met;

6. Upon submittal of a Final Planned Development Overlay application, details for security fencing and screen fencing shall be shown pursuant to the Planning Commission’s approval of the Initial Planned Development Overlay;

5. Upon submittal of a Final Planned Development Overlay application, the applicant shall submit an operations plan of the facility, including that a local property manager shall be responsible for maintaining the property in compliance with the 17.80.030(9);

7. Upon submittal of a Final Planned Development Overlay application, the applicant shall revise the plans to indicate that the approach radius on E. Fairmont Boulevard does not extend beyond the adjacent property line;

8. Prior to submittal of a Final Planned Development Overlay application, the applicant shall determine if there are jurisdictional wetlands present on the property and address as needed;

9. Upon submittal of a Final Planned Development Overlay application, a storm water quality and drainage plan shall be submitted for review and approval;

10. Upon submittal of a Building Permit, the site plan shall be revised to show property line sidewalks along Cambell Street, or a Variance shall be obtained from the City Council;

11. Prior to submittal of a Building Permit, the site plan shall be revised to address redline comments;

12. Upon submittal of a Final Planned Development Overlay application, a sign package in conformance with Chapter 17.50.080 of the Rapid City Municipal Code shall be submitted for review and approval if signage is being proposed. No electronic signs are being approved as a part of this Initial Planned Development Overlay. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign;

13. Upon submittal of a Final Planned Development Overlay application, a lighting plan shall be submitted for review and approval. All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,

14. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Initial and/or Final Planned Development Overlay. (7 to 0 with Arguello, Braun, Heikes, Herr, 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.
No. 21UR046 - Hope Court Condominiums

A request by Canada Salter and Jeff Salter to consider an application for a Conditional Use Permit to allow on-sale liquor for Unit 1 and 22.18 percent of Common Area of Hope Court Condominiums, located in Sections 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2001 Hope Court, Suite 1.

Hanzel presented the application and reviewed the associated slides stating that staff supports the use in this area and recommends approval of the Conditional Use Permit to allow on-sale liquor with the stipulations outlined in the Project Report. Hanzel noted that there is no saturation concerns regarding this application and that there is no conflicting uses in the area.

Vidal moved, Herr seconded and the Planning Commission approved the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:

1. All plans and construction shall comply with South Dakota Codified Law 36-18A and all adopted codes and ordinances. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;

2. Upon submittal of a building permit, the site plan shall be revised to provide a sidewalk along Catron Boulevard or a Variance shall be obtained from the City Council;

3. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Major Amendment to the Conditional Use Permit. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,

4. The requested Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a tapas bar to be located on the property and operated in compliance with the submitted operations plan. Any change in use shall require a Major Amendment to the Conditional Use Permit. Any expansion of the use of proposal for outdoor consumption shall require a Major Amendment to the Conditional Use Permit. All requirements of the General Commercial District shall be continually maintained. Any permitted in the General Commercial District shall be allowed with a Building Permit. Conditional uses in the General Commercial District, or any expansion of the on-sale liquor use on the property shall require a Major Amendment to the Conditional Use Permit. (7 to 0 with Arguello, Braun, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

*18. 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.

*19. 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 at 2130 N. LaCrosse Street.

Harrington reviewed that this item had been continued at the December 9, 2021 Planning Commission meeting due to failure meet the notification requirement, but that in doing so the applicant missed the deadline to apply through the State and as such the applicant has withdrawn the application and staff requests that Planning Commission acknowledge the withdrawal.

Vidal moved, Quasney seconded and the Planning Commission acknowledging the applicant’s withdrawal of the Major Amendment to a Planned Development Overlay to allow a Medical Cannabis Dispensary. (7 to 0 with Arguello, Braun, Heikes, Herr, 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.

21. Discussion Items
   None

22. Staff Items

   Fisher stated that staff will bring forward a tally on the final actions on the Cannabis applications, noted that City Council were not generally in agreement with Planning Commission

   Vidal spoke to the Council’s actions and comments made which he feels disregarded staff’s and/or Planning Commission’s work in reviewing the application and decisions regarding these items, stating that he respects staff’s efforts.

   Quasney agreed and spoke to how it was disconcerting to hear some of the comments made by Council during the Appeals.

   Fisher spoke to the Council actions on the Appeals stating that the votes were generally a split vote.
23. **Planning Commission Items**  
None

There being no further business, Vidal moved, Herr seconded and unanimously carried to adjourn the meeting at 9:44 a.m. (7 to 0 with Arguello, Braun, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no).