MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Eirik Heikes, Haven Stuck, Mike Quasney and Vince Vidal. Ron Wiefenbach, Council Liaison was also present.

MEMBERS ABSENT: John Herr, Eric Ottenbacher. Ron Wiefenbach, Council Liaison was also absent.


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

1. No. 21VA010 - Deadwood Avenue Tract
   A request by Matt Neibauer of Prairie Supply to consider an application for a Variance to reduce the side yard setback from 25 feet to 8 feet for Lot 6 of Tract E of Deadwood Avenue Tract, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2801 Plant Street.

   Hanzel presented the application and reviewed the associated slides stating that the applicant is requesting to build a storage building on the southwest side of the property and are trying to maintain a turnaround in the center of the property which is why they are requesting the Variance to side yard setbacks. Hanzel noted that although staff understands the reason for the request they do not believe there are any special circumstances or that all options have not been reviewed. Hanzel also noted that staff would like to see separation maintained between the neighboring structures and are not sure this is the minimal adjustment and as such are recommending the Variance to reduce the side yard setback from 25 feet to 8 feet be denied.

   In response to a question from Stuck on other buildings within the setback, Hanzel noted that there other buildings were possibly constructed prior to current setback requirements and are therefore identified as legal non-conforming.

   In response to a question from Braun regarding options, Hanzel deferred the option question to the applicant, but reviewed the topography noting there is a drop off to the west of the lot and that it is important that drainage be maintained and lot coverage considered.

   Matt Neibauer, representing Prairie Supply, stated they are hoping to maintain separation from their neighbors and maintain distance from the drop at the back of the lot. Neibauer stated they still need to complete their soil report, but wanted to have the Variance completed before completing. Neibauer is looking to have more storage, expand their operation, and to allow them to be self-sustaining and to reduce freight cost.

   Responding to Quasney’s question whether there was an option to adjust the building and still retain the turning radius, Neibauer noted that they could, but that they this layout takes into consideration work flow area that will be needed once they have the proposed fabricated rebar equipment, which will necessitate room to handle the 20 foot bundles.
Quasney stated that he believes they have options that should be considered.

Braun suggested the item be continued to allow options to be reviewed.

Fisher stated that staff supports continuing this request and suggests that the applicant review the size of the proposed building as they are close to overbuilding the site.

Meeting dates were discussed, with the applicant requesting a continuation of two months. Fisher stated that would put the item to the March 24, 2022 Zoning Board of Adjustment meeting. The applicant was in agreement with this date.

Caesar asked that the applicant provide additional information to assist the Zoning Board of Adjustment in reviewing the options.

In response to a question from Heikes on lot coverage, Hanzel reviewed lot coverage in Light Industrial District allows for 75 percent, noting that coverage does include paved areas. Heikes commended the applicant for growing his business locally.

Bulman stated that the closer the applicant can get to the 25 foot setback, the easier it is for the Zoning Board of Adjustment to approve the request.

In response to a question from Neibauer whether the location of the structures on the neighboring property effects the requirement for setbacks on his property, Fisher stated that it does not in regards to Variance criteria. Fisher further noted the less adjustment requested the better for securing approval of a Variance and should they reduce the adjustment to less than 20 percent, the request could be handled administratively and this application would be withdrawn.

Vidal moved, Quasney seconded and the Zoning Board of Adjustment carried to continue the Variance to reduce the side yard setback from 25 feet to 8 feet to the March 24, 2022 Zoning Board of Adjustment. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

2. Discussion Items
   None

3. Staff Items
   None

4. Zoning Board of Adjustment Items
   None

There being no further business Vidal moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:21 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)
MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Rachael Caesar, Mike Golliher, Eirik Heikes, John Herr, Mike Quasney, Haven Stuck and Vince Vidal

MEMBERS ABSENT: John Herr, Eric Ottenbacher. Ron Weifenbach, Council Liaison was also absent.


Braun called the meeting to order at 7:21 a.m.

Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Item 11 be removed from the Consent Agenda for separate consideration.

Motion by Caesar seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 16 in accordance with the staff recommendations with the exception of Item 11. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the January 6, 2022 Planning Commission Meeting Minutes.

2. No. 21AN004 - Section 20, T1N, R8E
   A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust, Marvin and Kay Paschke and E.M. Hoff Family Ranch LP to consider an application for a Petition for Annexation for the N ½ of Section 29, T1N, R8E lying east of Highway 79; Highway 79 right-of-way located in the N ½ of Section 29, T1N, R8E; The SW ¼ SE ¼ of Section 20, T1N, R8E; That part of the E ½ SE ¼ lying southwest of Railroad right-of-way in Section 20, T1N, R8E; Old Folsom Road right-of-way and railroad right-of-way located in the E ½ SE ¼ of Section 20, T1N, R8E; The SE ¼ NW ¼ less Lots 1A, 2A, Lot H1, Lot H2 and ROW in Section 20, T1N, R8E; The E ½ SW ¼ of Section 20, T1N, R8E; That portion of the NW ¼ SE ¼ lying southwest of Old Folsom Road right-of-way and Railroad right-of-way in Section 20, T1N, R8E; That portion of the SW ¼ NE ¼ lying southwest of Old Folsom Road right-of-way and Railroad right-of-way in Section 20, T1N, R8E; Old Folsom Road and Railroad right-of-way located in the SE ¼ NW ¼; the SW ¼ NE ¼ and NW ¼ SE ¼ of Section 20, T1N, R8E; The W ½ SW ¼ less Lot B, less Lots H2, H3, H4, H5, H6, less Gruenig Addition and less Lot 1 of Lot A in Section 20, T1N, R8E; The East ½ of Lot P (aka Old Highway 79) located in Section 20, T1N, R8E; Old Folsom Road right-of-way located in the W ½ SW ¼ of Section
2. No. 21RZ026 - Section 29, T1N, R8E
A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust to consider an application for a Rezoning request from No Use District to Light Industrial District for a portion of E1/2; NW1/4 E of HWY 79 less Lot H2, Section 29, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: commencing at the Northwest corner of said portion of E1/2; NW ¼ E of HWY 79 Less Low H2 of Section 29, T2N, R8E, BHM, Pennington County, South Dakota; thence S87°21′16″E, a distance of 1074.24 feet the point of beginning; Thence first course: S87°21′16″E, a distance of 1,387.27 feet; Thence second course: S87°21′11″E, a distance of 56.38 feet; Thence third course: S02°33′38″W, a distance of 2,537.54 feet; Thence fourth course: N89°46′05″W, a distance of 725.83 feet; Thence fifth course: N24°10′16″W, a distance of 1,597 feet; Thence sixth course: N02°33′38″E, a distance of 1,142.71 feet to the point of beginning, more generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Planning Commission recommended that the Rezoning request from No Use District to Light Industrial District be approved in contingent on approval of the associated Annexation

4. No. 21RZ027 - Section 20, T1N, R8E
A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust to consider an application for a Rezoning request from No Use District to Heavy Industrial District for the SW1/4 SE1/4 and portion of E1/2 SE ¼ lying southwest of railroad, Section 20, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Southeast corner of Section 20, T2N, R8E, BHM, Pennington County, South Dakota; being the point of beginning; Thence first course: N88°12′30″W, a distance of 225.01 feet; Thence second course: N87°21′16″W, a distance of 2,364.70 feet; Thence third course: N87°21′11″W, a distance of 56.38 feet; Thence fourth course: N02°54′12″E, a distance of 1,330.08 feet; Thence fifth course: S87°41′31″E, a distance of 890.39 feet; Thence sixth course: S88°25′31″E, a distance of 474.59 feet; Thence seventh course: N01°14′02″E, a distance of 361.37 feet; Thence eighth course: On a non-tangent curve turning to the right with an arc length of 1,054.11 feet, with a radius of 4,637.38 feet, with a chord bearing of S41°31′48″E, with a chord length of 1,051.8 feet; Thence ninth course: S35°23′16″E, a distance of 895.14 feet; Thence tenth course: S02°44′25″W, a distance of 13.18 feet; Thence eleventh course: S02°44′19″W, a distance of 229.47 feet to the point of beginning, more generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Planning Commission recommended that the Rezoning request from No Use District to Heavy Industrial District be approved in contingent on approval of the associated Annexation.
5. **No. 21RZ028 - Section 29, T1N, R8E**
A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust to consider an application for a **Rezoning request from No Use District to General Commercial District** for portion of E1/2; NW1/4 E of HWY 79 less Lot H2, Section 29, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest corner of said portion of E1/2; NW ¼ E of HWY 79 Less Low H2 of Section 29, T2N, R8E, BHM, Pennington County, South Dakota; being the point of beginning; Thence first course: S87°21’16”E, a distance of 1,074.24 feet; Thence second course: S02°33’38”W, a distance of 1,142.71 feet; Thence third course: S24°10’16”E, a distance of 1,597.16 feet; Thence fourth course: N89°46’05”W, a distance of 557.61 feet; Thence fifth course: S89°56’20”W, a distance of 258.89 feet; Thence sixth course: N21°41’15”W, a distance of 1,311.89 feet; Thence seventh course: N21°26’01”W, a distance of 41.46 feet; Thence eighth course: N70°20’14”E, a distance of 73.34 feet; Thence ninth course: N19°19’43”W, a distance of 66.86 feet; Thence tenth course: S70°59’17”W, a distance of 75.19 feet; Thence eleventh course: On a non-tangent curve turning to the right with an arc length of 1,026 feet, with a radius of 5,960.21 feet, with a chord bearing of N15°32’46”W, with a chord length of 1,025.3 feet; Thence twelfth course” N10°21’46”W, a distance of 326.58 feet; Thence thirteenth course: N06°35’12”W; a distance of 16.50 feet to the point of beginning, more generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Planning Commission recommended that the Rezoning request from No Use District to General Commercial District be approved in contingent on approval of the associated Annexation

6. **No. 21RZ029 - Section 29, T1N, R8E**
A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust to consider an application for a **Rezoning request from No Use District to Heavy Industrial District** for a portion of E1/2; NW1/4 E of HWY 79 less Lot H2 Section 29, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northeast corner of said portion of E1/2; NW ¼ E of HWY 79 Less Lot H2 of Section 29, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; being the point of beginning; Thence first course: N88°12’30”W, a distance of 225.01 feet; Thence second course: N87°21’16”W, a distance of 2,364.70 feet; Thence third course: S02°33’38”W, a distance of 2,537.54 feet; Thence fourth course: S87°56’57”E, a distance of 2,612.14 feet; Thence fifth course: N02°03’03”E, a distance of 2,512.75 feet to the point of beginning, more generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Planning Commission recommended that the Rezoning request from No Use District to Heavy Industrial District be approved in contingent on approval of the associated Annexation

7. **No. 21RZ038 - Section 20, T1N, R8E**
A request by KTM Design Solutions, Inc for Marvin and Kay Paschke to consider an application for a **Rezoning request from No Use to Heavy Industrial District** for the associated Annexation
the W1/2 of the SW1/4 less Lot B, less Lots H2, H3, H4, H5, H6, less Gruenig Addition and less Lot 1 of Lot A; and the E1/2 of Lot P (AKA Old HWY 79), all located in Section 20, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Highway 79, south of Old Folsom Road.

Planning Commission recommended that the Rezoning request from No Use District to Heavy Industrial District be approved in contingent on approval of the associated Annexation

8. No. 21RZ039 - Section 20, T1N, R8E
A request by KTM Design Solutions, Inc for E.M. Hoff Family Ranch Limited Partnership to consider an application for a Rezoning request from No Use District to Heavy Industrial District for the SE1/4 of the NW1/4 less Lots 1A, 2A, Lot H1, Lot H2 and right-of-way; the E1/2 of the SW1/4; a portion of the NW1/4 of the SE1/4; a portion of the SW1/4 of the NE1/4 lying southwest of railroad, located in Section 20, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Old Folsom Road, east of Highway 79.

Planning Commission recommended that the Rezoning request from No Use District to Heavy Industrial District be approved in contingent on approval of the associated Annexation

*9. No. 21PD053 - Elks Country Estates
A request by Longbranch Civil Engineering, Inc for ZCO Incorporated to consider an application for a Major Amendment to Final Planned Development Overlay to expand a residential development for a portion of Tract 1 of the E½ of Section 16, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of Lot A of Lot 1 of Block 7 of Elks Country Estates Subdivision, also common to the dedicated right-of-way of Augusta Drive, and the Point of Beginning of property as surveyed; thence N 89048'23" W a distance of 52.00' along the south line of dedicated right-of-way of Augusta Drive, thence N 00011'37"E a distance of 10.00' along the west line of dedicated right-of-way of Augusta Drive, thence N89048'23"W a distance of 117.83' along the south line of Lot 1 of Block 12 of Elks Country Estates Subdivision, thence S00001'31"W a distance of 180.50' along the east property line of the SE1/4 of the SW1/4 less Lot H3, Less Elks Crossing, Less right-of-way, thence N89056'31"E along a random line a distance of 118.04' to a random point, thence S00003'29"E along a random line a distance of 26.20' to a random point, thence N89056'31"E along a random line a distance of 52.00' to a random point, thence N00003'29"W along a random line a distance of 16.36' to a random point, thence N44045'05"E along a random line a distance of 19.19' to a random point, thence N89056'45"E along a random line a distance of 45.48' to a random point of curvature, thence entering a curve to the right with a length of 62.07' a radius of 194.00' a delta of 18019'50" a chord bearing of S80053'20"E a chord distance of 61.80' to a random point, thence S00003'15"E along a random line a distance of 283.62' to a random point, thence S42027'12"E along a random line a distance of 328.51' to a random angle point, thence S59025'19"E along a random line a distance of 95.82' to the southwest corner of Lot 11 of Block 16 of Elks Country Estates, thence N30034'41"E a distance of 120.00' along the west property line of Lot 11 of Block 16 of Elks Country Estates to the northwest property corner of Lot 11 of Block 16 of
Elks Country Estates, thence N30034’41”E a distance of 52.00’ along the west line of dedicated right-of-way of Ping Drive, thence S59025’19”E a distance of 43.41’ along the north line of dedicated right-of-way of Ping Drive to the southwest corner of Lot 38 of Block 10 of Elks Country Estates, thence N30034’41”E a distance of 135.00’ along the west property line of Lot 38 of Block 10 of Elks Country Estates to the northwest property corner of Lot 38 of Block 10 of Elks Country Estates, thence N59025’19”W a distance of 124.78’ along the south line of Tract 3R of the E1/2 of Section 16, thence N23019’08”W a distance of 261.31’ along the west line of Tract 3R of the E1/2 of Section 16, thence N11035’19”W a distance of 183.39’ along the west line of Tract 3R of the E1/2 of Section 16, thence N86007’00”W a distance of 371.38’ along the south line of a portion of Tract 3R of the E1/2 of Section 16, and Lots 3R and Lot B of Lot 2 and Lots A of Lot 2 and Lot B and Lot A of Lot 1 all of Elks Country Estates to the southwest corner of Lot A of Lot 1 of Block 7 of Elks Country Estates and the point of beginning, more generally described as being located south of the current terminus of Augusta Drive.

Planning Commission approved the Major Amendment to a Final Planned Development Overlay to allow a residential development with the following stipulations:

1. The Major Amendment to a Final Planned Development Overlay shall allow a residential development in the Low Density Residential District II in compliance with the applicant’s site plan for the development. All requirements of the Low Density Residential District II shall be maintained unless specifically authorized pursuant to Chapter 17.50 of the Rapid City Municipal Code. All uses permitted in the Low Density Residential District II which do not increase parking requirements shall be permitted contingent upon an approved building permit. All conditional uses in the Low Density Residential District II or uses which increase the required amount of parking on the site shall require a Major Amendment to the Planned Development.

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

10. No. 21RZ037 - K-W Subdivision
A request by Frank Boyle to consider an application for a Rezoning request from General Commercial District to Light Industrial District for Lot 3 of Lot D of K-W Subdivision, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3637 Edwards Street.

Planning Commission recommended that the Rezoning request be approved in conjunction with a Planned Development Designation.

12. No. 21PL147 - Catron Ridge Subdivision
A request by Longbranch Civil Engineering, Inc for Muth Holdings, LLC to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 thru 20 of Block 1 and Lots 1 thru 25 of Block 2 of Catron Ridge Subdivision, legally described as Tract 3 of Par Subdivision, located in the SW1/4 of the SE1/4 of Section 23, T1N,
R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard between Wellington Drive and Tartan Court.

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

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

2. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow 44 dwelling units with one point of access in lieu of a maximum of 40 dwelling units or the plat document shall be revised accordingly;

3. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to waive the requirement to provide an intermediate turnaround every 600-feet along Pinnacle Court or the plat document shall be revised accordingly;

4. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow more than 20 housing units along Pinnacle Court, a cul-de-sac street, or the plat document shall be revised accordingly;

5. Upon submittal of a Development Engineering Plan application, construction plans for Pinnacle Court, a local street, shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual and the permanent and temporary cul-de-sac(s) shall meet the design standards set forth in Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

6. Upon submittal of a Development Engineering Plan application, construction plans for Whisper Ridge Drive, a local street, shall be submitted for review and approval showing the street located in a minimum 62-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

7. Upon submittal of a Development Engineering Plan application, construction plans for the unnamed right-of-way located between lots 21 and 22 shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual 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;

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

14. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in the residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable;

15. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative as applicable;

16. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property with the Rapid City Fire Department. In addition, all mitigation efforts shall be completed prior to submittal of a Final Plat application;

17. 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,

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

13. No. 21PL150 - Hidden Springs Ranchettes No. 3
A request by KTM Design Solutions, Inc for Shawn and Cathy Walz to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 thru 3 of Hidden Springs Ranchettes No. 3, legally described as Government Lot 3 less dedicated right-of-way located in Section 6, T1N, R9E, BHM, Pennington County,
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 229th Street and Hidden Springs Road, 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, 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. Prior to approval of the Development Engineering Plan application, any utilities and drainage proposed offsite shall be secured within easement(s);

4. Upon submittal of a Final Plat application, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way along 229th Street;

5. Prior to 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 any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, a copy of the executed agreement shall be submitted with the Final Plat application; and

6. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. In addition, a copy of the executed agreement shall be submitted with the Final Plat application.

14. No. 21PL-154 - Rampelberg Estates
A request by KTM Design Solutions, Inc for Bruce and Sandra Rampelberg to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 and 2 of Rampelberg Estates, legally described as the N1/2 of the SW1/4 of the NE1/4 less right-of-way, located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 13959 Neck Yoke Road.

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

1. Upon submittal of a Final Plat application, the plat document shall continue to show the dedication of right-of-way along Neck Yoke Road to ensure that a 50-foot wide right-of-way is being proposed along the east side of Neck Yoke Road;

2. Prior to 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 any new residential structures or expansions to
the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, a copy of the executed agreement shall be submitted with the Final Plat application;

3. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. In addition, a copy of the executed agreement shall be submitted with the Final Plat application;

4. Prior to submittal of a Final Plat application, a Variance shall be obtained from City Council waiving the requirement to construct sidewalk along Neck Yoke Road and Marie Lane or construction plans shall be submitted for review and approval showing the construction of sidewalk along the street(s) as they abut the property; and,

5. Prior to submittal of a Final Plat application, the subject property shall be rezoned by Pennington County to support the proposed lot size(s) and the rezone shall be effective.

15. No. 21PL155 - Valley View Estates
A request by KTM Design Solutions, Inc for Justin Kistler to consider an application for a Preliminary Subdivision Plan for proposed Tract 2A and 2B of Valley View Estates, legally described as Tract 2 of Valley View Estates, located in Section 7, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23040 Radar Hill 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 Radar Hill Road, 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, construction plans shall be submitted for review and approval showing a water main with a fire hydrant in the existing ingress/egress easement to the proposed Tract 2A and Tract 2B lot line or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application;

3. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval showing the widening of the gravel drive to 20 feet in the existing ingress/egress easement, including a gravel cul-de-sac per IDCM Table 2-4 at the terminus of the easement or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application;

4. 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;
5. 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 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, a Development Agreement shall be entered into with the City for all public improvements, if applicable;

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

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

9. 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;

10. Upon submittal of a Final Plat application, the plat document shall be revised to read “Tract 1 Valley View Estates” instead of “Lot 3 Windy Hollow Subdivision”; and

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

16. No. 21PL156 - Homestead Vista Subdivision
A request by Indigo Design, LLC for Dakota Heartland, Inc. to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 thru 3 of Block 1, Lot 1 of Block 2, Lot 1 of Block 3, Lot 1 thru 3 of Block 4 and Lots 1 thru 3 of Block 5 of Homestead Subdivision, legally described as the W1/2 of the SW1/4 of the NW1/4 less Big Sky Business Park, less Lot H2 and less right-of-way; Lot 2R of Block 3 of Big Sky Business Park; Tract A, less Tract BR of Neff's Subdivision #4, less Avenue A Subdivision and less right-of-way, all located in Section 3, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard and south of Berniece Street.

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 Neel Street, a collector street, shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

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

3. Upon submittal of a Development Engineering Plan application, construction plans for Timmons Boulevard located south of Homestead Street, a commercial street, shall be submitted for review and approval showing the street located in a minimum 70-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with a cul-de-sac bulb designed in compliance with Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, an additional 9 feet of right-of-way shall be dedicated for that portion of Timmons Boulevard located north of Homestead 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, a Traffic Impact Study shall be submitted for review and approval or shall meet criteria for obtaining an Exception;

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

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

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

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

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

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

11. 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,

12. 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---

11. No. 21RZ040 - Forest Hills Subdivision
A request by Evan Hayes to consider an application for a Rezoning request from Park Forest District to Low Density Residential District for Lot 2 of Lot G of Forest Hill Subdivision, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1539 Forest Hills Drive.

Brennan presented the application and reviewed the associated slides noting that staff has received numerous public comments on this request and that staff is recommending approval of the Rezoning request from Park Forest District to Low Density Residential District.

Fisher provided a history of the property back to the initial annexation and some of the zoning changes since then. Fisher spoke to the need to use infill development to reduce urban sprawl. Fisher stated that the applicant is looking to divide the property into two lots and as such they will have to meet all City requirements and regulations. Fisher noted that this type of in-fill development is becoming more common.

Evan Hayes, 1539 Forest Hills Drive, apologized for the destruction that is taking place to build and improve the lot, stating he understands the neighbors’ concerns but explained that in a few years it will be a beautiful home noting that years ago the same process allowed each of his neighbor’s to build their homes.

In response to a question from Arguello regarding building permit, Brennan confirmed the applicant has a building permit for a single family home.

Lawrence Lehr, 1530 Forest Hills Drive, adjacent to property owner, spoke to the concerns the number of houses that might be allowed with the small lot size requirements of Low Density Residential zoning. Lehr also spoke to the encroachment of more houses along the Skyline Wilderness Park and the effect such development will bring. Lehr discussed his concerns regarding drainage and run off in the area. Lehr discussed how the removal of trees will increase this runoff noting efforts that other property owners have used and that there are still run off issues, including providing photos of past runoff issues and asks that this issue be considered.

Brennan stated that the applicant is following all required procedures and continues to work with staff.

Caesar stated that there are a number of properties in the area that are already zoned Low Density Residential so rezoning is supportable and this is the wave of the future.

Caesar left the meeting at this time.
Maureen Staley, 1529 Forest Hills Drive, stated she was originally in support of the request but as changes to the property progressed to allow a road along their property line that was since abandoned and the removal of so many trees in the area that she now worries about it creating drainage issues onto her property.

Carol Risdall, 1530 Forest Hills Drive, spoke to the how the property has been difficult to build due to topography and that numerous owners have opted not to do so. Risdall spoke to the roads that have been built and how they will be affected by them. Risdall also spoke to the erosion report stating she does not think it takes into account all critical details. Risdall spoke to Criteria #3 of the Project Report that states that the rezoning will not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment and she believes drainage is an adverse effect. She would like to delay the rezoning until the first building is completed and meets all requirements and to see how the drainage is affected.

Lisa Stanley, 1545 Forest Drive, stated that they had recently purchased in the area noting that they had specifically chose to live in the area due to the specific zoning and layout of the surrounding lots and now she worries for the devaluation of her property. She understands urban sprawl, but why do the unique areas need to disappear.

Heikes commented this is his backyard so to speak and he understands the desire to have the forest in their backyards. He noted noting the existing trails in this area, although not recognized, and asked if there was a chance an easement could be granted. Fisher stated that the Rapid City Parks Department had clarified that this is not part of the trail system and that the City does not want to take on maintenance of an easement or an additional trail.

In response to a question from Heikes on drainage, Peckosh stated that they will require reports on drainage. Heikes discussed possible low impact development options that could be considered in this area.

In response to questions from Quasney on drainage and the development of the property, Brennan stated that the applicant is working with staff to meet requirements. Fisher reviewed current and future procedures that will need to be taken regarding building a structure.

In response to a question from Quasney why rezoning is required, Fisher reviewed zoning requirements for Park Forest District and Low Density Residential District and subdivision of the property to allow two homes.

In response to a question from Quasney on fire management practices, Behlings said tree removal occurred during construction. He stated additional mitigation controls will benefit the neighborhood although he understands this creates a visual change.

In response to a question from Quasney regarding drainage control considering the notable elevation differences, Peckosh reviewed mitigation of drainage and erosion control now and after the structure is completed.
Further discussion regarding drainage ensued.

In response to question from Stuck on the applicant’s plans for development of the property, Hayes stated they are planning for two lots and reviewed the proposed lot layout.

In response to a comment from Vidal on the placement of the home on the lot pointing, Hayes explained why they chose location, stating the carefully considered all aspects of this development.

Vidal questioned if other home in the area are fire sprinkler protected, Behlings said he assumed new construction might have systems but older ones would not.

In response to a question from Heikes regarding the platting of the property and the option to hear and review the Preliminary Subdivision Plan before approving the Rezoning request, Fisher discussed why this option might not work based on platting processes.

Bulman spoke to her understanding of the neighbors’ concerns but knows that although change is hard it does happen.

Hayes spoke to the soil test they have done and that they will do another as required as they move forward with the additional development.

Bulman clarified that the Planning Commission action on the Rezone request is a recommendation to City Council and the item will go on to Council for approval and that the neighbors would have the opportunity to speak at that hearing also.

In response to questions from Braun on platting, Fisher reviewed the platting process and building permit process.

Planning Commission recommended that the Rezoning request from Park Forest District to Low Density Residential District be approved. (5 to 3 with Braun, Bulman, Golliher, Quasney and Vidal voting yes and Arguello, Heikes and Stuck voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*17. No. 21UR053 - Original Town of Rapid City
A request by Justin M. Warner for Happy Family Co. to consider an application for a Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with an existing restaurant for Lots 17 thru 22 of Block 83 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 516 and 518 Mount Rushmore Road.

Harrington presented the application and reviewed the associated slides. Harrington stated that the applicant is looking to expand their existing restaurant and on-sale liquor and reviewed the layout of the expansion. Harrington noted that
both locations will utilize the existing kitchen and the hallway that lays between the existing restaurant and the proposed expansion that will be used to carry food to both sections, but that there will be a separate bar in each location. Harrington stated the operations plan and menu is still in the works and that staff is recommending approval of the Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with an existing restaurant with stipulations.

In response to a question from Stuck, Harrington confirmed that the corner property is not included in this request.

Golliher moved, Heikes seconded and the Planning Commission approved the Conditional Use Permit to allow on-sale liquor use in conjunction with a barbershop with the following stipulation(s):

1. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; All signs, including banners or grand opening or special event advertisements are subject to historic review; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit; and,

2. The Conditional Use Permit shall allow on-sale liquor use in conjunction with a restaurant. Any expansion or change in the proposed on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Central Business District shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, 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.

18. 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 presented the application and reviewed the associated slides proposing to create 80 lots as part of a four phased plan to eventually create 467 lots. Fisher stated that it is outside of the City limits adjacent to Anderson Road and that this item had been heard at January 6, 2022 Planning Commission meeting and was continued to allow the Rezoning request to be heard by the County Board of
Commissioners at their January 18, 2022 meeting; however, due to illness the meeting did not take place and the next meeting will be February 10, 2022. Fisher clarified that the stipulations for the Preliminary Subdivision Plan requires that the rezoning must be approved and if it is not approved the plat cannot move forward. Fisher stated staff recommends approval with stipulations, which allows the applicant to start work on their construction plans. However, Fisher reiterated that based on the stipulation that the Rezoning request must be approved prior to approval of a Final Platt, if they do not get that approval from the County this plat will not move forward.

Andrew Scull, 2665 Cavern Road, representing Pink Cabin and Meadow Valley LLC, reviewed where they are in regards to County review and approvals, noting that they are now waiting for County Planning Commission review of the rezoning. Scull stated that they would request the Preliminary Subdivision Plan be approved so it can move forward to the City Council.

Fisher clarified that if the rezone is not approved by County Commission, staff would either work with the applicant to withdraw the application or recommend Council deny this application.

In response to a question from Heikes type of houses, Scull confirmed that they would be stick built.

In response to question from Arguello what the City’s stakes were, Fisher confirmed the City’s stakes are utilities, streets and drainage. Arguello stated that he is in favor of approving.

Bob Anderson, 3365 Anderson Road, spoke to the effect of the platting on the area noting that Rapid Valley will manage water and sewer, not Rapid City. Anderson noted that prior action was to allow County to make their decision before the City did and asked that they continue until that is done.

In response to questions from Bulman regarding the Master plan, Scull reviewed phases.

Braun stated that Haven is abstaining from the item due to a conflict of interest.

In response to a question from Golliher on utility completion, Fisher reviewed the platting process. Scull reviewed the utility development schedule noting that they will be in place to allow occupancy of the homes.

Bulman moved, Golliher seconded and the Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Prior to submittal of a Development Engineering Plan application, 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
3. Upon submittal of a Development Engineering Plan application, construction plans for Anderson Road shall be submitted for review and approval showing the widening of the paved surface to three lanes with 4-foot wide paved shoulders and the dedication of 17 additional feet of right-of-way 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 Crispin 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 of right-of-way the first 200 feet as the street extends from Anderson Road 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 Opal Drive and Honey Crisp Drive 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 the first 200 feet as the streets extends from Anderson Road 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 Haralson Lane 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, one set of construction plans for all items required to plat the four proposed phases within Phase 1, including Phase 1A, 1B, 1C and 1D, shall be submitted for review and approval. The complete set of plans shall include the sanitary sewer connection to S.D. Highway 44 and all street and utility improvements adjacent to platting along Anderson Road;

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. Upon submittal of a Development Engineering Plan application, a 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;

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

11. 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;

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

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

14. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Urban Residential District by Pennington County;

15. 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;

16. 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,

17. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

19. **Discussion Items**

20. **Staff Items**

   Fisher stated that the Community Development Department has hired two Current Planners and that they will be starting on February 7th and 8th and they will on board for the upcoming meetings.

21. **Planning Commission Items**

   Quasney stated that at the Rushmore Road meeting it was noted that landscaping is being removed due to security issues and he wonders what will be done to meet the landscaping regulations. Discussion followed and Fisher stated that now that staff is aware they will seek to address this issue.

There being no further business, Quasney moved, Bulman seconded and unanimously carried to adjourn the meeting at 9:00 a.m. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)