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

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


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

1. Approval of the January 27, 2022 Zoning Board of Adjustment Minutes

   Bulman moved, Vidal seconded and the Zoning Board of Adjustment approved approval of the January 27, 2022 Zoning Board of Adjustment Minutes. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

2. No. 22VA001 - Nowlin and Wood Addition

   A request by Steve and Dorothy Wilkison to consider an application for a Variance to reduce the required lot coverage from 8,000 square feet to 5,662 square feet for Lot 12 thru 13 of Block 25 of Nowlin and Wood Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 211 and 211 1/2 E. Custer Street.

   Fisher reviewed the application noting that the title reads lot coverage instead of lot size and was published incorrectly and as such, Fisher stated that it needs to be republished with the corrected title. Fisher stated that staff recommends the Variance be continued to the March 10, 2022 Zoning Board of Adjustment meeting to allow publication with the corrected title.

   Stuck moved, Quasney seconded the Zoning Board of Adjustment continued the Variance to reduce the required lot coverage from 8,000 square feet to 5,662 square feet be continued to the March 10, 2022 to allow a correction to title.

3. Discussion Items
   None

4. Staff Items
   None

5. Zoning Board of Adjustment Items
   None
There being no further business Caesar moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:03 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, 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: Eric Ottenbacher. Ron Weifenbach, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Kip Harrington, Tanner Halonen, Marlo Kapsa, Chip Premus, Todd Peckosh, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:03 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.

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

---CONSENT CALENDAR---

1. Approval of the February 10, 2022 Planning Commission Meeting Minutes.

2. No. 21PL152 - Black Hills Industry Center Subdivision
A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust, E.M. Hoff Family Ranch Limited Partnership and Marvin and Kay Paschke to consider an application for a Preliminary Subdivision Plan for proposed Lot 1 thru 7 of Block 1, Lots 1 thru 5 of Block 2, Lots 1 thru 8 of Block 3 of Black Hills Industrial Center Subdivision, legally described as the E1/2 of the SE1/4 lying southwest of Old Folsom Road; the W1/2 of the SW1/4 less Lot B, less Lots H2, H3, H4, H5, H6, less Gruenin Addition and less Lot 1 of Lot A; the E1/2 of Lot P (AKA Old HWY 79); the E1/2 of the W1/2 lying south of Old Folsom Road; the W1/2 of the E1/2 lying south of Old Folsom Road, less Lot A of the NW1/4 of the SE1/4 all in Section 20; and the N1/2 of Section 29 lying east of Hwy 79, all located in Section 20 and Section 29, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Highway 79 and Old Folsom 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, street names for proposed Street A and Street B shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document and construction plans shall show the approved street names;
2. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval. In addition, construction plans addressing any required improvements identified within the Traffic Impact Study shall be submitted with the Development Engineering Plan application for review and approval;

3. Upon submittal of a Development Engineering Plan application, construction plans for Old Folsom Road 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. In addition, the plat document shall show the dedication of additional right-of-way as needed to ensure that half of the required 100-foot wide right-of-way for a principal arterial street is being provided;

4. Upon submittal of a Development Engineering Plan application, construction plans for S.D. Highway 79 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;

5. Upon submittal of a Development Engineering Plan application, construction plans for Street A shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street with an additional 10 feet of right-of-way the first 200 feet as the street extends east from S.D. Highway 79 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 Street B 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 south from Old Folsom 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;

7. Upon submittal of a Development Engineering Plan application, construction plans for the section line highways shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for an industrial 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;

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, permits shall be secured from the South Dakota Department of Transportation, the railroad, Pennington County Highway Department and Floodplain Development Permit(s) as needed;

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

14. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed 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.

3. No. 22PL006 - Wesleyan Christian Center
A request by Renner Associates, LLC for Lilac Flowers LLC to consider an application for a Preliminary Subdivision Plan for proposed Tract J of Wesleyan Christian Center, legally described as a portion of the SE1/4 of the NE1/4, south of Interstate 90, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the current terminus of Wesleyan Boulevard.

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

1. Upon submittal of a Development Engineering Plan application, all redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, construction plans for Wesleyan Boulevard, 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 an approved turnaround 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. In addition, the construction plans shall show the transition from standard roadway design to the existing median section design;

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

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

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

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

7. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of right-of-way.

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; and,

9. 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---

---BEGINNING OF REGULAR AGENDA ITEMS---

*4. No. 22UR003 – Original Town of Rapid City
A request by Casey VanVleck to consider an application for a Conditional Use Permit to allow on-sale liquor in conjunction with a tasting bar for the south 85 feet of Lot 19 and 21 of Block 84 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 628 St. Joseph Street.

Harrington presented the application and reviewed the associated slide noting that the applicant, Vita Sana Olive Oil Company, is currently located directly across the street and plan to operate exactly as they currently do in their current location including signage and on-sale liquor use for tastings and special events. Fisher stated that staff recommends the Conditional Use Permit to allow on-sale liquor in conjunction with a tasting bar be approved with stipulations.

Quasney moved, Caesar seconded and the Planning Commission
recommended that the requested Conditional Use Permit be approved with the following stipulations:

1. Prior to issuance of a building permit, an 11.1 Historic Review shall be completed.
2. Prior to issuance of a sign permit, a Historic Sign Review shall be approved.
3. The building is not currently fire sprinkler protected. Prior to issuance of a Certificate of Occupancy, a corrective action plan shall be developed and approved by the Rapid City Fire Department, to ensure Fire Sprinkler protection and any associated Fire Alarm provisions are designed and installed within a reasonable time frame. In addition, the provisions of an approved fire protection plan shall be secured within a covenant agreement drafted by the city, signed by the property owner, and submitted to the City for recording; and,
4. The requested Conditional Use Permit shall allow an on-sale liquor establishment for the sale and service of beer and wine as an accessory to the existing artisanal food shop. Any change in use which expands the sale and service of alcohol shall require a Major Amendment to the Conditional Use Permit. Uses permitted in the Central Business District shall be permitted. All conditional uses in the Central Business District shall require the review and approval of a Major Amendment or Minimal Amendment to the Conditional Use Permit pursuant to Chapter 17.56.030 of the Rapid City Municipal Code.

*5. No. 22UR004 - Big Sky Business Park
A request by Steve Wynia for Pot O Gold Casino Too to consider an application for a Major Amendment to a Conditional Use Permit to allow an LED sign for Lot 1B of Block 4 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 840 Timmons Boulevard, Suite 1.

Harrington presented the application and reviewed the associated slide noting this is new construction with multiple suites including a casino and potential medical cannabis dispensary that is waiting for final approval. Harrington noted that the area is made up of commercial uses and is before Planning Commission per its request that any LED sign package associated with on-sale require a Major Amendment. Harrington stated that the applicant is only using 32 square feet of the 60 square feet allowed LED signage, leaving 28 square feet of signage use on the property. Harrington stated that staff recommends that the Major Amendment to a Conditional Use Permit to allow an LED sign be approved with stipulations.

In response to a question from Quasney on review of future LED signage, Harrington confirmed any future LED signage would be reviewed.
In response to a question from Bulman regarding the purpose for the LED sign, Harrington said the use would be a changeable notice for the property, possibly showing games offered in the casino. Fisher further reviewed that this is a permitted use in the General Commercial District, but at the direction of the Planning Commission, Planned Development Overlay or Conditional Use Permit approvals contain a stipulation that any LED sign package requires a Major Amendment to that Planned Development Overlay or Conditional Use Permit which then requires an additional hearing and staff is receiving pushback.

In response to a question from Stuck on light pollution, Fisher reviewed the Sign Code noting there are limits on illumination and requirement for dimmers on signage. Fisher noted that testing shows that signs are generally in compliance but that in areas with no competing lights the signs do tend to appear brighter.

Braun questioned the sign package, Harrington confirmed that this is the only identifying sign to the front with a static sign on the side. Braun commented that you usually see these signs in pairs so one doesn’t seem so bad.

Golliher moved, Arguello seconded to determine that the proposed LED sign in the location proposed is appropriate, and the Planning Commission approved the Major Amendment to a Conditional Use Permit with the following stipulations:
1. The LED sign was designed and operated in compliance with the Rapid City Sign Code. Any expansion to the proposed electronic reader board sign or new electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for any new signs.

_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. **Discussion Items**

Fisher noted that the agenda for the March 10, 2022 ZBOA/PC meeting is small and is considering using this as an opportunity for potential ex parte training. She said she would work with Groote of the Attorney’s Office on this possibility.

Fisher discussed signage and current requirements for permitted uses specifically LED signage noting that staff is starting to receive stiff push back. Fisher stated staff would be reviewing this issue and would bring back information at future meeting.

Discussion followed on signage.

In response to a question from Braun as to when final decisions on dispensary locations would be known, Groote stated that the deadline is currently sometime in March.
Planning Commission Meeting Minutes
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7. Staff Items
   None

8. Planning Commission Items
   None

There being no further business, Caesar moved, Golliher seconded and unanimously carried to adjourn the meeting at 7:27 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Quasney Stuck and Vidal voting yes and none voting no)