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.


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.

Motion by Vidal seconded by Caesar 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, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 24, 2022 Planning Commission Meeting Minutes.

2. No. 22VR003 - Section 22, T1N, R7E
A request by Longbranch Civil Engineering, Inc for Villaggio LLC to consider an application for a Vacation of Right-of-Way for a portion of Lot H4 of the NE1/4 of the SW1/4 of the SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Golden Eagle Drive and Villaggio Lane.

Planning Commission recommended approval of the Vacation of Right-of-Way.

3. No. 22VR004 - Original Town of Rapid City
A request by City of Rapid City to consider an application for a Vacation of Right-of-Way for portion of the right-of-way of East Boulevard adjacent to Lot 1 and Lot 32, also adjacent to the previously vacated alley right-of-way, Block 80, Original Townsite of Rapid City, Pennington County, South Dakota, more generally described as being located on East Boulevard between Main Street and Rapid Street.

Planning Commission recommended approval of the Vacation of Right-of-Way.

---END OF CONSENT CALENDAR---
BEGINNING OF REGULAR AGENDA ITEMS---

No. 22PD008 - Rushmore Crossing
A request by ARC International for Fuji Japanese Steakhouse to consider an application for a Major Amendment to a Planned Development Overlay to allow restaurants, one with on-sale liquor for Lot 3A of Rushmore Crossing, located in Section 30, T2N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 1731 Eglin Street.

Halonen presented the application and reviewed the associated slides. Halonen reviewed the layout of the two proposed restaurants with Fuji Japanese Steakhouse utilizing the east suite and utilizing the on-sale and a fast food restaurant in the west suite which includes a drive-up window. Halonen stated that the on-sale liquor use does not include the outdoor patio area on the property and that staff recommends approval of the Major Amendment to a Planned Development Overlay to allow restaurants, one with on-sale liquor with stipulations.

In response to a question from Heikes, whether the on-sale could be expanded to the patio in the future, Halonen stated that would require a Major Amendment to the Planned Development Overlay.

In response to a question from Bulman regarding traffic flow for the drive-up window, Halonen reviewed that the entrance is on the east, exiting out the west side of the property.

Golliher moved and Vidal seconded and the Planning Commission approved the Major Amendment to a Planned Development to allow restaurants, one with on-sale liquor with the following stipulations;

1. No sale or consumption of alcohol shall be allowed on the outdoor patio area. The on-sale of liquor on the patio shall require a Major Amendment to the Final Planned Development

2. All parking shall be designed in compliance with the City’s Parking Regulations;

3. A minimum of 71,634 landscaping points shall be provided. All landscaping shall be designed in compliance with the City’s Landscaping Regulations;

4. All signage shall meet the requirements of the Rapid City Sign Code. A Sign Permit is required for any new signs; and,

5. The Major Amendment to the Planned Development Overlay shall allow for restaurants, one with on-sale liquor operated in compliance with the applicant’s operational plan. Any change in use or expansion of use that is permitted in the General Commercial District shall require the review and approval of a Building Permit contingent on sufficient parking being provided. Any change in use or expansion of use that is a Conditional Use in the General Commercial District shall require review and approval of a Major Amendment to the Final Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, 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.*

*5. No. 22PD016 - Eastridge Estates Subdivision*
A request by Scott Fredrich to consider an application for a Planned Development Overlay to reduce rear yard setback to allow covering an existing deck for legally described as Lot 18 of Block 4 of Eastridge Estates Subdivision, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 141 Savoy Circle.

Fisher explained that after staff review the application, it was decided that the application was not required and as such staff requests the Planning Commission acknowledge the withdrawal of the application.

Caesar moved and Quasney seconded and the Planning Commission acknowledged the applicant’s withdrawal of the Major Amendment to the Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, 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.

*6. No. 22PD011 - Rushmore Mall Addition*
A request by Michael A Thibault X Golf Rapid City, LLC to consider an application for a Major Amendment to a Planned Development Overlay to allow liquor in conjunction with an indoor golf facility for Tract A and B of Lot 2 of Rushmore Mall Addition, located in Section 25, T2N, R7E and Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North Maple Avenue, Suite 458.

Halonen presented the application and reviewed the associated slides stating that the facility which is an indoor golf simulator will include gaming kiosks, a lounge area, a bar and an outdoor patio. Halonen noted that the on-sale will not be offered on the out-door patio at this time. Halonen stated that the zoning and surrounding uses support the proposed use and staff recommends that the Major Amendment to a Planned Development Overlay to allow liquor in conjunction with an indoor golf facility be approved with stipulations.

In response to a question from Braun on the location of the suite, Halonen stated it is located on south side of the Uptown Rapid Mall. Fisher further clarified that it is located in the area previously use by Scheels Sporting Goods.

In response to a question from Herr on obtaining a liquor license for expansion, Fisher reviewed the process for obtaining a liquor license, stating that the location is reviewed and approved prior to issuance of the actual liquor license by the City Council.
In response to a question from Arguello regarding the difference between liquor license for off-sale and on-sale, Fisher explained that the on-sale is to allow the sale of and consumption of the liquor on site, whereas package or off-sale does not allow the consumption on-site and does not require a Conditional Use Permit. Fisher noted that prior to 1992 no Conditional Use Permits were required to obtain an on-sale liquor license, so there are some non-conforming uses that when updated or expanded will have to obtain a Conditional Use Permit.

Bulman moved and Quasney seconded and the Planning Commission approved the Major Amendment to a Planned Development to allow on-sale liquor in conjunction with an indoor golf facility with the following stipulations;

1. No sale or consumption of alcohol shall be allowed on the outdoor patio area;
2. All signage shall continually conform to the Sign Code. 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,
3. The Major Amendment to the Planned Development Overlay shall allow for hard liquor to be served in conjunction with the existing virtual golf facility with on-sale liquor operated in compliance with the applicant's operational plan. Any change in use or expansion of use that is permitted in the Community Shopping Center-2 District shall require review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Community Shopping Center-2 District shall require review and approval of a Major Amendment to the Final Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, 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.

*7. No. 22PD012 - Section 4, T1N, R7E
A request by Pastor DeAnne Eidim to consider an application for a Major Amendment to a Planned Development to allow an LED sign for Block 1 of the NW1/4 of the SE1/4 less Lot 1, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3500 Canyon Lake Drive.

Kapsa presented the application and reviewed the associated slides noting that the LED sign is 17.4 square inches in size with the entire sign not exceeding 32 square feet. Kapsa noted that currently there is an additional sign advertising the child care offered by the church that places the allotted signage over the 32 square foot limit and as such a stipulation has been added to require that prior to issuance of the sign permit for the LED sign this sign must be removed. Kapsa reviewed the location of the current sign and the proposed sign including the LED sign which the church
plans to use to communicate events for the church including the child care center. Kapsa stated that with the added stipulation staff recommends approval of the Major Amendment to a Planned Development to allow an LED sign with stipulations.

In response to a question from Stuck on the type of property directly across the street from the sign, Kapsa confirmed the uses are commercial and public, further noting that the sign is located on an incline which will reduce any light to adjacent properties.

Golliher moved and Bulman seconded and the Planning Commission determined that the proposed LED sign is appropriate, and approved the Major Amendment to a Planned Development Overlay with the following stipulation(s):

1. This Major Amendment to a Planned Development shall allow an LED sign. A sign permit shall be obtained for the proposed LED sign. The proposed signage shall comply with all requirements of the Rapid City Municipal Code. An expansion in size or any additional LED sign shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for any new signs.

2. Upon issuance of a sign permit for the LED sign, the existing Westside Preschool & Day Care sign shall be removed from the site. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, 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.

*8. No. 22PD015 - Johnson Ranch Subdivision
A request by KTM Design Solutions, Inc for Yasmeen Dream LLC to consider an application for a Final Planned Development Overlay to allow a community park for Lot BR-1 of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Provider Boulevard north of Hutt Court.

Kapsa presented the application and reviewed the associated slides. Kapsa noted that the Planning Commission had previously approved a Planned Development Overlay to allow smaller lot sizes and increased densities with the stipulation to include a neighborhood park and a Final Planned Development Overlay to allow a 150 unit apartment building with the stipulation that required the layout and approval of the park with playground equipment and large landscaping prior to issuance of a Certification of Occupancy. Kapsa stated that the Final Planned Development Overlay current before the Planning Commission has no playground equipment, includes medium sized landscape and is 0.91 acres. Kapsa explained that the applicant has indicated that the majority of the neighborhood does not want an improved park space or lighting which would create noise and obstruction so they have revised the park to be an open greenspace. However, Kapsa, noted that once the City Parks Department takes over maintenance and management should
the neighborhood change their mind and decided they want playground equipment it would be the responsibility of the City to obtain and maintain.

Fisher reviewed the history of the development of this subdivision noting that the stipulations required a park to allow for the smaller lot sizes the applicant requested in order to provide affordable housing and to allow a 150 unit apartment development. Fisher noted that at that time, the Parks Department was not in favor of receiving requirements for the park, but have now stated they would be in favor. Fisher further noted that one of the stipulations for the Planned Development to allow the apartments require the park with playground equipment be constructed prior to obtaining a Certificate of Occupancy. Fisher explained that the applicant says neighbors do not want equipment and lighting which may create noise but the City worries that without it the space will be underutilized.

Alan Glover, 2931 Hutt Court, appreciates the background given on this development and explained the initial plans and the changes since have reduced the open park area and increased of density of housing, which was not was sold to the initial property owners. Glover said that initially 75 houses were proposed for usage of the park and now 150 additional household are being added for a park that is now 50 percent smaller than original proposed. Glover also discussed the street access provided saying it is not adequate and he would like the platting of the lot that reduces the park be denied.

Kyle Treloar, Dream Design, requested to have a continuation of two weeks to allow further discussions with more neighbors and have additional feedback.

Jones spoke to the numerous changes to the park from a full basketball court which reduced to half court, to obtaining the most viable playground equipment for the best use of the residents of the development to reduced area with no equipment. Jones said he believes this park is vital and he would welcome the chance to address these issues.

Numerous Planning Commissioners spoke to their disappointment of these changes noting that they had worked in good faith with the applicant with the development, allowing the smaller sized lots and higher density with the exchange of the park area for the residents and are now seeing that park diminish to an open space that they do not believe is large enough or provides the use they had been promised.

Quasney spoke to his concerns that the landscaping be properly designed for safety.

Vidal suggested that the continuation be at least four weeks to allow review.

Bulman stated that it is the responsibility of the Planning Commission to make sure a usable park is provided.

In response to a question from Arguello on what would be required for changes to the park in the future, Fisher explained that the City would be required to manage and maintain existing park and equipment, but if left as a green space any future request for equipment would require the city obtain the equipment as well as
Fisher discussed the changes to the proposed park from the initial design to current design.

Braun requested a listing of park layouts be provided when this comes back for review.

Heikes spoke to difficulty of maintaining larger landscaping rather than medium landscaping noting that medium often survives better than large. Heikes further explained that removing the equipment would change the park from an active park to a passive park or green space, noting that green spaces are often less used than active parks. Heikes also said that there are numerous issues to be addressed such as parking and access.

In response to a question from Stuck on obligations of the City in maintaining parks, Fisher stated that the City Parks Department has stated they will gladly work with development as it provides spaces for area residents. Fisher stated that the city has a number of neighborhood as well as city parks that they manage.

Caesar reviewed previous discussions for this development stating this is not what was requested and agreed upon. Fisher stated that the developer has provided parks in other areas that were not required, but that this park is required by stipulation for the Certificate of Occupancy to be issued for the apartment complex located in the development.

In response to a request from Herr to see the original park layout, Fisher stated that staff would provide all of the proposed layouts for the park from initial to current. Fisher cautioned against designing from dais.

Vidal moved and Caesar seconded and the Planning Commission unanimously carried to continue the Final Planned Development Overlay allow a community park to the May 5, 2022 Planning Commission meeting. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, 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._

9. No. 22TI002 - Black Hills Industrial Center, LLC
   A request by Dream Design International, Inc for Black Hills Industrial Center, LLC to consider an application for a Resolution to Create a Tax Increment Finance District and a Resolution to adopt a Project Plan for the Black Hills Industrial Center 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 20, T1N, R8E; Highway 79 right-of-way located in the SW ¼ NW ¼ and W ½ SW ¼ of Section 20, T1N, R8E; Highway 79 right-of-way located in the SE ¼ NE ¼ and E ½ SE ¼ of Section 19, T1N, R8E; Tract A of Wasteland Subdivision, located in Section 19, T1N, R8E, Rapid City; Highway 79 right-of-way and Lots H1, H2 and H3 of the NE ¼ NE ¼ of Section 30, T1N, R8E, Rapid City; Highway 79 right-of-way located in the NE ¼ NE ¼ of Section 19, T1N, R8E, Rapid City; Highway 79 right-of-way located in the NW ¼ NW ¼ of Section 20, T1N, R8E, Rapid City; The 1000’ of Elk Vale Road right-of-way lying east of the Cambell Street and Highway 79 intersection located in Sections 17 and 20, T1N, R8E, Rapid City; the 700’ of Cambell Street right-of-way lying north of the intersection of Elk Vale Road and Catron Boulevard located in Sections 17 and 18, T1N, R8E, Rapid City; Catron Boulevard (Highway 16B) right-of-way located in Section 19, T1N, R8E, Rapid City; The 350’ of Catron Boulevard right-of-way lying west of the 5th Street intersection and within the City of Rapid City located in Section 24, T1N, R7E; the 300’ of 5th Street right-of-way lying north of the Catron Boulevard intersection located in Section 24, T1N, R7E and in Section 19, T1N, R8E, Rapid City; All in the Black Hills Meridian, Pennington County, South Dakota, more generally described as being located at SD Highway 79 and Old Folsom Road.

Hanzel stated that staff request the item be continued to April 21, 2022 Planning Commission meeting to allow staff to review additional information.

Vidal moved and Arguello seconded and the Planning Commission continued the application to the April 21, 2022 Planning Commission meeting to allow the applicant to clarify submitted information. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Quasney Stuck and Vidal voting yes and none voting no)

10. **Discussion Items**

  Fisher stated that she has not had a chance to bring the signage information on LED signs that she had promised to bring forward but that staff is working on getting this ready and will bring it forward at a future date. Discussion followed.

  Vidal asked if there are any plans to address the traffic issues at Rushmore Crossing. Fisher stated that the Traffic Division is aware of the issues and are tracking it so that they are prepared to come forward with proposals including potential signal. Quasney echoed Vidal’s concern.

  Arguello spoke about the upcoming 50th Anniversary of 1972 Flood
memorial and if there were plans to improve the Flood Memorial and who would be the party to speak to regarding. Fisher stated that the Mayor’s office would be the contact noting that plans are underway to commemorate the event.

Darrell Shoemaker, Communication Coordinator, discussed that the Flood and Greenway Commemoration Committee has been working on the 50th Anniversary Commemoration and the numerous events that will take place on the June 8th and 9th. Shoemaker noted that the Flood Memorial is separate and is handled through the Parks Department.

Additional discussion was held regarding park use, maintenance, access and the potential to require open or community space with development. Fisher reviewed the difference between public and residential parks and the historical lack of support for tying open space or parks to development but that it is being reviewed again.

Heikes stated that Rapid City has great parks from large parks to small pocket parks and suggested a book called “Parks are for People” that would provide great reference for future review.

11. **Staff Items**
   None

12. **Planning Commission Items**
   None

There being no further business, Golliher moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:31 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Quasney Stuck and Vidal voting yes and none voting no)