

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 9, 2022

MEMBERS PRESENT: Kelly Arguello, Karen Bulman, Rachael Caesar, Mike Gollither, Eirik Heikes, John Herr, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Erik Braun, Eric Ottenbacher. Ron Weifenbach, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Marlo Kapsa, Tim Behlings, Chip Premus, Todd Peckosh, Kinsley Groote and Andrea Wolff.

Caesar called the meeting to order at 7:16 a.m.

Caesar 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 Gollither seconded by Heikes and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations. (9 to 0 with Arguello, Bulman, Caesar, Gollither, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 26, 2022 Planning Commission Meeting Minutes.

*2. 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.

Planning Commission continued the Final Planned Development Overlay to allow a community park be to the July 21, 2022 Planning Commission Agenda.

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.

3. No. 22PL050 - Spring Canyon Estates

A request by Renner Associates, LLC for Larry Teuber to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1RA, Lot 1RB and Lot 4R of Spring Canyon Estates, legally described as Lot 1 Revised, Lot 4 and Lot 5 of Block 5 of Spring Canyon Estates, located in Section 6, T1S, R7E, BHM, Rapid

City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Clarkson Road and Pioneer Circle and south of the intersection of Pathfinder Place and Pioneer Circle.

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

1. **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 signed copy of the executed agreement shall be submitted with the Final Plat application;**
2. **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 provisions are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. In addition, a signed copy of the executed agreement shall be submitted with the Final Plat application;**
3. **Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property. In addition, a signed copy of the approved plan shall be submitted with the Final Plat application; and,**
4. **Upon submittal of a Final Plat application, all necessary easements shall be shown on the plat document.**

4. No. 22PL053 - Shepherd Hills South Subdivision

A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 2-11 of Block 2, Lots 1 thru 25 of Block 3, Lots 2 thru 48 of Block 4, Lots 17 thru 36 of Block 5, Lots 3 thru 18 of Block 9, Drainage Lot of Shepherd Hills South Subdivision, legally described as formerly a portion of the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4 of Section 32 and a portion of the SW1/4 of Section 33 all located in T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of E. Anamosa Street, south of E. Philadelphia Street.

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

1. **Prior to submittal of a Development Engineering Plan application, the Preliminary Subdivision Plan shall be revised to show the proposed greenway/walking paths as shown on the Master Plan or the Master Plan shall be revised removing these features;**
2. **Prior to submittal of a Development Engineering Plan application, the Phasing Plan shall be revised to show the proposed development as Phases 2 through 5 instead of Phases 1 through 4 since Phase 1 of this subdivision currently exists;**
3. **Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show Aaron Court as Aaron Street since "Court" is reserved for cul-de-sac streets;**

4. **Prior to submittal of a Development Engineering Plan application, the Phasing Plan shall be revised to show the drainage lot located between Phases 2 and 3 and Lot 18, Block 9 as a part of Phase 2 since these properties are needed to convey drainage for Phase 2. In addition, the plat document shall be revised to show Lot 18, Block 9 as a “Drainage Lot” to ensure the use of the property;**
5. **Upon submittal of a Development Engineering Plan application, construction plans for N. Valley Drive shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a collector street 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 Isaac Street 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. In addition, the plat document shall be revised to show the dedication of an additional 10 feet of right-of-way the first 200 feet as the street extends north from E. Anamosa Street or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
7. **Upon submittal of a Development Engineering Plan application, construction plans for Anita Court and Miriam Court shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street and shall include a cul-de-sac at the terminus of the street(s) in compliance with Section 2.13 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
8. **Upon submittal of a Development Engineering Plan application, construction plans for Rebecca Street, Aaron Street and Noah Street 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. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
9. **Upon submittal of a Development Engineering Plan application, the plat document shall show the vacation of the section line highway or the lot layout shall be revised to ensure building envelopes on all of the lots impacted by the section line highway. In addition, construction plans showing the relocation of the overhead power line extending through proposed Lot 21, Block 3 and Lot 14, Block 9 shall be submitted to ensure building envelopes on these lots or the lots shall be reconfigured to provide adequate building envelopes;**
10. **Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
11. **Prior to approval of the Development Engineering Plan application, a**

- Development Agreement shall be entered into with the City for all public improvements;**
- 12. 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;**
 - 13. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;**
 - 14. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;**
 - 15. Prior to submittal of a Final Plat application, the portion of the property zoned General Commercial District shall be rezoned to Medium Density Residential District;**
 - 16. Prior to submittal of a Final Plat application, downstream detention ponds located southwest and southeast of the subject property shall be constructed and accepted in order to accommodate drainage from this phase of the development;**
 - 17. Prior to submittal of a Final Plat application, the right-of-way for Isaac Street and E. Anamosa Street located outside of the boundaries of this plat shall be dedicated or included on the plat document for Phase 2;**
 - 18. 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;**
 - 19. 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,**
 - 20. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
5. No. 22RZ007 - Par Subdivision
A request by Longbranch Civil Engineering, Inc for Muth Holdings, LLC to consider an application for a **Rezoning request from Low Density Residential District II to Medium Density Residential District** for a portion Tract 3 of Par Subdivision, Located in the SW1/4 of the SE1/4, Section 23, T1N, R7E, B.H.M., Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Tract 3 of Par Subdivision, common with the northwesterly corner of Lot 1 of Meadow View Subdivision and common with the southeasterly corner of the SE1/4 of the SE1/4 of the SW1/4 of Section 23, T1N, R7E, B.H.M., and the point of beginning; Thence, N 00°03'54" E, a distance of 205.00 feet to a random point along the westerly property line of Tract 3 of Par Subdivision common with the easterly property line of the s SE 1/4 of the SE1/4 of the SW1/4

of Section 23, T1N, R7E, B.H.M.; Thence, N 00°03'54" E, a distance of 69.01 feet to a random point along the westerly property line of Tract 3 of Par Subdivision common with the easterly property line of the s SE1/4 of the SE1/4 of the SW1/4 of Section 23, T1N, R7E, B.H.M.; Thence , S 89 ° 55'06" E a distance of 254.03 feet to a random point; Thence, S 00°04'54" W a distance of 69.05 feet to a random point; Thence, N 89°54'27" W, a distance of 254.01 feet to a random point along the westerly property line of Tract 3 of Par Subdivision common with the easterly property line of the SE1/4 of the SE1/4 of the SW1/4 of Section 23, T1N, R7E, B.H.M.; Thence, S 00°03'54" W, a distance of 205.00 feet to the southwesterly corner of Tract 3 of Par Subdivision, common with the northwesterly corner of Lot 1 of Meadow View Subdivision and common with the southeasterly corner of the SE 1/4 of the SE1/4 of the SW1/4 of Section 23, T1N, R7E, B.H.M., and the point of beginning, more generally described as being located north of Catron Boulevard between Wellington Drive and Tartan Court.

Planning Commission recommended approval of the Rezoning request from Low Density Residential District II to Medium Density Residential District.

*6. No. 22PD026 - Discovery Subdivision

A request by KTM Design Solutions, Inc for Moyle Petroleum Co. to consider an application for a **Major Amendment to a Planned Development Overlay for a Medical Cannabis Dispensary** for the parcel of land located in Section Twenty-Eight (28) Township Two North (T2N) Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, formerly known as Lot 5R of Tract 3 of Discovery Subdivision and now located in Lots 5R2 and 12R2 of Tract 3 of Discovery Subdivision and more fully described as follows: beginning at the south corner of Lot 5R2 of Tract 3 of Discovery Subdivision, said point being marked with a rebar and survey cap LS 9213; thence first course: N 40° 07' 53" W a distance of 245.2' more or less to the west corner of said Lot 5R2, said point being located on the south/east right-of-way line of Discovery Circle and marked with a rebar and survey cap LS 9213; thence second course: N 49° 53' 43" E and on the south/east right of way line of Discovery Circle a distance of 77.80' more or less to a point of curvature marked with a rebar and survey cap LS 9213; thence third course: continuing on the south/east right-of-way line of Discovery Circle and curving to the left on a curve with a radius of 235.00', a delta of 27° 16' 29" an arc length of 111.87' and chord bearing of N 36° 20' 12" E and chord distance of 110.81' more or less to the northwest corner of said Lot 5R2 said point being marked by a rebar with survey cap LS 9213; thence fourth course: S 89° 20' 27" W and on the north line of said Lot 5R2 a distance of 312.29' more or less to a point marked by a rebar with survey cap LS 9213; thence fifth course: S 89° 25' 52" W a distance of 113.74' more or less to a point on the south line of Lot 12R2 of Tract 3 of Discovery Subdivision, said point being marked by a rebar with survey cap LS 9213; thence sixth course: on the southerly line of said Lot 12R2 S 49° 52' 46" W a distance of 148.85' more or less to a point common to the south line of said Lot 12R2 and the east line of said Lot 5R2 and marked by a rebar with survey cap LS 9213; thence seventh and final course: on the easterly line of said Lot 5R2 S 49° 50' 37" W a distance of 365.44' more or less to the point of beginning, more generally described as being located at 1624 Discovery Circle.

Planning Commission approved the Major Amendment to a Planned Development Overlay with the following stipulation(s):

1. Prior to issuance of a building permit, a medical cannabis dispensary license shall be secured from the South Dakota Department of Health;
2. Prior to issuance of a building permit, the applicant shall coordinate with the Rapid City Fire Department Fire and Life Safety Division to establish a plan with acceptable time frames to provide an approved fire sprinkler protection and associated fire alarm systems designed and installed as per NFPA 13 and NFPA 72, respectively, and shall be provided throughout the building containing the cannabis related activity. Where applicable, a covenant agreement addressing the fire protection system installation, shall be entered into prior to issuance of a certificate of occupancy;
3. The waste management plan shall be continually monitored to ensure the security of waste handling;
4. The security plan shall be continually monitored to ensure that all areas and operation of the medical cannabis dispensary are provided 24/7 surveillance and recovery of video shall be provided as needed;
5. The odor control plan shall be continually monitored to ensure that all ventilation, odor abatement, and any other measures are taken to prevent nuisances. The premises shall be properly ventilated and the exhaust air filtered or treated to neutralize the odor from cannabis so that the odor cannot be detected by a person with a normal sense of smell at the property line of the premises or on any adjoining property. No operable windows or exhaust vents shall be located on the building façade that abuts a residential use or zone. Exhaust vents on rooftops shall direct exhaust away from residential uses or zones;
6. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Final Planned Development Overlay; and
7. The Major amendment to a Planned Development Overlay shall allow a medical cannabis dispensary at the location proposed. The medical cannabis dispensary shall be operated in compliance with the approved operational plan and in compliance with all City and State regulations. Any expansion of the medical cannabis establishment shall require a Major Amendment to the Planned Development Overlay. Permitted uses within the General Commercial District in compliance with the parking regulations shall be allowed with a building permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development Overlay.

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. 22RZ008 - Flormann Addition
A request by Aaron Shaw to consider an application for a **Rezone request from General Commercial District to Medium Density Residential District** for Lot 15 and 16 of Block 25 of Flormann Addition, located in Section 1, T1N, R7E, BHM,

Rapid City, Pennington County, South Dakota, more generally described as being located at 731 Franklin Street.

Planning Commission recommended that the request to rezone property from General Commercial District to Medium Density Residential District be approve.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*8. No. 22PD023 - Stoney Creek South Subdivision

A request by Darryl Sluck to consider an application for a **Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a nail salon** for Lot 3 of Block 1 of Stoney Creek South Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5734 Sheridan Lake Road.

Harrington presented the application and reviewed the associated slides noting that the layout shows how the alcohol will be located in area accessible only to staff and that will only be available to customers receiving services. Harrington noted that the applicant is requesting an Exception to reduce the minimum parking required from 200 parking spaces to 165 parking spaces and staff supports this request as there is a Developmental Lot Agreement that provides shared parking. Harrington stated that staff recommends approval of the Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a nail salon with stipulations outlined in the Project Report.

Vidal moved and Bulman seconded and the Planning Commission approved the Major Amendment to a Planned Development Overlay to allow the on-sale of alcohol in conjunction with a salon approved with the following stipulations;

1. **An Exception is hereby granted to reduce the minimum parking required from 200 parking spaces to 165 parking spaces;**
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 the on-sale of alcohol to be served in conjunction with the proposed salon in compliance with the applicant's operational plan. Any change in use or expansion of use that is permitted in the General Commercial District and is in compliance with the Parking Regulations 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 General Commercial District shall require review and approval of a Major Amendment to the Final Planned Development Overlay. (9 to 0 with Arguello, Bulman, Caesar, Gollhofer, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no)**

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

*9. No. 22UR011 - Rapid City Greenway Tract

A request by Nick Johnson to consider an application for a **Conditional Use Permit to allow a temporary structure in the Flood Hazard District** for Tract 1 thru 2 and Lot A and B of Tract 3 of Rapid City Greenway Tract, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Chapel Lane.

Kapsa presented the application and reviewed the associated slides noting that the applicant has met all requirements including receiving a Flood Plain Permit and has provided an emergency exit plan to allow the temporary tent to be erected in the Flood Hazard District. Kapsa noted that as a stipulation of approval a Special Event Permit and a Temporary Use Permit must be obtained prior to the event. Kapsa reviewed the proposed use stating that staff recommend approval of the Conditional Use Permit to allow a temporary structure in the Flood Hazard District with stipulations.

Fisher briefly reviewed previous applications for such uses noting that Parks and Recreation staff is looking to streamline this process.

Quasney moved and Stuck seconded and the Planning Commission approved the Conditional Use Permit to allow a tent for a fundraising event in the Flood Hazard District with the following stipulation:

1. **Prior to the event, a Temporary Use Permit shall be obtained;**
2. **Prior to the event, a Special Event Permit shall be obtained;**
3. **The proposed Emergency Evacuation Plan shall be implemented if needed during the event;**
4. **The tent shall be constructed in compliance with the Floodplain Development Permit; and,**
5. **The Conditional Use Permit shall allow a tent for a fundraising event in the Flood Hazard District from July 22, 2022 through July 24, 2022. Any change in use that is a permitted use in the Flood Hazard District and in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Flood Hazard District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Arguello, Bulman, Caesar, Golliher, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no)**

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

*10. No. 22UR012 - Original Town of Rapid City

A request by Roam'n Around LLC to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a retail store** for Lot 24 thru 27 of Block 75 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 512 Main Street, Suite 140.

Harrington presented the application and reviewed the associated slides explaining the applicants plan to have special events at which they will be able to provide alcoholic beverages to their customers and that it will not be available on a daily basis to the general public. Harrington stated that staff recommends approval of the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a retail store with stipulations.

Heikes moved and Vidal seconded and the Planning Commission approved the Conditional Use Permit to allow the on-sale of alcohol in conjunction with a retail store with the following stipulations;

1. **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,**
2. **The Conditional Use Permit shall allow for the on-sale of alcohol to be served in conjunction with the existing retail store and in compliance with the applicant's operational plan. Any change in use or expansion of use that is permitted 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. (9 to 0 with Arguello, Bulman, Caesar, Gollhofer, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no)**

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

11. Staff and Planning Commission Discussion Items

Fisher noted that Tim Behlings, with the Fire Department is retiring after 23 year and staff will greatly miss him. Behlings spoke to his plans and briefly reviewed the work he has done with staff over the years and introduced Chip Premus as Chief Deputy Fire Marshall.

Fisher also noted that Vice Chair, Rachel Caesar will be leaving the Planning Commission and staff will greatly miss her too. Fisher noted that the loss of Rachel will reduce the female and minority representation on this board which is a something found across numerus boards. Caesar thanked Fisher for noting the minority representation. Caesar spoke to her future plans noting she is leaving the area and that she will miss everyone but looks forward to new opportunities.

Fisher noted that Tanner Halonen absent today as he is with his wife awaiting the arrival of their third child.

Fisher spoke to the 50th Commemoration of the 1972 Flood that is being held today and tomorrow at the Monument and invited everyone to join in the events planned for the day.

There being no further business, Quasney moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:41 a.m. (9 to 0 with Arguello, Bulman, Caesar, Golliher, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no)