MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 21, 2022

MEMBERS PRESENT: Erik Braun, Karen Bulman, Eirik Heikes, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Mike Golliher and John Herr. Bill Evans, Council Liaison was also absent.

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

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 Heikes and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 2 in accordance with the staff. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 7, 2022 Planning Commission Meeting Minutes.

2. No. 16TI004 - Section 9, T1N, R8E
   A request by City of Rapid City to consider an application for a Resolution to Dissolve Tax Increment District #78 for Tracts A, B, C, D, E and H, Tract 1, Lots 2 thru 8 of Block 1, Lots 10 thru 13 of Block 1, Lots 1 thru 4 of Block 2, Lot 6 of Block 2, Lots 9 thru 10 of Block 2, Lots 11A and 11B, 12A and 12B, 13A and 13B, 14A and 14B, 15A and 15B, 16A and 16B of Block 2, Lots 1 thru 2 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Lots 1A and 1B of Block 6, all of Orchard Meadows; Lot 1 less Tract A and Tract B of Orchard Meadows of the Wally Byam Addition; Lot 1 less Lot H1 and less dedicated right-of-way of the Well Addition; Lot 2 of Tract A of the NE1/4 of the SW1/4; the N1/2 of the SW1/4 of the NE1/4 less the Stekl Subdivision, less Orchard Meadows, less right-of-way, less Lot H1 and Lot H2; the Balance of Tract A of the E1/2 of the SW1/4 and of the W1/2 of the SE1/4 less Lot H1; and the S1/2 of the SW1/4 of the NE1/4 less Lot 1 of the Wally Byam Addition, less the railroad right-of-way, less Orchard Meadows, less Lot H1 and H2, less right-of-way, the S1/2 of the SE1/4 of the NW1/4 less Lot H1; the unplatted Balance of NE1/4 of the SW1/4 Less Lot H1, the unplatted Balance of W1/2 of the SE1/4 less Lot H1; and Lot C of the NE1/4 of the NW1/4 and Lot X of Lot B of the NE1/4 of the NW1/4; and the dedicated public right of way and dedicated railroad right-of-way adjacent to said lots, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Elk Vale Road between E. Highway 44 and the current terminus of East Fairmont Street.
Planning Commission recommended approval of the Resolution to Dissolve Tax Increment District #78.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

3. No. 22PL073 - Moon Meadow Estates
A request by D.C. Scott Land Surveyors, Inc for Dave and Joyce Whittington to consider an application for a Preliminary Subdivision Plan for proposed Lot 13A and 13B of Moon Meadow Estates, legally described as Lot 13 of Block 3 of Mood Meadow Estates, located in the E1/2 of the NE1/4 of Section 33, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 3467 Moon Meadows Drive.

Kapsa presented the application explaining that the City is unable to enforce private covenants and that if the Preliminary Subdivision Plan meets subdivision requirements the City is also not allowed to deny the Preliminary Subdivision Plan. Kapsa reviewed the proposed platting layout stating that the platting meets requirements and staff recommends approval of the Preliminary Subdivision Plan.

In response to a question from Braun regarding the City's review parameters of plats within the 3-mile radius, Fisher stated that County has authority over land use for plats within the 3-mile radius and the City is looking at infrastructure to align it with possible future City inclusion. Peckosh confirmed that the City regulates on-site waste water permits within the 1-mile radius of the city limits.

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

1. Upon submittal of a Development Engineering Plan application, all applicable information required per 16.12.040 of the Rapid City Municipal Code shall be submitted;
2. Upon submittal of a Development Engineering Plan application, all applicable engineering design reports required for construction approval per Section 1.15 of the Infrastructure Design Criteria Manual shall be submitted. 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;
3. Upon submittal of a Development Engineering Plan application, an Engineer’s Cost Estimate shall be submitted for review and approval;
4. Upon submittal of a Development Engineering Plan application, construction plans for a sidewalk along Moon Meadows Drive shall be submitted for review and approval or the applicant shall obtain a variance from the Rapid City Council to waive the sidewalk construction requirement;
5. Upon submittal of a Development Engineering Plan application, a
water maintenance agreement shall be submitted if a shared well is used to serve proposed Lot 13A;

6. Upon submittal of a Final Plat application, an easement for the water line serving proposed Lot 13B shall be secured. In addition, a copy of the recorded easement shall be submitted;

7. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval for a water tank and pump that supplies a sufficient amount of water volume and pressure to meet the fire flow requirement or the applicant has the option to install automatic sprinkler suppression systems. If the applicant chooses to install fire sprinkler systems in lieu of providing the construction plans, then 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 prior to submittal of a Final Plat. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, prior to submittal of the 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;

8. Upon submittal of a Development Engineering Plan application, construction plans for fire apparatus turnarounds pursuant to Section 2.13 of the Infrastructure Design Criterial Manual shall be submitted for review and approval for proposed Lots 13A and 13B or criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;

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, any necessary off-site easements shall be recorded;

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. Upon submittal of a Final Plat application, the plat document shall be revised to show an additional 17 feet of right-of-way dedicated along Moon Meadows Drive or criteria for obtaining an Exception shall be met. If an Exception is obtained, a copy of the approved document shall be submitted with the Final Plat application;

13. Prior to submittal of the Final Plat application, an approach permit for the existing approach shall be filed with the Pennington County Highway Department. Documentation acknowledging that this requirement has been met shall be submitted with the Final Plat application;

14. Upon submittal of a Final Plat application, any necessary covenant or maintenance agreements shall be provided for maintenance and ownership of any proposed access easements;
15. Upon submittal of the 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. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)

*4.*

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

No. 22PD036 - Riverside Addition
A request by Black Hills Running Company to consider an application for a Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with a retail store for Lots 29 thru 31 less Lots H1 of Block 2 of Riverside Addition, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1130 Omaha Street.

Harrington presented the application and reviewed the associated slides and the proposed operations plan for the on-sale use stating it would be used for special events. Harrington identified that the operations plan shows that the alcoholic beverages would be stored on-site in a locked area and would not be available during regular hours of operation. Harrington stated that staff recommends approval of the Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with a retail store with stipulations.

In response to question from Ottenbacher on reasoning behind offering alcoholic beverages at an athletic event, Andrew Retrode, Sales and Marketing Coordinator for Black Hills Running Company and Physio performance stated people tend to expect an alcoholic beverage at social gatherings now days.

Heikes moved, Vidal seconded and the Planning Commission approved the Major Amendment to a Planned Development to allow on-sale liquor in conjunction with a retail store with the following stipulations:

1. Acknowledge the previously granted Exceptions to reduce the parking required from 25 to 21 spaces, to allow a zero yard setback along Twelfth Street and Executive Street, and to allow an unloading area within the Executive Street right-of-way directly north of the property;
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 alcohol to be served in conjunction with a retail store operated in compliance with the applicant’s operational plan. Any change in use or expansion of use permitted in the General Commercial 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 General Commercial District shall require review and approval of a Major Amendment to the Planned Development Overlay. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, 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. 22UR016 - Original Town of Rapid City*

A request by El Nevado LLC to consider an application for a Conditional Use Permit to allow on-sale liquor in conjunction with an existing restaurant for Lot 28 of Block 85 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 510 St. Joseph Street.

Harrington presented the application and reviewed the associated slides noting that the previous restaurants that operated in the location had Conditional Use Permits for on-sale, but due to lapsing for over 2 years it requires a new Conditional Use Permit for on-sale to be obtained. Harrington stated that staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with an existing restaurant with stipulations.

In response to a question from Braun on the sprinkler requirement in the stipulations, Premus stated that this is in anticipation of a building permit to provide a second exit while allowing operations to continue, however it is the goal of the Fire Department to bring the building into compliance with the Fire Code.

In response to questions from Ottenbacher on operation and conflict with the neighboring church, Harrington stated staff had received no comment from the church located next door, also noting that the hours of operation are Monday through Saturday so no conflict should occur.

Further discussion regarding the second exit followed.

Vidal moved, Ottenbacher seconded Planning Commission recommended that the Major Amendment to the Conditional Use Permit to allow on-sale allow liquor in conjunction with a restaurant be approved with the following stipulations;

1. Prior to issuance of a Building Permit, the owner shall enter into a covenant agreement to install fire sprinkler protection in the entire structure;
2. Upon submittal of a Building Permit, the applicant shall demonstrate that two exits are being provided subject to the dining area exceeding 735 square feet;
3. All signage shall continually conform to the Sign Code. Prior to approval of a Sign Permit, a Historic Sign Review application shall be submitted for review and approval. Lighting for the signs shall be
designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,

4. The Conditional Use Permit shall allow an on-sale liquor establishment to sell and service alcohol as an accessory use to the restaurant and shall be operated in compliance with the applicant’s operational plan. Any change in use or expansion of use 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 review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, 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.

Fisher requested that Items 6 and 7 be heard together, but acted on separately.

*6. 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.

Fisher presented the applications noting that the Planned Development for Johnson Ranch had a stipulation that required a park be provided as part of the development, however, during the planning and development process changes were made and City Council worked to arrange for the park to be owned and operated by the City Parks Department. Fisher noted that due to this arrangement the Planned Development has been withdrawn by the applicant. Fisher requested that the Planning Commission acknowledge the withdrawal.

Bulman moved, Vidal seconded and the Planning Commission recommended that the Planning Commission acknowledge the applicant’s withdrawal of the Final Planned Development Overlay to allow a Community Park. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, 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. 22PD034 - Johnson Ranch Subdivision
A request by KTM Design Solutions, Inc for Johnson Ranch Apartments LLC to
consider an application for a **Major Amendment to a Planned Development Overlay to remove a stipulation** for Lot EF Rev of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2016 Provider Boulevard.

Fisher explained that the Major Amendment to the Planned Development for the development of apartments had a stipulation requiring the development of the park prior to obtaining a Certificate of Occupation and that with the recent action by the Council, the city will now own and construct the park. Fisher requested that the Planning Commission approve the Major Amendment to a Planned Development Overlay to remove the stipulation requiring the applicant to submit a Final Planned Development for the park.

In response to a question from Braun, Fisher reviewed the history of the development.

Bulman moved, Vidal seconded and the Planning Commission approved the **Major Amendment to a Planned Development Overlay to revise a stipulation with the following stipulations:**

1. A minimum of 225 parking spaces shall be provided with seven being ADA accessible. In addition, one of the ADA accessible spaces shall be “van accessible”;
2. A minimum of 183,707 landscape points shall continually be provided and maintained. The row of mature trees located on the adjacent lot shall be planted prior to issuance of a Certificate of Occupancy;
3. A minimum of 60,000 square feet of open space shall continually be provided;
4. Prior to submittal of a Building Permit, water and sewer plans shall be submitted for review and approval to Rapid Valley Sanitary District. A copy of the approval shall be submitted with the Building Permit;
5. Upon submittal of a Building Permit, a lighting plan shall be submitted for review and approval showing the location and type of lighting on the buildings;
6. Upon submittal of a Final Planned Development Overlay application, a revised drainage plan shall be submitted for review and approval addressing stormwater quality;
7. Prior to issuance of a Certificate of Occupancy, a Major Amendment to the Planned Development shall be submitted for the proposed park identifying the play equipment and mature landscaping;
8. All signage shall meet the requirements of the Rapid City Sign Code. Any proposed electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,
9. This Final Planned Development Overlay shall allow a 150-unit apartment complex. Any change in use that is a permitted use in the Medium Density Residential District 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 Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, Quasney Stuck and Vidal voting yes and none
8. **Staff and Planning Commission Discussion Items**

Fisher spoke to the great working relationship between staff and Planning Commission and Braun reiterated they feel the same.

Discussion on the parking associated with the Block 5 Project followed.

Braun spoke to looking at the on-sale Conditional Use Permit process and potential options to manage them.

There being no further business, Vidal moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:02 a.m. (7 to 0 with Braun, Bulman, Heikes, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)