

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 4, 2022

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

MEMBERS ABSENT: Eric Ottenbacher, Mike Quasney. Bill Evans, Council Liaison was also absent.

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

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

Braun welcomed Brook Kaufman to the Planning Commission.

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 10 in accordance with the staff recommendation (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Herr, Kaufman, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 21, 2022 Planning Commission Meeting Minutes.
2. No. 04TI013 - Section 26 and Section 35, T2N, R7E
A request by City of Rapid City to consider an application for a **Resolution of Dissolution of Tax Increment District #50** for on the southern most 950 feet of I-190 right-of-way and the southern most 950 feet of West Boulevard right-of-way located in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the west 932 feet of the south 377 feet of the SE1/4 SE1/4 less the north 35 feet dedicated as Thrush Drive (including the vacated Gold Street and the north 45 feet of vacated Anamosa Street adjacent to said parcel) and the adjacent West Boulevard, I-190, Thrush Drive and Gold Street rights-of-way in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the NE1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the S1/2 NE1/4 lying west and including the I-190 right-of-way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 17 less Lot H1, Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the SE1/4, Section 35, T2N, R7E, lying north of the Omaha Street right-of-way and west of I-190 right-of-way and the adjacent Omaha Street and I-190 rights-of-way located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the northern most 160 feet of dedicated 12th Street lying south of Omaha Street located in the SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest quadrant of Omaha Street and I-190.

Planning Commission recommended approval of the Resolution of Dissolution of Tax Increment District #50.

3. No. 22PL067 - Maclovio Hills Subdivision

A request by Renner Associates, LLC for Brent Hill to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 10 of Block 1, Lots 1 thru 6 and Drainage Lot 1 of Block 2, Lots 1 and 2 of Block 3, Lots 1 and 2 of Block 4 and Lot 1 and Drainage Lot 1 of Block 5 of Maclovio Hills Subdivision, legally described as the E1/2 of the NE1/4 of Section 13, located in T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of the current terminus of Tupelo Drive.

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

1. Upon submittal of a Development Engineering Plan application, all information required as per Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted, as applicable;
2. 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 Registered 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 a revised Master Plan must be submitted showing a minimum lot size of 3 acres for Phases 5-7 or demonstrate that these lots will be served by City sewer and water. In addition, the utility lines must be located within the right-of-way;
4. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
5. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to include a minimum 68-foot right-of-way along Tupelo Drive and construction plans for Tupelo Drive shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a collector street or criteria for obtaining an Exception shall be met. If an Exception is obtained, a copy of the document shall be submitted with the Development Engineering Plan application;
6. Upon submittal of a Development Engineering Plan application, construction plans for Streets A, B, and C shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street and the permanent and temporary cul-de-sac(s) shall meet the design standards set forth in Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;
7. Prior to submittal of a Development Engineering Plan application, street names for Streets A, B, and C shall be submitted to the Emergency Services Communication Center for review and approval. Upon submittal of the

- Development Engineering Plan application, the plat document shall include the approved street names;
8. Upon submittal of a Development Engineering Plan Application, construction plans for the section line highway shall be submitted for review and approval designed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or criteria for obtaining an Exception shall be met. If an Exception is obtained, a copy of the document shall be submitted upon submittal of a Development Engineering Plan application. Alternatively, the section line highway shall be vacated as part of this plat and the plat document shall be revised to reflect the vacation of section line highway upon submittal of a Development Engineering Plan application;
 9. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval;
 10. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall confirm that storm water quality treatment for the proposed development was previously accounted for in drainage improvements. If not, the developer shall provide storm water quality treatment pursuant to Chapter 8.48 of the Rapid City Municipal Code. Additionally, the report shall address all discharge points for post versus pre runoff volumes and address the increase in density since it is higher than what was assumed in the City's Drainage Basin Design Plans;
 11. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The report shall verify whether a second water main will be required for looping and if a 16-inch water main is required through the project area;
 12. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall incorporate the sewer basin and address future needs including an analysis of the higher density proposed with this plat;
 13. Prior to submittal of a Development Engineering Plan application for Phase Two, a second point of access shall be constructed or the construction plans for Phase Two shall include a second point of access to ensure that no more than 40 lots take access with one point of access;
 14. Prior to approval of the Development Engineering Plan application, Council shall approve an oversize agreement for any proposed oversize costs;
 15. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 16. Prior to submittal of a Final Plat application, the 8.66 acre portion of the subject property shall be rezoned to Low-Density Residential I District;
 17. Prior to submittal of a Final Plat application, the 8.66 acre portion of the subject property shall be annexed and rezoned to Low-Density Residential I District;
 18. Upon submittal of a Final Plat application, the plat document shall be revised

- to show all necessary easements;
19. Upon submittal of a Final Plat application any necessary covenant agreements shall be provided including a maintenance and ownership agreement for all proposed drainage elements and a Major Drainage Easement shall be dedicated for all drainage improvements;
 20. 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,
 21. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

4. No. 22VR005 - Sections 32 and 33, T2N, R8E

A request by KTM Design Solutions, Inc for BH Capital LLC to consider an application for a **Vacation of Section Line Right-of-Way** for the SW1/4 and the SW1/4 of the NW1/4 less the north 160 feet of Section 33; the S1/2 of the NE1/4, less Menard Subdivision, less North Valley Park Subdivision and less Shepherd Hills Subdivision; the NE1/4 of the SE1/4 less the west 400 feet and less Shepherd Hills Subdivision; the SE1/4 of the SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the northern terminus of N. Valley Drive.

Planning Commission recommended approval of the Vacation of Section Line Highway

5. No. 22PL079 - Maze Subdivision

A request by KTM Design Solutions, Inc for Salmon River, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Block 1 of Maze Subdivision, legally described as a portion of the SE1/4 of the NW1/4 of the NW1/4 lying east of Highway 16 less right-of-way, located in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Tucker Street and Mt. Rushmore Road.

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

1. Upon submittal of a Development Engineering Plan application, all information required as per Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted, as applicable;
2. Upon submittal of a Development Engineering Plan application, construction plans for Tucker Street shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street or shall meet criteria for obtaining an Exception. In addition, the plat document shall show the dedication of an additional 10 feet of right-of-way the first 200 feet as the street extends east from Mount Rushmore 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;
3. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision

- improvements;
 4. Upon submittal of a Development Engineering Plan application, construction plans must be submitted providing an intermediate turnaround on Tucker Street and a temporary turnaround at the terminus of Trucker Street in compliance with the Table 2-4 of the Infrastructure Design Criteria Manual or criteria for obtaining an Exception must be met. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application.
 5. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
 6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 7. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
 8. 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;
 9. Prior to submittal of a Development Engineering Plan application, a permit shall be obtained from the South Dakota Department of Transportation in compliance with South Dakota Administrative Rule 70:09:03:0 for access to Mount Rushmore Road;
 10. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
 11. 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;
 12. 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,
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
6. No. 22PL080 - Buffalo Crossing East
A request by KTM Design Solutions, Inc for HRR Investment LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 Block 1 of Buffalo Crossing East, legally described as the E1/2 of the SW1/4 of the SW1/4 lying east on Highway 16 less Lot H3; the unplatted balance of the W1/2 of the SE1/4 of the SW1/4; the unplatted balance of the SE1/4 of the NW1/4 of the SW1/4 lying east of Highway 16 and the unplatted balance of the SW1/4 of the NE1/4 of the SW1/4, all located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Promise Road and Mt. Rushmore Road.

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

- 1. Upon submittal of a Development Engineering Plan application, all information required as per Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted, as applicable;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Promise Road 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;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or must meet criteria for obtaining an Exception or be vacated. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements;**
- 5. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
- 6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
- 7. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;**
- 8. 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;**
- 9. Prior to submittal of a Development Engineering Plan application, a permit shall be obtained from the South Dakota Department of Transportation in compliance with South Dakota Administrative Rule 70:09:03:0 for access to Mount Rushmore Road;**
- 10. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;**

11. Prior to submittal of a Final Plat application, the applicant shall verify with the Emergency Services Communication Center that Promise Road is an appropriate road name for the portion of road to be built east of the existing Promise Road and Mount Rushmore intersection. In addition, the Plat document shall show the correct street name;
12. 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;
13. 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,
14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

7. No. 22RZ011 - Section 28, T2N, R8E

A request by FMG Engineering for Inland Truck Parts Company to consider an application for a **Rezoning request from Heavy Industrial District to Light Industrial District** for the SW1/4 of the SW1/4 of the NW1/4 less Lot H1 and the W1/2 of the SE1/4 of the SW1/4 of the NW1/4, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Dyess Avenue and north of E. Mall Drive.

Planning Commission recommended approval of the Rezoning request from Heavy Industrial District to Light Industrial District

8. No. 22RZ012 - Section 33, T2N, R8E

A request by KTM Design Solutions, Inc for BH Capital LLC to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for a portion of the S1/2 of the SW1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the west 1/16th corner common to Section 33, T2N, R8E, and Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, monumented by a 1 ¼ inch plastic cap LS6251 on a rebar, being the point of beginning; Thence (1) with the West 1/16th line of said Section 33, also being the easterly line of the previous rezone to Medium Density Residential (MDR), North 1°53'40" East, 658.05 feet; Thence (2) leaving said West 1/16th line, continuing with said previous rezone, North 88°01'32" West, 127.19 feet; Thence (3) continuing with said previous rezone, North 2°08'20" East, 666.97 feet to a point on the South 1/16th line of said Section 33; Thence (4) leaving said previous rezone, with said South 1/16th line, South 88°00'54" East, 3.08 feet to a point on the westerly boundary of the Rapid City Area School District; Thence (5) with said westerly boundary, South 1°58'39" West, 511.39 feet to the southwest corner of the Rapid City Area School District boundary; Thence (6) with the southerly line of said Rapid City Area School District boundary, South 88°00'50" East, 1,447.42 feet to the southeast corner of the Rapid City Area School District boundary, also being the N-S ¼ line of aforementioned Section 33; Thence (7) with said N-S ¼ line, South 1°58'20" West, 813.28 feet to the south ¼ corner of said Section 33, being monumented by a 1949 GLO brass cap; Thence (8) with the south line of said Section 33, North 88°01'40" West, 1,324.30 feet to the point of beginning, more generally described as being located along Diamond Ridge Boulevard.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to Medium Density Residential District.

9. No. 22RZ013 - Section 33, T2N, R8E

A request by KTM Design Solutions, Inc for BH Capital LLC to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for a portion of the NW1/4 of the SW1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the section corner common to Sections 32 and 33, T2N, R8E, and Sections 4 and 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being monumented by a 1949 GLO brass cap, thence with the west line of said Section 33, North 01°48'49" East, 2070.64 feet to the point of beginning; Thence (1) with the northerly line of a 75' wide electric transmission line easement as recorded in Misc. Book 87, Page 418 at the Pennington County Register of Deeds, North 74°57'34" East, 1,262.36 feet; Thence (2) South 1°58'39" West, 78.45 feet to the northwest corner of the Rapid City Area School District boundary; Thence (3) with the westerly line of said Rapid City Area School District boundary, South 1°58'39" West, 1,036.61 feet to a point on the south 1/16th line of aforementioned Section 33; Thence (4) with said south 1/16th line, North 88°00'54" West, 1,204.95 feet to a point on the west boundary of said Section 33; Thence (5) with the west line of said Section 33, North 1°48'49" East, 745.44 feet to the point of beginning, more generally described as being located along Diamond Ridge Boulevard.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to Medium Density Residential District.

*10. No. 22PD037 - McMahon Subdivision

A request by Upper Deck Architects Inc for Pennington County Housing and Redevelopment Commission to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Tract G-2 of McMahon Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the northern terminus of Champion Drive.

Planning Commission approved the Final Planned Development Overlay to allow an apartment complex with the following stipulations:

1. **Prior to the submittal of a Building Permit, the applicant shall revise the water service layout to only include a single connection to the public water main;**
2. **Upon submittal of a Building Permit, the applicant shall demonstrate adequate water capacity for the proposed development;**
3. **Prior to the submittal of a Building Permit, the site plan shall be revised to include two planter islands. The planter islands shall be designed in compliance with the City's Landscaping Regulations;**
4. **Prior to the submittal of a Building Permit, the site plan shall be revised to show the two driveways as North Driveway and South Driveway instead of North Street and South Street;**
5. **A minimum of 105 parking spaces shall be provided, five of the spaces shall be ADA accessible and one shall be van accessible. Parking shall be designed in compliance with the City's Parking Regulations;**
6. **A minimum of 130,385 landscaping points shall be provided. Landscaping shall be designed in compliance with the City's Landscaping Regulations;**
7. **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 sign; and,**
8. **The Final Planned Development Overlay shall allow for Phase One of an**

apartment complex development on the property which includes two apartment buildings with a total of 70 units. Any change in use or expansion of use to Phase One that is permitted in the Medium Density Residential 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 Medium Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. A Major Amendment to the Final Planned Development Overlay shall be obtained prior to the issuance of a Building Permit for Phase Two.

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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*11. No. 22PD038 - Skyline Pines East Subdivision

A request by FMG Engineering for Scull Construction Service, Inc. to consider an application for a **Final Planned Development to allow an office building with storage** for Lot 5 of Skyline Pines East Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3046 Tower Road.

Halonen presented the application, reviewed the associated slides and the proposed design and use of the building noting that staff recommends approval with stipulations.

In response to a question from Vidal, Peckosh confirmed there is no planned expansion of Tower Road. Discussion on anticipated growth in the area and the allowed types of storage followed.

Bulman moved and Golliher seconded and the Planning Commission recommended approval of the Final Planned Development Overlay to allow an office building with storage with the following stipulations:

1. **Prior to the submittal of a Building Permit, the applicant shall secure drainage and access easements on the adjacent lot to the east;**
2. **Prior to the submittal of a Building Permit, the drainage report shall be revised to clearly identify the area the pond is providing detention and water quality for;**
3. **Prior to the submittal of a Building Permit, a covenant agreement shall be entered into with the adjacent property to the east and address the future maintenance and responsibilities of the drainage pond.**
3. **A minimum of 17 parking spaces shall be provided with one of the spaces being ADA van accessible. Parking shall be designed in compliance with the City's Parking Regulations;**
4. **A minimum of 89,746 landscaping points shall be provided. Landscaping shall be designed in compliance with the City's Landscaping Regulations;**
5. **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 sign; and,
6. The Final Planned Development Overlay shall allow for an office building with storage on the property. Any change in use or expansion of use that is permitted in the Office 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 Office Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Herr, Kaufman, 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.

*12. No. 22UR017 - Foley Subdivision

A request by Puffy's LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot 1 of Foley Subdivision, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2706 E. Highway 44.

Braun stated that Stuck will be abstaining due to conflict of interest and Stuck stepped down from the dais.

Harrington presented the application and reviewed the associated slides noting that this location requires a Conditional Use Permit due to the residential area located to the north. Harrington noted the dispensary will be located in the front 1,000 feet of the building with the remainder being used as storage. Harrington reviewed that this location had been approved by the Planning Commission at the November 24, 2021 Planning Commission meeting as 21UR026 and subsequently appealed to the City Council who reversed the Planning Commission's action. Harrington stated that staff supports the application as they did previously and recommends approval of the Conditional Use Permit to allow a Medical Cannabis Dispensary with stipulations.

Kittrick Jefferies, applicant, thanked the commission and asked for approval of the application.

In response to a question from Braun on potential future expansion, Fisher confirmed it would require review and approval. Jefferies confirmed cultivation is not considered for this location. Discussion on signage followed.

Haven returned to the dais at this time.

Vidal moved and Arguello seconded and the Planning Commission recommended that the Conditional Use Permit be approved 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 Conditional Use Permit; and,
 7. The Conditional Use Permit 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 Conditional Use Permit. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a building permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 to 1 with Arguello, Braun, Bulman, Golliher, Heikes, Herr, Kaufman and Vidal voting yes, none voting no, and Stuck abstaining)

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.

*13. No. 22UR018 - Marshall Subdivision

A request by Logan Beckett to consider an application for a **Conditional Use Permit to allow an oversized garage** for , legally described as Lot 9 of Marshall Subdivision, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 859 Valley Drive.

Halonen presented the application and reviewed the associated slides noting that the applicant plans to remove the existing storage on the property replacing with a residence and garage of 2,255 square feet which exceeds the allowed square footage of a private garage. Halonen reviewed the design of the structure and stated that staff recommends approval of the Conditional Use Permit to allow an oversized garage with stipulations.

Bulman stated that she believes the reuse of property is a nice improvement.

Golliher moved and Vidal seconded and the Planning Commission recommended that the Conditional Use Permit to allow an oversized garage be approved with the following stipulations:

- 1. An Exception is hereby granted to allow an attached oversized garage of 2,255 square feet in size, in lieu of the maximum allowed 1,500 square feet;**
- 2.. All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,**
- 3. The Conditional Use Permit shall allow for an oversized garage. The garage shall not be used for commercial purposes or as a second residence. In addition, the structure shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Herr, Kaufman, 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.

14. Staff and Planning Commission Discussion Items

Fisher stated staff will be hosting a Coffee with Planners, August 17th at 10:00 in the Community Room with Michelle Schuelke discussing the 5 Year Plan for CDBG, Kip Harrington discussing upcoming Transportation projects and Marlo Kapsa and Tanner Halonen taking comment on oversized garages.

Fisher stated she will be hosting a new member training for Planning and Platting 101 and that any Commission who wanted to join was welcome.

Herr asked about revision of building height regulation, Fisher reviewed potential ordinance revisions for multi-family development for Office Commercial and Medium Density Residential may be forthcoming in the near future, but any change to Commercial and or Industrial would need to be well vetted.

VRBO, Air B&B and ADU status was discussed.

There being no further business, Gohiller moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:36 a.m. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Herr, Kaufman, Stuck and Vidal voting yes and none voting no)