MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Golliher, Eirik Heikes, John Herr, Brook Kaufman.

MEMBERS ABSENT: Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal. Bill Evans, 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 Quasney and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (8 to 0 with Arguello, Braun, Bulman, Golliher, Herr, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 4, 2022 Planning Commission Meeting Minutes.

2. No. 22PL078 - Shepherd Hills East Subdivision
   A request by KTM Design Solutions, Inc for BH Capital LLC to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 thru 27 of Block 1, Lots 1 thru 37 of Block 2, Lots 1 thru 7 of Block 3, Lots 1 thru 40 of Block 4, Lots 1 thru 20 of Block 5, Lots 1 thru 3 of Block 6, Lots 1 thru 11 of Block 7 of Shepherd Hills East Subdivision, legally described as a portion of the SW1/4 less the easterly 1447.50 feet of the southerly 1036.63 feet of the N1/2 of the SW1/4 and the easterly 1447.50 feet of the northerly 511.37 feet of the S1/2 of the SW1/4 of Section 33, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. Anamosa 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 open space and multi-use trail 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 a second point of access included as part of Phase 2 of the development or an Exception shall be obtained from City Council. If an Exception is obtained, a copy of the approved document shall be submitted with the Development
3. 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;

4. 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;

5. Upon submittal of a Development Engineering Plan application, construction plans for Diamond Ridge Boulevard shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual criteria for a local 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 Rebecca Street and 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 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, a cost estimate for the required subdivision improvements shall be submitted for review and approval;

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

9. 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;

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

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

12. Upon submittal of a Development Engineering Plan application, Major Drainage Easements shall be included on the plat document between
Diamond Ridge Boulevard and Street B, between Street B and N. Valley Drive, and to convey drainage from Lot 27, Block 1 to N. Valley Drive. In addition, Major Drainage Easements shall be dedicated for all other drainage improvements as needed;

13. Prior to submittal of a Final Plat application, the portion of the property zoned General Agricultural District shall be rezoned to Medium Density Residential District;

14. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements created with the proposed development;

15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

16. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

3. No. 22PL084 - Inland Subdivision
A request by FMG Engineering for Inland Truck Parts Company to consider an application for a Preliminary Subdivision for proposed Lot 1 and Lot 2 of Inland Subdivision, legally described as 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 northeast of the intersection of Dyess Avenue and E. Mall Drive.

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

1. Upon submittal of a Final Plat application, the plat document shall continue to show the dedication of a 50-foot wide right-of-way along Dyess Avenue.

4. No. 22RZ014 - Rushmore Center
A request by Ferber Engineering Company for Peaches, LLC to consider an application for a Rezoning request from General Agricultural District to General Commercial District for Lot 1 of Tract B of Rushmore Center located in the NE1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, Commencing at the northeast corner of Lot 1 of Tract B of Rushmore Center, a found 5/8" rebar with plastic cap marked "Renner&Assoc. -2652", the True Point of Beginning, with SD State Plane Coordinates, South Zone, NAD83(2011), N-657,128.92, E- 1,216,645.72; Thence along an arc of curve to the right having a radius of 464.00 feet, a length of 137.84 feet and a chord direction of S 09°44' 44" E to a point of deflection; Thence N 88°08' 31 " E at a distance of 12.00 feet to a found chiseled 'X' in the concrete top of a storm sewer inlet box; Thence along an arc of curve to the right having a radius of 476.00 feet, a length of 28.49 feet and a chord direction of S 00°00' 43" W to the point of tangency and a found 5/8" rebar with plastic cap marked "Renner&Assoc. - LS 9213"; Thence S 02°08' 52" W at a distance of 11.23 feet to a point of deflection on the South 1/16th line of Section 30; Thence N 88°03' 17" W at a distance of 202.59 feet along the South 1/16th line of Section 30 to a point of deflection on the East 1/16th line of Section 30, which is the Center of the SE1/4 of Section 30; Thence N 02°03' 41" E at a distance of 174.11 feet along the East 1/16th line of Section 30
to a point of deflection; Thence S 87°47' 57" E at a distance of 161.51 feet along the North property line of Lot 1 of Tract B of Rushmore Center, to the True Point of Beginning, more generally described as being located south of Eglin Street, west of Luna Avenue.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to General Commercial District.

5. No. 13TI002D - East Minnesota Street
A request by City of Rapid City to consider an application for a Resolution to Dissolve Tax Increment District #74 for Lots 8-12 of Block 8 of Elks Country Estates; Lots 6-9 of Block 9 of Elks Country Estates; Lots 4-19 of Block 11 of Elks Country Estates; Lot 1 of Block 12 of Elks Country Estates; Lot 1-10 of Block 13 of Elks Country Estates; Lots 1-5 of Block 1 of Elks Crossing; Lots 5-22 of Block 4 of Elks Crossing; Lots 1-15 of Block 5 of Elks Crossing; Lot 2 of Block 6 of Elks Crossing; Lot 1 of Block 8 of Elks Crossing; all located In Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; portions of Tract 1 of the S1/2 of the E1/2 less Elks Country Estates, less Lot H1, less Lot H3 & less ROW; the NE1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing and less ROW; the NW1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing, less Lot H1, less Lot H3 and less ROW; the SE1/4 of the SW1/4 less Lot H3R less Elks Crossing and less ROW; the SW1/4 of the SW1/4 less Elks Crossing less Lot H3 and less ROW; all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot B of the SW1/4 of the SW1/4 less Lot H1; Lot A of the SE1/4 of the SW1/4 less Lot H1 and less ROW; the S1/2 of the SE1/4 less Lot H1; all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, Lot 9, Lot 17, Lot 22 and Lot 23 of Marlin Industrial Park; the NE1/4 of the NE1/4; the NW1/4 of the NE1/4 less Marlin Industrial Park less Lot H1 and less ROW; all located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; E1/2NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NW1/4 of the NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NE1/4 of the NW1/4 less Lot H3R; all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of Elks Country Estate north and south of Elk Vale Road and east of S.D. Highway 79.

Planning Commission recommended approval of the Resolution to Dissolve Tax Increment District #74.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*6. No. 22PD039 - Chapel Valley
A request by Brandon and Kristine Watts to consider an application for a Major Amendment to Planned Development Overlay to allow an Accessory Dwelling Unit for Lot 34 of Block 2 of Chapel Valley, located in Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4709 Powderhorn Circle.

Halonen presented the application and reviewed the associated slides noting that the Accessory Dwelling Unit will be located on the right of the structure and will be
2 stories. Halonen stated that the applicant is requesting exceptions to the setbacks from a 6.5-foot side yard setback to the first story of the accessory dwelling unit in lieu of 8 feet and to allow a 10 foot side yard setback to the second story in lieu of 20 feet which staff supports as the neighboring property is sufficiently separated. Halonen stated that staff recommends approval of the Major Amendment to the Planned Development Overlay to allow an accessory dwelling unit with stipulations.

Fisher clarified that this is an allowed use, however, due to the Planned Development Overlay, it requires an Amendment to the Planned Development.

In response to a question from Bulman, stipulation #7 was added to define the Exception to setbacks.

Discussion on Accessory Dwelling Unit definition and single access to Chapel Valley followed with Fisher noting that the expansion must be sprinkler protected. Premus further noted that thinning of the forested areas helps reduce some types of fire risk.

Vidal moved and Golliher seconded and the Planning Commission approved the Major Amendment to the Planned Development Overlay to allow an accessory dwelling unit with the following stipulations:

1. Prior to the submittal of a Building Permit, the existing accessory building shall be relocated a minimum of eight feet from the east property line;
2. Upon the submittal of a Building Permit, the wall assembly of the accessory dwelling unit and associated roof overhang assembly shall be constructed of non-combustible materials with a general minimum fire resistive rating of one-hour;
3. Upon the submittal of a Building Permit, residential sprinklers shall be installed in the portion of the accessory dwelling unit addition;
4. A minimum of two off parking spaces shall be provided for the principal unit and one shall be provided for the accessory unit. Parking shall be designed in compliance with the City’s Parking 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;
6. The Major Amendment to the Planned Development Overlay shall allow for an accessory dwelling unit on the property. The accessory dwelling unit shall not be used as a short term rental. Any change in use or expansion of use that is permitted in the Low Density Residential 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 Low Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay; and, 
7. An Exception is hereby granted to allow a 6.5-foot side yard setback to the first story of the accessory dwelling unit in lieu of 8 feet and to allow a 10 foot side yard setback to the second story in lieu of 20 feet.  

(8 to 1 with Arguello, Braun, Bulman, Golliher, Herr, Kaufman, Stuck and Vidal voting yes and Quasney 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. 22PD040 - North 80 Subdivision
A request by Lloyd Companies for Renner Associates, LLC to consider an application for a Final Planned Development to allow apartment development for a portion of Government Lot 2, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Shelby Avenue and E. Stumer Road.

Halonen presented the application and reviewed the associates slides noting the development will be phases with 41 units and 119 units. Halonen stated the applicant is requesting an Exception to allow zero planter islands for phase one in lieu of one and that staff supports as the applicant exceeds landscaping requirements and it helps to reduce impervious surface. Halonen stated that the structures will be three story buildings 34.8 and 33.4 feet height and that staff recommends approval of the Final Planned Development to allow apartment development with stipulations of approval.

Quasney stated that he would be abstaining due to a conflict of interest.

Fisher noted drainage concerns from a resident within the area. Peckosh confirmed that prior to obtaining a Building Permit a drainage report will be required to confirm capacity management, Fisher further noted this is addressed by one of the stipulations.

Golliher moved and Heikes seconded and the Planning Commission recommended approved the Final Planned Development Overlay to allow an apartment development with the following stipulations:
1. An Exception is hereby granted to allow zero planter islands for phase one in lieu of one;
2. Prior to issuance of a Building Permit, a Final Plat shall be approved creating the two lots as proposed to ensure that only one principal structure is located on a parcel of land pursuant to the Rapid City Municipal Code;
3. Upon submittal of a Building Permit, the applicant shall provide elevation drawings for the retaining wall located along the north property line of phase two;
4. Upon submittal of a Building Permit, the drainage report shall evaluate the existing detention pond for capacity and stormwater quality, otherwise the applicant shall provide on-site detention and stormwater quality for both lots;
5. A minimum of 62 parking spaces shall be provided for phase one, three of the spaces shall be ADA accessible and one shall be van accessible. A minimum of 179 parking spaces shall be provided for phase two, six 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 61,649 landscaping points shall be provided for phase
One and a minimum of 143,082 landscaping points shall be provided for phase two. Landscaping shall be designed in compliance with the City’s Landscaping Regulations;

7. A minimum of 16,400 square feet of usable open space shall be provided for phase one and a minimum of 47,600 square feet of usable open space shall be provided for phase two;

8. 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,

9. The Final Planned Development Overlay shall allow for an apartment development on the property which includes a 41-unit and 119-unit apartment building. 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 to 1 with Arguello, Braun, Bulman, Golliher, Herr, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no and Quasney 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.

*8. No. 22UR019 - Original Town of Rapid City
A request by Tara Reid to consider an application for a Conditional Use Permit to allow on-sale in conjunction with a salon for the west 10 feet of Lot 11 and all of Lot 12 of Block 94 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 623 Saint Joseph Street.

Kapsa presented the application and reviewed the associated slides identifying that this is an area where this type of use is encouraged and reviewed the layout and plan of operation with complementary wine and beer being offered to customers over the age of 21. Kapsa presented staff’s recommendation of approval of the Conditional Use Permit to allow on-sale in conjunction with a salon with stipulations.

Vidal moved and Bulman seconded and the Planning Commission approved the Conditional Use Permit to allow on-sale liquor use in conjunction with a salon with the following stipulation(s):

1. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; All signs, including banners or grand opening or special event advertisements are subject to historic review; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit; and,

2. The Conditional Use Permit shall allow on-sale liquor in conjunction a salon. Any expansion or change in the proposed on-sale liquor use
shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use 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, Braun, Bulman, Golliher, Herr, Kaufman, 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. Staff and Planning Commission Discussion Items

Fisher stated that she will be conducting a Planning 101 Training once she has a date that works and will contact the Commissioners to invite anyone interested.

Kaufman gave staff kudos on Coffee with Planners.

There being no further business, Bulman moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:30 a.m. (9 to 0 with Arguello, Braun, Bulman, Golliher, Herr, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)