

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 27, 2022

MEMBERS PRESENT: Erik Braun, Karen Bulman, Mike Golliher, Brook Kaufman, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Eirik Heikes, John Herr, Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Brian Staton, 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 Bulman seconded by Golliher and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (7 to 0 with Braun, Bulman, Golliher, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 6, 2022 Planning Commission Meeting Minutes.
2. No. 22PL104 - Village on the Green No. 3
A request by AE2S, LLC for Chad and Kelly Bouma to consider an application for a **Preliminary Subdivision Plan** for Lot 1R of Block 2 of Village on the Green No.3, legally described as Lot 1 of Block 2 of Village on the Green No. 3 Subdivision, legally described as Lot 1 of Block 2 of Village on the Green No. 3 Subdivision and a portion of Hart Ranch Golf Course Parcel, Hart Ranch Gate House Parcel and Spiken Ridge Parcel of Hart Ranch Development located in Section 13, T1S, R7E, BHM, Pennington County, South Dakota located in Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located on Anna Court.

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

1. **Upon submittal of a Final Plat application, all necessary easements shall be shown on the plat document.**
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- *3. No. 22PD046 - Moon Meadows Ridge Subdivision
A request by Founding Equity Land Partner, LLC to consider an application for a **Revocation of a portion of an Initial Planned Development Overlay** for Lots 1A, 1B, 2A, 2B, 3A, 3B and 4, all of Block 1 and dedicated Healing way Right-of-Way and Celestial Court Right-of-Way of Moon Meadows Subdivision, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more

generally described as being located east of Healing Way, south of Moon Meadows Drive.

Planning Commission approved the revocation of 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.

*4. No. 22UR023 - Section 22, T1N, R7E

A request by Plum Creek Homes to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 1 of the NE1/4 of the NE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2102 Highwood Road.

Planning Commission approved the Conditional Use Permit to allow an oversized garage with the following stipulations:

1. **Upon submittal of a Building Permit, the applicant shall coordinate with the Fire Department to conduct a wildland fuels mitigation assessment to determine if a Wild Fire Mitigation Plan for the property is needed;**
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 expansion or change in use that is a permitted use in the General Agriculture District and in compliance with area regulations shall require the review and approval of a Building Permit. Any expansion or change in use that is a Conditional Use in the General Agriculture District shall require the review and approval of a Major Amendment to the Conditional Use Permit.**

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---

*5. No. 22PD041 - McMahon Subdivision

A request by Logan Poe for DSM Property Services to consider an application for

a **Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with video lottery for a convenience store** for Tract C-2 of McMahon Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3343 Haines Avenue.

Heikes entered the meeting at this time.

Fisher explained that staff is working with the applicant on revisions and, as such, requests the item be continued to the November 23, 2022 Planning Commission Meeting.

Stuck moved and Brook seconded and the Planning Commission continued Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with video lottery for a convenience store to the November 10, 2022 Planning Commission Meeting. (8 to 0 with Braun, Bulman, Golliher, Heikes, 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.

*6. No. 22PD045 - Fifth Street Office Plaza

A request by Oscar Vega Andrade to consider an application for a **Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with a restaurant** for Lot 3 of Block 2 of Fifth Street Office Plaza, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4831 5th Street, Suite 101.

Halonen presented the application and review the associated slides noting it is located in the northern suite of the newly constructed strip mall and will have three dining areas with a total of 187 seating with no outdoor seating being requested at this time. Halonen stated that staff recommends that the Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with a restaurant be approved with stipulations outlined in the Project Report.

Golliher moved and Vidal seconded and the Planning Commission approved the Major Amendment to a Planned Development to allow on-sale liquor in conjunction with a restaurant 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 Major Amendment to the Planned Development Overlay shall allow for on-sale liquor in conjunction with a restaurant operated in compliance with the applicant's operation 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 the review and approval of a Major Amendment to the Planned Development Overlay. (8 to 0 with Braun, Bulman, Golliher, Heikes, 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.

***7. No. 22PD048 - McMahon Industrial Park Subdivision No. 2**

A request by Joshua Hemberger for NDN Holdings, LLC to consider an application for a **Final Planned Development Overlay to allow a school** for , legally described as the NW1/4 of the NE1/4 less McMahon Industrial Park Subdivision No. 2 and less right-of-way and the SW1/4 of the NE1/4 less Dollar General Subdivision, less Lot H3 and less right-of-way of Section 24, T2N R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of N. Haines Avenue and Country Road.

Halonen presented the applicant and reviewed the associated slides briefly reviewing the layout of the phased plan and proposed development of the school noting it will initially be comprised of temporary structures that will be removed during the next phase, at which time permanent structure will be built. Halonen stated that staff recommends approval with stipulations.

Fisher explained this is to allow addressing an urgent need with the understanding it will be replaced with the construction of the permanent structures.

Discussion regarding timing and phase plan followed.

Bulman moved and Vidal seconded and the Planning Commission approved the Final Planned Development Overlay to allow a school with the following stipulations:

- 1. Prior to the submittal of a Building Permit, the Traffic Impact Study shall be revised to address all red-line comments and resubmitted for review and approval;**
- 2. Prior to the submittal of a Building Permit, the site plan shall be revised to show a five-foot-wide sidewalk along Haines Avenue and Country Road or a Variance from City Council shall be obtained;**
- 3. Upon submittal of a Building Permit, a sewer analysis shall be submitted demonstrating that the proposed sanitary sewer within Country Road and Three Rivers Drive can serve the anticipated area;**
- 4. Upon submittal of a Building Permit, the Drainage Report shall be revised to:**
 - Identify that the site is located within a Drainage Basin Design plan;**
 - Identify the location of the pond weir on the grading plan;**

- Add storm sewer outlet velocities and any energy dissipation necessary;
5. Upon submittal of a Building Permit, the plans shall be revised to add doors to each classroom directly to the exterior or fire sprinkler protection according to NFPA13 shall be installed;
 6. Upon submittal of a Building Permit, the site plan shall be revised to show a maximum six-foot high trash enclosure;
 7. Prior to the approval of a Building Permit, the applicant shall enter into an Infill Agreement for the sanitary sewer within Country Road and Three Rivers Drive;
 8. An Air Quality Permit shall be obtained prior to disturbing an acre or more of soil;
 9. A minimum of 19 parking spaces shall be provided, one of which shall be van accessible. Parking shall be designed in compliance with the City's Parking Regulations;
 10. All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,
 11. The Final Planned Development Overlay shall allow for a temporary school on the property. The future phases of development proposed on the property shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (8 to 0 with Braun, Bulman, Golliher, Heikes, 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.

8. No. 22TI003 - Sections 21, 28 and 29, T2N, R8E

A request by Indigo Design, LLC for Youth Soccer Infrastructure, LLC to consider an application for a **Resolution to Create Tax Increment Financing District and Resolution to Adopt a Project Plan** for , legally described as All of Section 21 in Township 2 North of Range 8 East of the Black Hills Meridian, City of Rapid City, Pennington County, South Dakota; EXCEPTING therefrom Lots 1 and 2 and Dedicated Right of Way of Beaird Subdivision located in the NW1/4NW1/4, as shown on the plat filed in Plat Book 24, Page 167; and Lots 6, 7, and 8 in Block 2 of I-90 Heartland Business Park, Section 21, Township 2 North of Range 8 East of the Black Hills Meridian, City of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 35, Page 61; and Lot A in Block 2 of I-90 Heartland Business Park, Section 28, Township 2 North of Range 8 East of the Black Hills Meridian, City of Rapid City, Pennington County, South Dakota, as shown in Document No. A201904402; and Lot 1 in Block 7 of I-90 Heartland Business Park, Section 28, Township 2 North of Range 8 East of the Black Hills Meridian, City of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 34, Page 196; and The West 530 Feet of Lot 1, RCI Addition, Section 28, Township 2 North of Range 8 East of the Black Hills Meridian, City of

Rapid City, Pennington County, South Dakota; and Lot 3 in Block 1 of Northstar Subdivision, Section 29, Township 2 North of Range 8 East of the Black Hills Median, City of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 31, Page 166, more generally described as being located north of Seger Drive, south of Country Road, west of N. Elk Vale Road and east of Dyess Avenue.

Hanzel presented the application and reviewed the Tax Increment Financing process and requirements. Hanzel reviewed the improvements proposed by the TID including Sewer Trunk Main with Phase I running north along Seger Drive, and Phase II Sewer Trunk Main extending west. Hanzel noted the location of the main is tentative and staff has noted that any project costs outside the Tax Increment Financing District boundary are ineligible. Hanzel reviewed the proposed costs for the Phases with the total cost being \$6.35 million. Hanzel stated that this TID anticipates a portion of the repayment being generated from projects currently under way in the area include the Wasua facility expansion, and the UPS facility.

Discussion followed on the location of the trunk sewer main and communication with Box Elder and Ellsworth and the condition of any proposed improvement of Elk Vale Road.

Willam Davey, resides in of the area and asked about issues with the Flood Plain in the area. Danne Boomsma discussed the plan addressing the Flood Plain noting that the plan has currently been approved by the FEMA. Fisher reviewed the process that is required for development within the Flood Plain.

Brenda Degen-Whiting, property owner in the area spoke to the need for road improvement to Elk Vale Road.

Shannon Tibbetts, area resident spoke to his concerns regarding drainage issues with future development and the condition of and future impact to the roads including Country Road, Dyess Avenue and Elk Vale Road.

David Sharp, Rapid City Youth Soccer, spoke to the need for improved sewer as the facility is over capacity for the current holding tank system and they only anticipate growth that will push the need further.

Kurt Whitesell, supports the Tax Increment Financing request discussing the growth of the Youth Soccer Fields and what it brings to the City of Rapid City and the need for the improvement proposed for the TIF.

Fisher reviewed the procedures that will need to be followed as this area develops including the platting and rezoning of the property.

Heikes spoke to the need to plan for long range growth and success. Quasney spoke to the need to consider future growth and needed access in association with the growth. Bulman discussed the TIF Committees concerns regarding the TIF including the road conditions and anticipated increase in use with development in the area, location of the main for access for others to tap into for use and the payment of Developer Costs. Bulman also commented on the pro-forma stating

that the 45% return is exorbitant for a Tax Increment Financing District. Braun inquired as to why Phase II is not considered as a separate TIF. Boomsma spoke to the need for the sewer to allow the development of this area and outlined the two phases.

Groote left the meeting at this time.

Doyle Estes, developer spoke to why he feels the TIF is needed and needs to be considered separate from concerns for the road and potential development in the area.

Vidal moved and Heikes seconded approval of creating the District and adopting the Project Plan with the stipulations being incorporated into the Developer's Agreement.

Braun stated that he supports Phase I but questions Phase II and discussion on separating the actions was discussed.

Bulman made substitute motion, seconded by Vidal to approve creating the District.

Kaufman moved, seconded by Vidal to approve the Project Plan with the Stipulations outlined being incorporated into the Developer's Agreement.

Bulman moved and Vidal seconded and the Planning Commission recommended approval of creating the District.

Kaufman moved, seconded by Vidal and the Planning Commission recommended to adopt the Project Plan with the following stipulations being incorporated into the Developer's Agreement:

- 1 The City and the applicant shall enter into a Developer's Agreement and an Assignment Agreement following approval of the Resolutions to Create a District and Adopt a Project Plan. (8 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)**
- 2. The Developer's Agreement shall include language identifying that any funding deficiency in the Project Plan shall be the responsibility of the developer to fully fund and construct**
- 3. The Developer's Agreement shall include a requirement that any plans used for bidding of Tax Increment Financing project components be approved by the Public Works Department prior to the bid opening; and,**
- 4. Approval of the Resolutions to Create the Tax Increment District and Adopt a Project Plan does not indicate approval of the conceptual utility plan or future land use plan. The location, alignment, and sizing of proposed infrastructure, along with other feasibility analysis, will need to be determined through additional design work. (6 to 2 with Golliher, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and Braun and Bulman voting no)**

9. Staff and Planning Commission Discussion Items

Fisher stated that the Planning 101 Training will be held at noon on Friday, November 6, 2022, in the Council Chambers.

Fisher stated that Alex Osborne will be starting October 31, as a Current Planner and will be in attendance at the next Planning Commission Meeting.

Stuck spoke to concerns he has heard regarding development in the Red Rock area and the traffic impacts that has created and that improvements are needed in that area. Fisher spoke to the steps that are being considered in an attempt to address these concerns.

There being no further business, Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 8:43 a.m. (8 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)