

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 26, 2023

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Gollhofer, Mike Quasney, Haven Stuck and Vince Vidal.

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

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

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

Eirik Heikes joined the meeting prior to Consent vote.

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.

Staff requested that Item 5 be removed from the Consent Agenda for separate consideration.

Motion by Vidal, seconded by Gollhofer and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Items 5. (8 to 0 with Arguello, Braun, Bulman, Gollhofer, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the January 26, 2023 Planning Commission Meeting Minutes.

*2. 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.

Planning Commission acknowledged the applicant's withdrawal of the Major Amendment to the Planned Development Overlay.

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

3. No. 22PL153 - Shepherd Hills South

A request by KTM Design Solutions, Inc for Shepherd Hills Commons LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1A and 1B of Block 7 of Shepherd Hills South Subdivision, legally described as Lot 1 of Block 7 of Shepherd Hills South, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2109 E. Anamosa Street and Michelson Drive.

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

1. **Prior to the submittal of a Final Plat application, the applicant shall enter into a Developmental Lot Agreement to address shared access and landscaping.**

*4. No. 22PD059 - GLM Subdivision #2

A request by John Roberts for William Rush to consider an application for a **Revocation of Planned Development Designation** for Lot 4 of GLM#2 Subdivision, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2940 E. Mall Drive.

Planning Commission approved the Planned Development Designation Revocation.

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. 22VR008 - Nicholls No. 2 Subdivision

A request by KTM Design Solutions, Inc for Peerless Tyre Co to consider an application for a **Vacation of Right-of-Way** for Cherry Avenue adjoining Blocks 1 and 2 of Nicholl's 2nd Subdivision and Lots 2 and 3 of the SW1/4 SE1/4 of Section 6, T1N, R6E; Alley adjoining Blocks 1 and 2 of Nicholl's 2nd Subdivision; and St. Andrew Street adjoining Blocks 2 and 3 of Nicholl's 2nd Subdivision, located in Section 6, T1N, R8E, BHM, Rapid City, South Dakota, more generally described as being located at 1221 E. St. Joseph Street.

Planning Commission recommended that the Vacation of Right-of-Way be approved.

---END OF CONSENT CALENDAR---

*5. No. 22UR030 - Pinedale Heights Subdivision

A request by Kirby and Twyla Johnson to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 17 of Pinedale Heights, located in Section 5, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 5230 Pinedale Heights Drive.

Fisher presented the application and state that due following concerns received from the neighborhood the applicant has withdrawn the application and staff requests that the Planning Commission acknowledge the withdrawal of the Conditional Use Permit to allow an oversized garage.

Bulman moved, Quasney seconded and the Planning Commission acknowledged the applicant's withdrawal of the Conditional Use Permit to allow an oversized garage with the following stipulations. (8 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*7. No. 22PD054 - Rushmore Addition

A request by Blair Sign Programs to consider an application for a **Major Amendment to a Planned Development Overlay to replace a pylon sign** for Tract A and B of Lot 2 (also in T2N, R8E, Section 30) Rushmore Mall, T2N, R7E, Section 25, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North Maple Avenue.

Osborne presented the application and reviewed the associated slides stating that the applicant is requesting to change the signage at the Uptown Rapid 33 feet by 16 feet by 3 feet and are requesting an Exception to increase the signage area of the electronic message center from 60 square feet to 99 square feet noting the difference in height between I-90 and the property reduces the impact of the size of the reader board. Osborne stated that staff recommends approval of the application. Fisher further noted that Uptown Rapid intends to incorporate the stacked stone feature of the sign into the façade on the shopping center structure noting that the sign is for the entire shopping center in a solid commercial area set back from I-90 which worked in favor of staff recommending approval of granting the Exception.

Scott Filbre, Blair Sign Company, reviewed the sign details noting that the height will be reduced by 20 feet and the overall sign face will also be reduced.

Bulman moved and Heikes seconded and the Planning Commission approved the Major Amendment to a Planned Development to replace pylon sign with the following stipulations(s):

- 1. Approval of the Major Amendment to the Planned Development hereby acknowledges the stipulations of the previously approved Planned Development and Major Amendments to the Planned Development on the property;**
- 2. An Exception is hereby granted to increase the signage area of the electronic message center from 60 square feet to 99 square feet;**

3. Upon submittal of a Sign Permit, the site plan shall be revised to show a minimum 10 – foot setback from the property line;
4. Any changes to the approved sign package, which the Community Department Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development. The addition of any electronic signage will require a Major Amendment to the Planned Development. In addition, the Community Planning and Development Services Director may approve temporary signs in accordance with the Sign Code;
5. The sign shall not obstruct any sight triangle; and,
6. A Sign Permit shall be obtained prior to placement of any new signage. The sign shall be constructed and operate in compliance with all provisions of the Sign Code and all other adopted codes and ordinances. (8 to 0 with Arguello, Braun, Bulman, Gollhofer, Heikes, 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. 22PD057 - Abys Feed and Seed Condominium

A request by Stephen Jeremy Briggs to consider an application for a **Major Amendment to a Planned Development Overlay to allow expansion of on-sale liquor in conjunction with music venue** for Units 1 and 2 and 1/2 interest in Common Area of Abys Feed and Seed Condominium, located in Section 1, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 406 5th Street.

Osborne presented the application and reviewed the associated slides stating the applicant is requesting expanding the existing on-sale liquor on to the deck, noting that the deck will be enclosed to separate the on-sale liquor from pedestrian traffic but will remove 2 parking spaces. Osborne noted that with the parking allowed in the back of the building and the ability to use the parking structure across the street especially during peak hours of use, adequate parking will be provided. Osborne also stated that the applicant is requesting both a pole sign and additional wall sign in addition to the wall sign allotted by an existing Exception so are requesting an Exception to expand on-premises wall signage to 450 sq. ft. which was approved by Historic Sign Review Committee on January 6, 202. Staff recommends approval with stipulations outlined in the Project Report.

Comments were made by the Planning Commission regarding this facility including how it has been operating for a length of time without out any known issues with parking and the vital reuse of the area as a great example of reusing a long unused structure.

Gollhofer moved and Vidal seconded and the Planning Commission approved the Major Amendment to a Planned Development Overlay to allow expansion

of on-sale liquor in conjunction with music venue with the following stipulations(s):

1. Acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to zero feet for the existing structures located on the property. Any future redevelopment of the property shall be constructed in compliance with the Zoning Ordinance;
2. Acknowledge the previously granted Exception to waive the landscaping requirement;
3. Acknowledge the previously granted Exception for 0 parking spaces during outdoor events operated in compliance with the submitted operations plan;
4. An Exception is hereby granted to reduce the minimum required parking spaces from 30 parking spaces to 28 parking spaces and to 0 parking spaces during outdoor events operated in compliance with the submitted operations plan;
5. Any changes to the approved sign package for the Aby's Feed and Seed, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development contingent on Historic Sign Review approval. A sign permit shall be obtained for any new signage;
6. An Exception is hereby granted to expand on-premises wall signage to 450 sq. ft. which was approved by Historic Sign Review Committee on January 6, 2023;
7. Building Permit shall be obtained prior to construction;
8. Upon submittal of a Sign Permit application, documentation shall be submitted showing there are no conflicts with utility easements in the location of the proposed sign; and,
9. Upon submittal of a building permit, documentation shall be submitted showing there are no conflicts with utility easements in the location of the proposed deck. Utility easements and other miscellaneous documents can be obtained from the Registers of Deeds Office. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, 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 #9 and #10 be taken together.

9. No. 22PL152 - Red Rock Shadows Subdivision No. 2

A request by KTM Design Solutions, Inc for Christopher Hamm to consider an application for a **Preliminary Subdivision Plan** for proposed Plat of Lots A through G of Red Rock Shadows Subdivision No. 2, legally described as Lot 2 of the SE1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, less Red Rock Estates and less right-of-way and that portion of the W1/2 of the NE1/4 of the SE1/4 of Section

29, T1N, R7E, BHM, lying south of Portrush Road that lies outside of the City of Rapid City Corporate Boundaries less Red Rock Estates and less right-of-way and that portion of the E1/2 of the NE1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, lying outside of the City of Rapid City Corporate Boundaries, less right-of-way located in the SE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Intersection of Sheridan Lake Road, Dunsmore Road and Muirfield Drive.

10. No. 22CA001 - Section 29, T1N, R7E

A request by KTM Design Solutions, Inc for Dean and Jill Hamm Trust, Christopher Hamm Trustee to consider an application for a **Comprehensive Plan Amendment to the Major Road Plan by declassifying Dunsmore Road from a Minor Arterial Street to a Collector Street** for the Dunsmore Road right-of-way north of Sheridan Lake Road through the intersection of Portrush Road, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Dunsmore Road right-of-way north of Sheridan Lake Road to Portrush Road.

Fisher stated that the applicant has requested these items be continued to the February 23, 2023 Planning Commission Meeting.

Karen moved and Vidal seconded and the Planning Commission continued the Preliminary Subdivision Plan to the February 23, 2023 Planning Commission Meeting, and;

The Comprehensive Plan Amendment to the Major Road Plan by declassifying Dunsmore Road from a Minor Arterial Street to a Collector Street be continued to the February 23, 2023 Planning Commission Meeting. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

11. Staff and Planning Commission Discussion Items

Hanzel stated that staff will be welcoming Jonathan Howard as a new planner.

In response to a questions from Stuck on staffing, Fisher stated that there are still openings, but they hope to fill those spaces this year and discussed a proposal to request an additional Current Planner in 2024.

There being no further business, Golliher moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:23 a.m. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Quasney Stuck and Vidal voting yes and none voting no)