

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 9, 2023

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

MEMBERS ABSENT: Mike Gollhofer, Eirik Heikes and John Herr. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Tanner Halonen, Alex Osborne, Jonathan Howard, Todd Peckosh, Kinsley Groote and Andrea Wolff.

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

Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Motion by Vidal seconded by Kaufman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 11 in accordance with the staff recommendations. (7 to 0 with Arguello, Braun, Bulman, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the February 9, 2023 Planning Commission Meeting Minutes.
2. 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.

Planning Commission acknowledged the withdrawal of the Preliminary Subdivision Plan.

3. 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 in the Dunsmore Road right-of-way north of Sheridan Lake Road to Portrush Road.

Planning Commission acknowledged the withdrawal of the Comprehensive Plan Amendment to the Major Road Plan by declassifying Dunsmore Road from a Minor Arterial Street to a Collector Street.

*4. No. 23PD003 - NRC Subdivision

A request by Vanocker Development for Hunter Homes to consider an application for a **Revocation of Planned Development Overlay** for Lot 2 of NRC Subdivision, located in Section 29 (also in Section 32), T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2627 Eglin Street.

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.

*5. No. 23PD005 - Meadowlark Hills Subdivision

A request by FMG Engineering for Northwestern Engineering Company to consider an application for a **Final Planned Development Overlay to expand a mobile home park community** for the SE1/4 of the NE1/4 less Meadowlark Hills Subdivision and less right-of-way, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Madison Street and Cherry Avenue.

Planning Commission approved the Final Planned Development Overlay to expand a mobile home park community with the following stipulations:

- 1. Prior to the submittal of a Building Permit, the applicant shall revise the site plan to change the roadway name west of Nightingale Lane to West Canary Court;**
- 2. Upon submittal of a Building Permit, the applicant shall provide an easement for public sewer main and manhole;**
- 3. A minimum of 36 parking spaces shall be provided, four of the spaces shall be for the use of guests. Parking shall be designed in compliance with the City's Parking Regulations; and,**
- 4. The Final Planned Development Overlay shall allow for a 16-unit expansion to the existing mobile home park. Any change in use or expansion of use permitted in the Medium 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 Medium Density Residential District shall require the review and approval of a 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.

6. No. 23RZ001 - Section 14, T1N, R7E

A request by VIKOR for Black Hills Energy to consider an application for a **Rezoning request from No Use District to General Agricultural District** for Lot M of the NE1/4 of the NW1/4, located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3575 Skyline Drive.

Planning Commission recommended approval of the Rezoning request from No Use District to General Agricultural District.

7. No. 23PL004 - Moon Meadow Estates Subdivision

A request by KTM Design Solutions, Inc for Alevtina L. Smirnova to consider an application for a **Preliminary Subdivision Plan** for Lots 12A and 12B of Block 3 of Moon Meadows Estates Subdivision, legally described as Lot 12 of Block 3 of Moon Meadows Estates located in Section 33, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 3499 Moon Meadows Drive.

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

1. **Prior to the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that a fire apparatus turnaround shall be provided at the terminus of the future driveway on proposed Lot 12A;**
2. **Prior to the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation must meet the system requirements of the National Fire Protection Act 13, 13R, and 13D as applicable. A copy of the executed agreement shall be submitted with the Final Plat application;**
3. **Prior to the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations, and landscaping provisions are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. A copy of the executed agreement shall be submitted with the Final Plat application;**
4. **Prior to the submittal of a Final Plat application, an Approach Permit shall be obtained from the Pennington County Highway Department. Documentation shall be submitted with the Final Plat application to verify that this requirement has been met;**
5. **Upon the submittal of a Final Plat application, the plat document shall**

identify all necessary easements;

6. Upon the submittal of a Final Plat application, any necessary covenant or maintenance agreements shall be provided for the maintenance and ownership of any private water systems;
7. Upon the submittal of a Final Plat application, the plat document shall continue to show the dedication of 17 additional feet of right-of-way along Moon Meadows Drive; and,
8. Upon the submittal of a Final Plat application, the applicant shall identify a minimum ten-foot separation between the existing drainfield and the common lot line between Lot 12A and Lot 12B pursuant to Section 13.20.070 of the Rapid City Municipal Code.

8. No. 23PL008 - St. Martin Subdivision

A request by KTM Design Solutions, Inc for Benedictine Covent of St. Martins to consider an application for a **Preliminary Subdivision Plan** for Lot 1 of St. Martin Subdivision, legally described as the NE1/2 of the SW1/4 less Lots H1, H2 and St. Martin Cemetery and all of the W1/2 of the SW1/4 of Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1851 City Springs Road.

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

1. Prior to the submittal of a Development Engineering Plan application, the applicant shall schedule a pre-application conference as required by Section 16.08.040 of the Rapid City Municipal Code;
2. Upon submittal of a Development Engineering Plan application, all information as per Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;
3. Upon submittal of a Development Engineering Plan application, the plat document shall identify additional right-of-way along the southeast corner of the lot as per Figure 2-1 of the Infrastructure Design Criteria Manual for a Collector Street, or the criteria for obtaining an Exception shall be met. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, the applicant shall either; submit construction plans for the section line highways for review and approval as per Figure 2-1 of the Infrastructure Design Criteria Manual for a Local Street, meet the criteria for obtaining an Exception, or vacate the section line highway. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
5. Upon the submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval identifying sanitary sewer in City Springs Road or the criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
6. Upon the submittal of a Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) shall be submitted for review and approval as per

Chapter 1.15 of 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;

- 7. Prior to the approval of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
- 8. Prior to the approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;**
- 9. Prior to the approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;**
- 10. Prior to the approval of the Development Engineering Plan application, a Development Agreement must be entered into with the City for all public improvements;**
- 11. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required; and,**
- 12. Upon submittal of a Final Plat application, all necessary easements shall be shown on the plat document.**

9. No. 23PL010 - Second Floor Subdivision

A request by KTM Design Solutions, Inc for 35 Point Capital LLC to consider an application for a **Preliminary Subdivision Plan** for Tract A1 and Tract A2 of Second Floor Subdivision, legally described as Track A of Second Floor Subdivision, located in Section 23, T1N, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5125 Mt. Rushmore Road.

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

- 1. Upon the submittal of a Development Engineering Plan application, all information pursuant to Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;**
- 2. Upon the submittal of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) shall be submitted for review and approval pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;**
- 3. Upon the submittal of a Development Engineering Plan application, the plat document shall identify 15 additional feet of right-of-way along Fox Road as per Figure 2-1 of the Infrastructure Design Criteria Manual for a Commercial Street, or the criteria for obtaining an Exception shall be met. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
- 4. Upon the submittal of a Development Engineering Plan application, the applicant shall submit construction plans identifying sanitary sewer along Fox Road adjacent to Tract A1, or the criteria for obtaining an**

Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;

5. Upon submittal of a Development Engineering Plan application, the applicant shall submit construction plans to revise the private water and sewer system to comply with City requirements, or a Covenant Agreement shall be entered into to prevent separate ownership between the parcels. If a Covenant Agreement is entered into, a copy of the executed agreement shall be submitted with the Development Engineering Plan application. Upon the submittal of a Final Plat application, the applicant shall obtain approval from the Public Works Director to allow the non-conforming water and sewer layout and the associated Covenant Agreement shall be recorded, or a revised layout shall be constructed that complies with City requirements;
6. Prior to the approval of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
7. Prior to the approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
8. Prior to the approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
9. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required;
10. Upon the submittal of a Final Plat application, a Covenant Agreement shall be entered into to address the maintenance of the detention and water quality pond; and,
11. Prior to the approval of a Final Plat application, the applicant shall enter into a Developmental Lot Agreement to allow shared access.

*10. No. 23PD007 - Elks Crossing

A request by Longbranch Civil Engineering, Inc for The Holding Company LLC to consider an application for a **Revocation of a Planned Development Designation** for Lot 2 of Block 1 of Elks Crossing, located in the NW ¼ of the SW ¼, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Elk Vale Road and East Minnesota Street.

Planning Commission approved the Revocation of a Planned Development Designation.

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.

11. No. 23RZ002 - Elks Crossing

A request by Longbranch Civil Engineering, Inc for The Holding Company LLC to consider an application for a **Rezoning request from Office Commercial District**

to General Commercial District for a portion of Lot 2 of Block 1 of Elks Crossing, located in the NW ¼ of the SW ¼, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 2 of Block 1 of Elks Crossing, common with the northwesterly corner of Lot 3 of Block 1 of Elks Crossing, and the point of beginning; Thence, S 39°03'43" W, a distance of 152.84 feet to a random point along the northwesterly property line of Lot 2 of Block 1 of Elks Crossing common with the southeasterly line of the Elk Vale Road Right of Way; Thence, S 61°58'37" E a distance of 207.24 feet to an angle point along a random line; Thence, S 58°33'48" E a distance of 242.71 feet to a point on the southeasterly property line of Lot 2 of Block 1 of Elks Crossing to the northwesterly right of way line of Marlin Drive; Thence, N 39°05'06" E a distance of 47.90 feet to a point of curvature on the southeasterly property line of Lot 2 of Block 1 of Elks Crossing to the northwesterly right of way line of Marlin Drive; Thence, a 709.86 foot radius curve to the left with a chord bearing of N 35°42'33" E, and a chord distance of 85.29 feet with a delta angle 06°53'17" and arc length of 85.34 feet to the southeasterly corner of Lot 2 of Block 1 of Elks Crossing common with the southwest corner of Lot 3 of Block 1 of Elks Crossing; Thence, N57°42'20" W a distance of 442.08 feet to the northeasterly corner of Lot 2 of Block 1 of Elks Crossing, common with the northwesterly corner of Lot 3 of Block 1 of Elks Crossing, and the point of beginning, more generally described as being located northeast of the intersection of Elk Vale Road and East Minnesota Street.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*12. No. 23UR001 - Original Town of Rapid City

A request by Dustin Mulvey to consider an application for a **Conditional Use Permit to allow on-sale liquor in conjunction with an entertainment lounge** for Lot 17 and 18 and the north 55 feet of Lot 19 thru 21 of Block 84, Original Town Rapid City, located in Section 1, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more generally described as being located at 516 7th Street.

Osborne presented the application and reviewed the associated slides noting that the previous Conditional Use Permit for this location had lapsed and a new Conditional Use Permit is needed. Osborne stated applicant is proposing a 1940's style wine and beer lounge with live music and entertainment, with hours of operation proposed to be 4:00pm to 12:00am Wednesday thru Saturday. Fisher clarified that staff is recommending approval with stipulations outlined in the Project Report.

Bulman moved and Quasney seconded and the Planning Commission recommended approval of the Conditional Use Permit to allow on-sale liquor in conjunction with an entertainment lounge with the following stipulations:

1. **Prior to any construction, a Building Permit shall be obtained;**

2. **Prior to occupancy and operation of business, a Certificate of Occupancy shall be obtained;**
3. **Any future signage on site shall require a Sign Permit and Historic Review approval; and,**
4. **The requested Conditional Use Permit shall allow an on-sale liquor establishment to be operated in conjunction with entertainment lounge and in compliance with the applicant's operational plan. Uses permitted in the Central Business District shall be permitted. All conditional uses in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Arguello, Braun, Bulman, 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.

*13. No. 23UR002 - RCLD Addition

A request by Rod Hanson to consider an application for a **Conditional Use Permit to expand on-sale liquor in conjunction with a casino** for Lot B Revised of Lot 2 of Tract C (also in Section 03, T1N, R7E) located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2050 W. Main Street.

Osborne presented the application and reviewed the associated slides noting the expansion is to allow the casino to expand to allow 10 additional machines and a small bar area, hours of operation are 8:00am to 12:00am Monday through Saturday and 8:00am to 9:00pm on Sunday. Staff recommends approval with stipulations outlined in the Project Report.

Bulman moved and Arguello seconded and the Planning Commission approved the Conditional Use Permit to allow expansion of an on-sale liquor use in conjunction with a casino with the following stipulations(s):

1. **Prior to issuance of Building Permit, any outstanding balance for special assessments on the site must be paid to Pennington County; and,**
2. **This Major Amendment to a Conditional Use Permit shall allow an on-sale liquor use in conjunction with the expansion of a casino, as per the applicant's operational plan. 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 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 shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Arguello, Braun, Bulman, 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.

*14. No. 23UR003 - Scotland Hills Subdivision

A request by Holly Mehlhaff for Mehlhaff Construction, Inc. to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 16 of Block 1 of Scotland Hills Subdivision, located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1064 W. Minnesota Street.

Fisher explained that the property owner has requested the item be continued to the March 23, 2023 Planning Commission Meeting, to allow the applicant to reach out to the concerned neighbors and to review design options and covenants. Fisher clarified that staff is requesting commissions assistance in deciding the appropriateness of this location and asks that they keep that in mind when they review this application.

Steven Giuseffi, neighboring property owner, asked effect of continuation and noted the surrounding property owner's opposition to the request. Fisher clarified that the continuation allows review of options and discussions of concerned neighbors when all parties are present and thanked the Giuseffis for their patience.

Stuck moved and Quasney seconded and the Planning Commission continued the Conditional Use Permit to allow an oversized garage to the March 23, 2023 Planning Commission Meeting. (7 to 0 with Arguello, Braun, Bulman, 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.

15. Staff and Planning Commission Discussion Items

Fisher stated that that due to conflict with his job duties, Eric Ottenbacher has stepped down from his position as Alternate 1 on the Planning Commission. Fisher noted that a Public Service Announcement for interested citizens to apply has been posted. Fisher noted they are looking for a member that will help to diversify the make-up of the Commission and suggested if the Commissioners know someone they consider would make a good candidate, they should reach out and encourage them to apply.

There being no further business, Quasney moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:20 a.m. (7 to 0 with Arguello, Braun, Bulman, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)

