

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 22, 2023

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Alicia Ginsberg, Eirik Heikes, John Herr, Brook Kaufman, Mike Quasney, and Vince Vidal. Pat Roseland Council Liaison was also present.

MEMBERS ABSENT: Mike Gollhofer, Haven Stuck.

STAFF PRESENT: Vicki Fisher, Kip Harrington, Tanner Halonen, Jonathan Howard, Chip Premus, Roger Hall, 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 Heikes and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Heikes, Herr, Kaufman, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 9, 2023 Planning Commission Meeting Minutes.
2. No. 23PL106 - Section 28, T2N, R8E
A request by DEC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Exceptional Subdivision, legally described as portion of SW1/4 north of 1-90 less Lot 3 of Starlite Subdivision, less GLM Subdivision No.2 less Forefather Flats Subdivision less Lot H15 and less right-of-way, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Dyess Avenue and E. Mall Drive.

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 §16.08.040 of the Rapid City Municipal Code;
2. Upon the submittal of a Development Engineering Plan application, all information as per §16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;
3. 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 §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;

- 4. Upon the submittal of a Development Engineering Plan application, the plat document shall be revised to identify shared access centered on the east property line of proposed Lot 1 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 the submittal of a Development Engineering Plan application, construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Commercial Street shall be submitted for review and approval for Dyess Avenue 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. Prior to the approval of a Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
- 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 a Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;**
- 9. Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;**
- 10. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements. Miscellaneous documents shall be provided for all necessary easements outside of the plat boundary;**
- 11. Upon the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City for the maintenance and ownership of any proposed drainage elements; and,**
- 12. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.**

***3. No. 23PD031 - Blue Marlin Estates**

A request by Buren Properties to consider an application for a **Revocation of a Planned Development Overlay** for Lot 1 of Blue Marlin Estates, located in Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast of corner of Lot 1 of Blue Marlin Estates located in Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence, first course: S89°52'14"W, a distance of 203.79';; Thence, second course: S00°10'00"W, a distance of 220.13';; Thence, third course: S89°54'30"E, a distance of 204.39';; Thence, fourth course: N00°00'37" a distance of 220.27', to said point of beginning, more generally described as being located at 3775 Dyess Avenue.

Planning Commission recommended the Revocation of a Planned Development Overlay be approved.

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. 23PD032 - Big Sky Business Park Subdivision

A request by Renner Associates, LLC for Crossings RC 2023, LLC to consider an application for an **Initial Planned Development to allow an apartment complex** for Lot 1R of Block 6 of Big Sky Business Park Subdivision, located Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 418 Degeest Drive.

Planning Commission recommended approval of the Initial Planned Overlay to allow an apartment complex with the following stipulations:

1. **An Exception is hereby granted to allow a 20-foot building height for the clubhouse in lieu of 15 feet;**
2. **Upon the submittal of a Final Planned Development Overlay application, a Traffic Impact Study shall be submitted for review and approval 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 Final Planned Development Overlay application;**
3. **Upon the submittal of a Final Planned Development Overlay application, plans shall be submitted for review and approval which identify a minimum five-foot fence or wall surrounding the pool and all areas used by bathers or the criteria for obtaining an Exception shall be met;**
4. **Upon the submittal of a Final Planned Development Overlay application, a drainage report shall be submitted for review and approval;**
5. **Upon the submittal of a Building Permit, plans shall be submitted for review and approval that identify the clubhouse will be fire sprinkler protected;**
6. **Prior to the issuance of a Building Permit, a Final Planned Development Overlay shall be approved; and,**
7. **The Initial Planned Development Overlay shall allow for a 315-unit apartment complex with the review and approval of a Final 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.

*5. No. 23PD033 - Moon Meadows Ridge Subdivision

A request by HME for Founding Equity Land Partner, LLC to consider an application for an **Initial Planned Development to allow a mixed residential development** for the SW1/4 of the NW1/4 less Moon Meadows Ridge Subdivision, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the terminus of Moon Meadows Drive.

Planning Commission recommended approval of the Initial Planned Overlay to allow a mixed residential development with the following stipulations:

- 1. Prior to the issuance of a Building Permit for the apartment complex in Phase One a Final Planned Development Overlay application shall be submitted for review and approval;**
- 2. Upon the submittal of a Final Planned Development Overlay application for the apartment complex in Phase One, plans shall be provided for review and approval identifying a fire hydrant in the street and on each side of the complex and shall identify an access road connecting the two parking lots on the north side of the complex;**
- 3. Upon the submittal of a Final Planned Development Overlay application for the apartment complex in Phase One, a drainage report shall be submitted for review and approval;**
- 4. Prior to the issuance of a Building Permit in any phase, the proposed lot(s) shall be platted; and,**
- 5. The Initial Planned Development Overlay shall allow for a mixed residential development with the review and approval of a Final 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. 23VR004 - Park Forest Estates Subdivision and Westview Estates
A request by FMG Engineering for Michael and Melissa Henry to consider an application for a **Vacation of Right-of-Way** for Lot 26 of Forest Park Estates Subdivision located in the SW1/4 of Section 16, T1N, R7E, and Lot 10 of Block 2 of Westview Estates located in the NW1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4020 Corral Drive and 4040 Corral Drive.

Planning Commission recommended approval of the Vacation of Section Line Highway

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *7. No. 23PD030 - Black Hills Center
A request by Robin Zebroski to consider an application for a **Major Amendment to a Planned Development Overlay to allow on-sale at an existing salon** for Lot 3 of Block 4 of Black Hills Center, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 36 E. Stumer Road, Suite #106.

Harrington presented the application and reviewed the associated slides showing location, layout and signage and explained the service offered by the salon. Harrington reviewed the alcohol operations and storage plans, stating that staff recommends that the Major Amendment to a Planned Development Overlay to

allow on-sale at an existing salon be approved with stipulations.

Kaufman stated that she would be abstaining from this item.

Existing accessory uses with Conditional Use Permits for on-sale were discussed and it was noted that no complaints to date have been received.

Bulman moved, Vidal seconded and the Planning Commission recommended that the Major Amendment to a Planned Development Overlay to allow an on-sale liquor in conjunction with an existing hair salon be approved with the following stipulations:

- 1. No consumption of alcohol shall be allowed outside of the suite in which Drybar is located; and**
- 2. The Major Amendment to a Planned Development Overlay shall allow cider and wine to be served to customers of the existing hair salon during scheduled business hours as per the applicant's operational plan. All requirements of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Major Amendment to a Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the General Commercial District or uses which increase the required amount of parking on the site shall require a Major Amendment to the Planned Development. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Heikes, Herr, Kaufman, Quasney 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. 23UR031 - Original Town of Rapid City

A request by David Miller to consider an application for a **Conditional Use Permit to allow on-sale in conjunction with a restaurant** for Lot 12 and 13 of Block 83 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 725 Main Street.

Harrington presented the applicant and reviewed the associated slides showing location, interior layout and exterior signage. Harrington reviewed the applicant's plans for storage of the beer and wine. Harrington reviewed the surrounding on-sale locations, but noted this is located in the downtown area, which is designated as the entertainment and nightlife area where this use is encouraged. Harrington reviewed the applicant's operations plan which includes hours of operation noting all meat smoking will be done on property with trailer with fire suppression. Harrington stated that staff recommends the Conditional Use Permit to allow on-sale in conjunction with a restaurant be approved with stipulations.

Kaufman moved, Bulman seconded and the Planning Commission recommended that the Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant be approved 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; and,**
- 2. The Conditional Use Permit shall allow on-sale liquor in conjunction with a restaurant. 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, Ginsberg, Heikes, Herr, Kaufman, Quasney 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. No. 23UR032 - Eastridge Subdivision**

A request by Mark Veley to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 10 of Block 1 of Eastridge Subdivision, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 429 Stumer Road.

Howard presented the application and reviewed the associated slides, noting the applicant is proposing a 2,084 square foot attached garage with an 18 foot wide garage door with height of 16 foot at highest point. Howard explained that the residence consists of 1,613 square feet of residential area with an existing 834 square foot attached garage and that the addition of the requested 2,084 square foot garage would exceed dwelling unit area by 1,305 square feet requiring a Conditional Use Permit. Howard stated that although the setbacks have been met, the scale of the accessory building along with the number of garage doors and the impact of the structure to the overall character of the neighborhood create concern for the Planning Department staff. Howard noted that staff also has concerns regarding the effect on drainage with retaining wall and dirt work that has been done to the property and that staff is recommending to deny the Conditional Use Permit to allow an oversized garage.

Fisher stated that the character and size of the garage is a concern to staff, further noting the dirt work that has been completed over recent past and staff recommends the applicant work with Public Works to ensure drainage is not affected.

Mark Veley, applicant, spoke to surrounding residences having more than 3 door garages and large attached and detached garages. Veley further stated he could possibly reduce the depth of the garage but not the width and spoke to the dirt

work he has done.

Aveira Gaines, occupant of property, spoke to the compliments they have received on all the work they have done on the house and to the use of the garage for storage and parking of vehicles.

Patricia Bruhn, neighbor, spoke to the impact the structure would have to her property and the immense size stating that it does not fit into the feel of the neighborhood.

The scale and character of the garage and the impact on the neighborhood were discussed. The options to reduce the size of the garage was also discussed.

Arguello moved, Heikes seconded and the Planning Commission recommended the Conditional Use Permit to allow an oversized garage be denied. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Heikes, Herr, Kaufman, Quasney and Vidal voting yes and none voting no)

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10. Staff and Planning Commission Discussion Items

Fisher notified the Planning Commission that Cassie Hayes has accepted the Current Planner position and Jessica Olson has accepted the Current Planning Division Manager position and both will be starting soon.

There being no further business, Kaufman moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:37 a.m. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Heikes, Herr, Kaufman, Quasney and Vidal voting yes and none voting no)