

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
January 4, 2024

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

MEMBERS ABSENT: John Herr

STAFF PRESENT: Vicki Fisher, Tanner Halonen, Jonathan Howard, Kip Harrington, Cassie Hayes, Chip Premus, Roger Hall, Kinsley Groote and Andrea Wolff.

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

1. Approval of the December 7, 2023 Zoning Board of Adjustment Meeting Minutes.

Vidal moved, Bulman seconded and the Zoning Board of Adjustment approved the December 7, 2023 Zoning Board of Adjustment Meeting Minutes be approved.

2. No. 23VA022 - Millards Addition

A request by John Szekely to consider an application for a **Variance to reduce the minimum required lot area from 8,000 square feet to 6,969 square feet for a two family dwelling** for Lots 4 and 5 of Block 12 of Millards Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1127 Holcomb Avenue.

Howard presented the application and reviewed the associated slides, noting that although mainly a single family residential area, there are a couple four-plex developments in the area. Howard noted that the applicant plans to pave the parking spaces and that the lot size reduction is approximately 13 percent. Howard stated that the property has been operated as a multi-family residence for numerous years. Staff believes this is the minimal adjustment to allow the use of the property as a two family dwelling and recommends approval of the Variance to reduce the minimum required lot area from 8,000 square feet to 6,969 square feet for a two family dwelling.

Fisher reviewed that although the building permit was issued for single family home it has been used as a duplex for numerous years. She further noted the adjustment is less than 20 percent adjustment, which could have approved administratively, but staff wanted the neighborhood to know of the change of use.

Vidal moved, Kaufman seconded and the Zoning Board of Adjustment approved the Variance to reduce the minimum required lot area from 8,000 square feet to 6,969 square feet for a two family dwelling based on Criteria # 2 (Minimal adjustment necessary for use of the land). 9 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

Zoning Board of Adjustment Minutes
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3. Staff and Zoning Board of Adjustment Items

None

There being no further business Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 7 :11 a.m. (9 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 4, 2024

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

MEMBERS ABSENT: John Herr.

STAFF PRESENT: Vicki Fisher, Kip Harrington, Tanner Halonen, Jonathan Howard, Cassie Hayes, Chip Premus, Roger Hall, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:11 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.

Stuck requested that Items 2 and 7 be removed from the Consent Agenda for separate consideration.

Motion by Gollither seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Items 2 and 7. (9 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the December 7, 2023 Planning Commission Meeting Minutes.
3. No. 23PL112 - Hirsch Addition
A request by Davis Engineering, Inc for Mark and Ramona Hirsch to consider an application for a **Preliminary Subdivision** for proposed Lots A and B of Hirsch Addition, legally described as Lot 3 of Tract 2 of NW1/4 of Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of Miracle Road, and south of Sheridan Lake Road.

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

1. **Prior to the submittal of a Final Plat application, the plat document shall be revised to identify property line sidewalks along Miracle Road adjacent to the proposed lots or a Variance shall be obtained from City Council. If a Variance is obtained a copy of the approved document shall be submitted with the Final Plat application;**
2. **Upon the submittal of a Final Plat application, a site plan shall be submitted for review and approval identifying the location(s) of the cistern(s), drainfield(s), and septic tank(s) on the property to verify compliance with the separation distances from the common lot line and**

to verify whether easements or agreements are necessary;

- 3. Upon the submittal of a Final Plat application, the street prefix on the plat document shall be revised to read 'Miracle Road' rather than 'Miricle Road'; and,**
- 4. 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.**

4. No. 23PL115 - IGT Subdivision

A request by KTM Design Solutions, Inc for BPRushmore, LLC to consider an application for a **Preliminary Subdivision** for proposed Lot 2 of IGT Subdivision, legally described as Tract B of Tract 1 of the W1/2 of the SW1/4 less IGT Subdivision and less right-of-way, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the southwest corner of the intersection of Tablerock Road and Mount Rushmore Road.

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

- 1. 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.**

5. No. 23PL118 - WDTC Subdivision

A request by FMG, Inc for Western Dakota Technical College to consider an application for a **Preliminary Subdivision Plan** for proposed Lot A, B, C and D of WDTC Subdivision, legally described as Tract A and Tract B of Marshall Subdivision and Lot 6 of the NW1/4 of the SE1/4 all located in Section 5, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of SD Highway 44 between Mickelson Drive and Valley 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, construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Local Street shall be submitted for review and approval for the Public Access and Utility Easement 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 shall be submitted for review and approval for the recommended drainage improvements as per the Perrine Drainage Basin Plan 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;
12. Prior to submittal of a Final Plat, an alternate street name for Technology Drive shall be submitted to the Emergency Services Communications Center for review and approval. In addition, the plat document shall show the approved street name;
13. Prior to the approval of a Final Plat application, proposed Lots A, B, and C shall be rezoned to Medium Density Residential District; and,
14. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.

*6. No. 23PD035 - Section 16, T1N, R8E

A request by Longbranch Civil Engineering, Inc for ZCO Incorporated to consider an application for a **Major Amendment to a Planned Development Overlay to allow a residential development** for a portion Tract 1 of the E ½ of Section 16 T1N, R8E, B.H.M., located in the S ½ of the SE ¼, Section 16, T1N, R8E, B.H.M., Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 12 of Elks Country Estates Subdivision, common with a random point on the westerly boundary of Tract 1 of the E ½ of Section 16, T1N, R8E, B.H.M., common with the easterly boundary of an un-platted strip of land of a portion of the SE ¼ of the SW ¼ of Section 16, T1N, R8E, B.H.M., and the point of beginning; Thence, N 89°56'31" E, a distance of 118.04 feet along the southerly property line of Lot 3 of Block 12 of Elks Country Estates Subdivision to the southeasterly corner of said Lot 3 to a random point on the westerly edge of the Augusta Drive right of way; Thence, S 00°03'29" E a distance of 26.20 feet to the southwesterly corner of the Augusta Drive right of way; Thence, N 89°56'31" E a distance of 52.00 feet to the southeasterly corner of the Augusta Drive right of way; Thence, N 00°03'29" W a distance of 16.36 feet to an angle point on the easterly boundary of the Augusta Drive right of way; Thence,

N 44°45'05" E a distance of 19.19 feet to an angle point of the Augusta Drive right of way and an angle point common with the southerly boundary the Ping Drive right of way; Thence, N 89°56'45" E a distance of 45.48 feet along the southerly boundary the Ping Drive right of way to a point of curvature on the southerly boundary of said right of way; Thence, a 194.00 foot radius curve to the right with a chord bearing of S 80°53'20" E, and a chord distance of 61.80 feet with a delta angle 18°19'50" and arc length of 62.07 feet to the northwesterly corner of Lot 17 of Block 16 of Elks Country Estates; Thence, S 00°03'15" E a distance of 283.62 feet along to an angle point on the southwesterly boundary of Lot 15 of Block 16 of Elks Country Estates; Thence, S 42°27'12" E a distance of 328.51 feet to an angle point on the southwesterly boundary of Lot 12 of Block 16 of Elks Country Estates; Thence, S 59°25'19" E a distance of 577.83 feet to an angle point on the southerly boundary of Lot 7 of Block 16 of Elks Country Estates; Thence, N 86°06'41" E a distance of 658.17 feet along to the southeasterly corner of Lot 1 of Block 16 of Elks Country Estates common to a point on the westerly boundary of the Callaway Drive Right of Way; Thence, a 274.00 foot radius curve to the right with a chord bearing of S 09°47'40" W, and a chord distance of 51.01 feet with a delta angle 10°40'55" and arc length of 51.08 feet to the southwesterly corner the Callaway Drive right of way; Thence, S 74°51'53" E a distance of 52.00 feet to the southeasterly corner of the Callaway Drive right of way; Thence, N 87°45'06" E a distance of 171.28 feet along the southerly boundary of Lot 9 of Block 15 of Elks Country Estates to the southeasterly corner of Lot 9 common with the westerly boundary of Lot 7 of Block 15 of Elks Country Estates; Thence, S 13°35'31" E a distance of 31.99 feet to an angle point along the westerly boundary of Lot 7 of Block 15 of Elks Country Estates; Thence, S 02°59'30" E a distance of 57.43 feet to the southwesterly corner of Lot 7 of Block 15 of Elks Country Estates; Thence, N 89°56'21" E a distance of 164.30 feet along the southerly boundary of Lot 7 of Block 15 of Elks Country Estates to the southeasterly corner of Lot 7 common with the westerly boundary of Lot 4 of Block 15 of Elks Country Estates; Thence, S 03°55'58" E a distance of 44.15 feet to an angle point along the westerly boundary of Lot 4 of Block 15 of Elks Country Estates; Thence, S 12°10'56" W a distance of 36.28 feet to the southwesterly corner of Lot 4 of Block 15 of Elks Country Estates; Thence, N 89°59'49" E a distance of 101.01 feet along the southerly boundary of Lot 4 of Block 15 of Elks Country Estates to the southeasterly corner of Lot 4 and a random point along the westerly boundary of the Jolly Lane right of way; Thence, S 10°27'42" W a distance of 99.99 feet along the westerly boundary of the Jolly Lane right of way to a point along the northerly boundary of Lot H3R of Section 16, T1N, R8E, B.H.M.; Thence, N 89°58'12" W a distance of 804.68 feet along the northerly boundary of Lot H3R of Section 16, T1N, R8E, B.H.M. to a random point along said boundary of Lot H3R; Thence, S 89°38'15" W a distance of 1146.02 feet along the northerly boundary of Lot H3R of Section 16, T1N, R8E, B.H.M. to an angle point on the northerly Lot H3R boundary; Thence, N 45°25'53" W a distance of 14.13 feet to an angle point on the northerly boundary of Lot H3R of Section 16, T1N, R8E, B.H.M.; Thence, N 00°21'49" W a distance of 18.64 feet to a northeasterly corner of Lot H3R of Section 16, T1N, R8E, B.H.M.; Thence, S 89°43'51" W a distance of 51.91 feet to a northwesterly corner of Lot H3R of Section 16, T1N, R8E, B.H.M.; Thence, S 00°15'10" E a distance of 18.66 feet to an angle point on the northerly boundary of Lot H3R of Section 16, T1N, R8E, B.H.M.; Thence, S 44°37'38" W a distance of 14.21 feet to an angle point on the northerly boundary of Lot H3R of Section 16, T1N, R8E, B.H.M.; Thence, S 89°29'38" W a distance of 109.74 feet along the northerly boundary of Lot H3R of

Section 16, T1N, R8E, B.H.M., to the southwesterly corner of Tract 1 of the E ½ of Section 16, T1N, R8E, B.H.M., common with the southeasterly corner of an un-platted strip of land of a portion of the SE ¼ of the SW ¼ of Section 16, T1N, R8E, B.H.M., common with the northwesterly corner of Lot H3R of Section 16, T1N, R8E, B.H.M. and common with the northeasterly corner of the Minnesota Street right of way; Thence, N 00°01'31" E a distance of 1112.58 feet along the easterly boundary of an un-platted strip of land of a portion of the SE ¼ of the SW ¼ of Section 16, T1N, R8E, B.H.M. common with a random point on the westerly boundary of Tract 1 of the E ½ of Section 16, T1N, R8E, B.H.M., common with the southwesterly corner of Lot 3 of Block 12 of Elks Country Estates Subdivision, and the point of beginning, and A portion Tract 1 of the E ½ of Section 16 T1N, R8E, B.H.M., located in the S ½ of the SE ¼, Section 16, T1N, R8E, B.H.M., Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 4 of Block 14 of Elks Country Estates, common with a random point on the easterly boundary of the Jolly Lane right of way common with the corner of a portion of Tract 1 of the E ½ of Section 16, T1N, R8E, B.H.M., and the point of beginning; Thence, S 79°30'12" E, a distance of 107.74 feet along the southeasterly corner of Lot 4 of Block 14 of Elks Country Estates; Thence, N 10°13'24" E a distance of 141.40 feet to an angle point on the easterly boundary of Lot 3 of Block 14 of Elks Country Estates; Thence, N 00°00'11" W a distance of 315.13 feet along to the southeasterly corner of the Ping Drive right of way: Thence, N 07°57'44" W a distance of 52.25 feet along to the northeasterly corner of the Ping Drive right of way, common with the southeasterly corner of Lot 21R2 of Block 11 of Elks Country Estates: Thence, N 13°33'44" W a distance of 70.00 to an angle point on the easterly boundary of Lot 21R2 of Block 11 of Elks Country Estates; Thence, N 16°37'27" E a distance of 70.27 to the northeasterly corner of Lot 21R2 of Block 11 of Elks Country Estates, common with a random point on the southerly boundary of Lot 2R of Elks Golf Course Subdivision; Thence, N 64°24'12" E a distance of 63.19 feet to an angle point along the southerly boundary of Lot 2R of Elks Golf Course Subdivision; Thence, N 31°00'26" E a distance of 233.69 feet to an angle point along the southerly boundary of Lot 2R of Elks Golf Course Subdivision; Thence, S 89°59'56" E a distance of 126.89 feet to the southeasterly corner of Lot 2R of Elks Golf Course Subdivision common with a random point on the westerly boundary of the NW ¼ of the SW ¼ of Section 15, T1N R8E, B.H.M.; Thence, S 00°00'35" E a distance of 956.40 feet to the southeasterly corner of Tract 1 of the E ½ of Section 16, T1N, R8E, B.H.M., common with the southwesterly corner of the SW ¼ of the SW ¼ of Section 15, T1N R8E, B.H.M., common with the northeasterly corner of Lot H3R of Section 16, T1N, R8E, B.H.M.; Thence, N 89°59'09" W a distance of 452.21 feet along the northerly boundary of Lot H3R of Section 16, T1N, R8E, B.H.M to the southwesterly corner of a portion Tract 1 of the E ½ of Section 16, T1N, R8E, B.H.M., common with the southeasterly corner of the Jolly Lane right of way; Thence N 10°29'22" E, a distance of 109.65 feet to the southwesterly corner of Lot 4 of Block 14 of Elks Country Estates, common with a random point on the easterly boundary of the Jolly Lane right of way common with the corner of a portion of Tract 1 of the E ½ of Section 16, T1N, R8E, B.H.M., and the point of beginning, more generally described as being located at the southern terminus of Augusta Drive and eastern terminus of Ping Drive.

Planning Commission approved the Major Amendment to a Planned Development Overlay to allow a residential development with the following stipulations:

- 1. Prior to issuance of a building permit, the associated Final Plat shall be submitted for review and approval.**
- 2. Prior to issuance of a Certificate of Occupancy, all required subdivision improvements shall be constructed and accepted by the City.**
- 3. The Major Amendment to a Planned Development Overlay shall allow for a residential development in compliance with the applicant's submitted site plan. All requirements of the Low Density Residential District 2 must be maintained unless specifically authorized in accordance with Chapter 17.50 of the Rapid City Municipal Code. All uses permitted in the Low Density Residential District 2 which do not increase parking requirements shall be permitted contingent upon an approved building permit. Any use or change in use that is a Conditional Use in the Low Density Residential District 2 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.

---END OF CONSENT CALENDAR---

***2. No. 23PD018 - Moon Meadows Park Subdivision**

A request by Towey Design Group for Kent Hagg to consider an application for a **Final Planned Development Overlay to allow a gas station with a convenience store** for a tract of land located in the SW1/4NW1/4 of Section 35, T1N, R7E, B.H.M., City of Rapid City, Pennington County, South Dakota; more particularly described as follows: Beginning at the ¼ corner common to sections 34 and 35, T1N, R7E; thence S 87°23'40" E, 534.25 feet; thence N 02° 00'01" E, 290.52 feet to the point of beginning; Thence N 74°44'40" W, 518.77' to the r.o.w. of Mount Rushmore Road; Thence to the left 265.74 feet along the arc of a curve whose radius is 2510.53 feet whose chord bears N 12°24'57" E, 265.61 feet; thence N 81°01'10" W 49.52 feet; thence N 09°11'59" E 94.14 feet to the south R.O.W. line of Moon Meadows Drive; thru the following 7 courses along said R.O.W., thence S 80°40'31" E 134.94 feet; thence left 45.36 feet along the arc of a curve whose radius is 940.00 feet whose chord bears S 82°03'28" E 45.36 feet; thence N 12°05'24" E 10.00 feet; thence right 138.96 feet along the arc of a curve whose radius is 950.00 feet whose chord bears S 73°43'10" E 138.84 feet; thence S69°31'44" E 56.33 feet; thence S 69°31'44" E 164.29 feet; thence left 24.71 feet along the arc of a curve whose radius is 1550.00 feet whose chord bears S 69°59'08" E 24.71 feet; thence S 19°32'51" W 177.96 feet; thence S 02°00'01" W 186.41 feet back to the point of beginning, more generally described as being located southeast of the intersection of Highway 16 and Moon Meadows Drive.

In response to Stuck's questions about the intersection of Moon Meadows and Highway 16, Roger Hall discussed the traffic signal that is scheduled to be installed

in early 2024, the proposed deceleration lane and existing left turning lane on Highway 16. Hall noted pending restructure of the Highway 16 and Catron Boulevard intersection.

Kent Hagg, Hagg Development, Alta Terra Development, discussed the road plans including the double turn lanes off of Highway 16 onto Moon Meadows and the 5 lane design of the intersection into the subdivision. Hagg stated that the signal is prepared for installation, noting it is wired to work with the Sheridan Lake intersection for emergency functions.

Vial moved, Bulman seconded and the Planning Commission approved the Final Planned Development Overlay with the following stipulations:

- 1. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Development Overlay;**
- 2. Prior to a Certificate of Occupancy, the western entrance shall be painted in white diagonal hatching as a right-in only entrance with two do-not-enter signs posted on each side to prevent exiting vehicles. The paint for the western entrance shall be applied annually, or as otherwise directed by the Engineering Division.**
- 3. All signage shall meet the requirements of the Rapid City Sign Code and obtain a sign permit prior to the placement of any signage; and,**
- 4. This Final Planned Development Overlay shall allow a 5,011 square-foot convenience store with a drive-through and fuel sales, and a 6,500 square-foot restaurant. Any change in use that is a permitted use in the General Commercial District shall require a building permit. Any change in use that is a conditional use in the General Commercial District shall require a Major Amendment to the Planned Development Overlay. (9 to 0 with Arguello, 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. 23PD037 - Moon Meadows Ridge Subdivision

A request by HME for Founding Equity Land Partners, LLC to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for a tract of land located in the SE1/4NW1/4 of Section 35, T1N, R7E, B.H.M., City of Rapid City, Pennington County, South Dakota; more particularly described as follows: Beginning at the NW1/16 corner of Section 35, T1N, R7E; Thence S 87°35'59" E, 156.50 feet; thence S 01° 45'11" W, 127.51 feet to the point of beginning; Thence in a clock wise direction, S 88°14'49" E, 555.67 feet; Thence S 01°45'11" W, 444.57 feet; Thence S 18°54'27" E, 40.08 feet; Thence S 55°39'31" W, 414.19 feet; Thence to the left 302.60 feet along the arc of a curve whose radius is 450.00 feet whose chord bears N 68°03'41" W, 296.92 feet; Thence N 87°19'03" W, 64.55 feet to the SE corner of Moon Meadows Drive R.O.W., where it intersects with Healing Way; Thence N 01°45'11" E, 100.00 feet, along said Moon Meadows Dive R.O.W.; Thence S 87°19'30" E, 66.16 feet;

Thence right 42.02 feet along the arc of a curve whose radius is 550.00 feet whose chord bears S 85°08'11" E, 42.01 feet; Thence N 01°45'11" E, 525.92 feet back to the point of beginning, more generally described as being located at the intersection of Moon Meadows Drive and Healing Way.

Stuck stated that his concerns regarding traffic were addressed with discussion on 23PD018.

Quasney moved, Vidal seconded and the Planning Commission approved the Final Planned Development Overlay to allow an apartment complex with the following stipulations:

- 1. Upon the submittal of a Building Permit 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;**
- 2. Upon the submittal of a Building Permit application for the apartment complex in Phase One, a drainage report shall be submitted for review and approval;**
- 3. Prior to the issuance of a Building Permit in any phase, the proposed lot(s) shall be platted; and,**
- 4. The Final Planned Development Overlay shall allow for an apartment complex with the review and approval of a Building Permit application. (9 to 0 with Arguello, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*8. No. 23PD034 - North 80 Subdivision

A request by Renner Associates, LLC for U-Haul Company of South Dakota to consider an application for a **Final Planned Development Overlay to allow a mini storage, truck rental and a retail facility** for Lot 5 less Lots A thru E of Lot 5 and less right-of-way and Lot 6 of North 80 Subdivision, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Shelby Avenue and Stumer Road.

Halonon presented the application reviewed the associated slides outlining that the applicant is proposing to construct a 15,700 square foot single story, storage building in the northern portion of the property and a 32,100 square foot, three-story storage and retail building in the southern portion and six min-warehouse buildings in the eastern and south western portion of the property. Tanner noted that Rapid City Municipal Code requires fencing or some form of screening for storage facilities, but stated staff supports the applicant's request for an Exception to waive the security/screen fencing requirement, contingent upon the majority the

landscaping be provided along the perimeter of the property to buffer the land use from the street frontages and an Exception to reduce the required landscaping from 264,676 landscaping points to 238,104 landscaping points. Staff recommends approval of the Final Planned Development Overlay to allow a mini storage, truck rental and a retail facility with stipulations.

Landscaping and easement, access issues and the use of long unused land was discussed. Design aspects and requirements were discussed.

Shawn Odden, U-Haul Company, confirmed the retail area will be a U-Haul retail store.

Vidal moved, Heikes seconded and the Planning Commission approved the Final Planned Development Overlay to allow mini storage, a truck rental, and a retail facility with the following stipulations:

- 1. An Exception is hereby granted to waive the security/screen fencing requirement, contingent upon the majority the landscaping be provided along the perimeter of the property to buffer the land use from the street frontages;**
- 2. An Exception is hereby granted to reduce the required landscaping from 264,676 landscaping points to 238,104 landscaping points;**
- 3. Prior to the approval of a Building Permit application, the applicant shall enter into a Developmental Lot Agreement to allow shared access and landscaping between Lots 5 and 6;**
- 4. Prior to the approval of a Building Permit application, the applicant shall obtain a Floodplain Development Permit;**
- 5. Prior to the approval of a Building Permit application, portions of the Sanitary Sewer and Major Drainage Easement that are unneeded shall be vacated; and,**
- 6. The Final Planned Development Overlay shall allow for mini storage, a truck rental, and a retail facility. Any change of use or expansion of use permitted in the General Commercial District and in compliance with the Parking Regulations shall require the review and approval of a Building Permit. Any change of 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. (9 to 0 with Arguello, 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.

- *9. No. 23UR033 - Watersedge Subdivision
A request by Nevada Ellison to consider an application for a **Major Amendment to Conditional Use Permit to expand a medical cannabis cultivation establishment** for Lot 2 of Watersedge Subdivision, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally

described as being located at 1810 Rand Road.

Haven Stuck stated he would be abstaining from this issue due to a conflict of interest.

Harrington presented the application and reviewed the associated slides. Harrington reviewed the approval history of the Conditional Use Permit, stating that in February of 2022 it was approved for a Medical Cannabis Cultivation Facility with a Major Amendment in April of 2023 to allow a Medical Cannabis Manufacturing Facility in a separate building. Harrington stated this amendment is proposing a 605 square-foot expansion of the Medical Cannabis Cultivation area of the existing 4,400 square-foot building bringing the Medical Cannabis Cultivation area to 3,697 square-feet with remainder being used for storage. Harrington reviewed the layout of the expansion plans and evacuation plans noting there have not been any issues with the project since approval in 2022. Harrington stated that staff recommends the Major Amendment to Conditional Use Permit to expand a medical cannabis cultivation establishment be approved with stipulations.

Nevada Ellison, applicant, discussed the security and employee management noting that they do not use signage so that the use of the building is not advertised.

Vidal moved, Heikes seconded and the Planning Commission approved the Major Amendment to a Conditional Use Permit with the following stipulation(s):

- 1. Prior to issuance of a certificate of occupancy, a medical cannabis cultivation establishment license from the South Dakota Department of Health shall be provided. Failure to provide a registration certificate, or revocation of a registration certificate, shall disqualify the establishment as a permitted use and shall be sufficient cause for revocation of a Conditional Use Permit;**
- 2. Prior to issuance of a building permit, the applicant shall coordinate with the Rapid City Fire Department Fire and Life Safety Division to establish a plan with acceptable time frames to provide an approved fire sprinkler protection and associated fire alarm systems designed and installed as per NFPA 13 and NFPA 72, respectively, and shall be provided throughout any portion of the building containing the cannabis related activity. Where applicable, a covenant agreement addressing the fire protection system installation shall be entered into prior to issuance of a certificate of occupancy;**
- 3. The waste management plan shall be continually monitored to ensure the security of waste handling;**
- 4. The security plan shall be continually monitored to ensure that all areas and operation of the medical cannabis cultivation establishment are provided 24/7 surveillance and recovery of video shall be provided as needed;**
- 5. The odor control plan shall be continually monitored to ensure that all ventilation, odor abatement, and any other measures are taken to prevent nuisances. The premises shall be properly ventilated and the exhaust air filtered or treated to neutralize the odor from cannabis so that the odor cannot be detected by a person with a normal sense of smell at the property line of the premises or on any adjoining property;**

6. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit; and,
7. The Conditional Use Permit shall allow a medical cannabis cultivation establishment at the location proposed in compliance with the submitted site plan and floor plan. The medical cannabis cultivation establishment shall be operated in compliance with the approved operational plan and in compliance with all City and State regulations. Any additional expansion of the medical cannabis cultivation establishment shall require a Major Amendment to the Conditional Use Permit. Permitted uses within the Light Industrial District, which are in compliance with the Parking Ordinance, shall be allowed with a building permit. (8 to 0 to 1 with Arguello, Braun, Bulman, Gollhofer, Heikes, Kaufman, Quasney and Vidal voting yes and none voting no and Stuck 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.

10. Staff and Planning Commission Discussion Items

Fisher stated that with Jessica Olson coming on board later this month as Current Planning Division Manager the Planning Division will be fully staffed. Fisher noted that staff will start working on numerous Ordinance Amendments in the upcoming months.

Discussion followed regarding traffic and the upcoming construction project on Sheridan Lake Road.

There being no further business, Gollhofer moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:57 a.m. (9 to 0 with Arguello, Braun, Bulman, Gollhofer, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)