

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 20, 2024

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

MEMBERS ABSENT: John Herr, Brook Kaufman and Mike Quasney.

STAFF PRESENT: Vicki Fisher, Jessica Olson, Tanner Halonen, Cassie Hayes, Morgan Twombly, Chip Premus, 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 Heikes and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (8 to 0 with Arguello, Braun, Bulman, Ginsberg, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 6, 2024 Planning Commission Meeting Minutes.
2. No. 24PL038 - Elks Country Estates Subdivision
A request by Longbranch Civil Engineering, Inc for ZCO Incorporated to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 5 and Lot 7 through Lot 9 of Block 14 and Lot 22 through Lot 23 of Block 11 and dedicated right-of-way of Elks Country Estates Subdivision, legally described as a portion of Tract 1 of the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located eastern terminus of Ping 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 per §16.08.070 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 Ping Drive 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. **Prior to the approval of a Development Engineering Plan application, a site plan shall be submitted demonstrating that the future access approach on Lot 6 of Phase 9 will be separated by a minimum distance of 90 feet from the future intersection of Jolly Lane and East Minnesota Street or the plat document shall be revised to accommodate a 90 foot clearance 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 Plat 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, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;**
8. **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;**
9. **Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;**
10. **Prior to the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure the maintenance and ownership of any proposed drainage elements. A copy of the executed agreement shall be submitted with the Final Plat application;**
11. **Upon the submittal of a Final Plat application, a Major Drainage Easement shall be dedicated for all drainage improvements;**
12. **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;**
13. **Upon the submittal of a Final Plat application, surety approved by the City Attorney's Office shall be posted for any required subdivision improvements that have not been completed and the subdivision inspection fees shall be paid; and,**
14. **Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.**

3. No. 24PL042 - Big Sky Business Park

A request by Renner Associates, LLC for Pilot Properties, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 3CR1 and Lot 3CR2 of Big Sky Business Park, legally described as Lot 3CR of Block 1 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4112 Berniece Street.

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

1. **Prior to the submittal of a Final Plat application, an Access and Utility Easement shall be identified on the plat document to allow access and utilities to proposed Lot 3CR2 through proposed Lot 3CR1;**
2. **Prior to the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure the maintenance and ownership of any proposed drainage elements. 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 grant an easement for the non-conforming sewer service as per §13.12.060.B of the Rapid City Municipal Code. A copy of the executed agreement shall be submitted with the Final Plat application;**
4. **Prior to the submittal of a Final Plat application, a utility layout plan shall be submitted for review and approval demonstrating that the water service to the proposed development has been revised to connect directly to the main without crossing a side or rear property line as per §3.5.6 of the Infrastructure Design Criteria Manual. The approved utility layout plan shall be submitted with the Final Plat application;**
5. **Upon the submittal of a Final Plat application, a Major Drainage Easement shall be dedicated for all drainage improvements; and,**
6. **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. 24RZ012 - Section 22, T1N, R7E

A request by Avid4 Engineering, Inc for Black Hills Energy to consider an application for a **Rezone request from General Agricultural District to Light Industrial District** for beginning at a found rebar with aluminum cap stamped "SOUTH DAKOTA CEMENT PLANT PROPERTY CORNER – RENNER & SPERLICH 2652" at the northeast corner of the Northwest Quarter (NW1/4) of Section 22, Township 2 North, Range 7 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota (Northing = 666840.14, Easting = 1199690.62, SDSPSZ NAD83(2011)), the TRUE POINT OF BEGINNING; Thence (1) S02°06'17" W a distance of 1320.08 feet to a found rebar with aluminum cap stamped "SOUTH DAKOTA CEMENT PLANT PROPERTY CORNER – RENNER & SPERLICH 2652" (Northing = 665520.95, Easting = 1199642.13); Thence (2) S02°06'32" W a distance of 1321.13 feet to a found rebar with aluminum cap stamped "SOUTH DAKOTA CEMENT PLANT PROPERTY CORNER – RENNER & SPERLICH 2652"; Thence (3) N88°01'10" W a distance of 1670.39 feet to a found rebar with plastic cap stamped "POLENZ – RLS 4208"; Thence (4) N02°06'24" E a distance of 2644.50 feet to a point on the section line common to Sections 15 and 22, Township 2 North, Range 7 East of the Black Hills Meridian; Thence (5) S87°54'23" E, 1670.39 feet to the true point of beginning, more generally described as being located northeast of the intersection of Deadwood Avenue N and Tatanka Road.

Planning Commission recommended approval of the Rezoning Request from General Agricultural District to Light Industrial District.

5. No. 24RZ013 - Shepherd Hills South Subdivision
A request by Advanced Design Engineering and Surveying, Inc for BH Capital LLC to consider an application for a **Rezoning request from General Commercial District to Medium Density Residential District** for Lot 2R of Block 9 of Shepherd Hills South Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2618 E. Anamosa Street.

Planning Commission recommended approval of the Rezoning Request from General Commercial District to Medium Density Residential District.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *6. No. 24UR011 - Section 4, T1N, R7E
A request by Kyra Phipps to consider an application for a **Major Amendment to a Conditional Use Permit to allow a child care center** for Lot 1R of Lot 1 and a portion of vacated West South Street, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Sioux San Drive.

Hayes presented the application and reviewed the associated slides stating the applicant is requesting to operate a child care center for up to 30 children ranging from ages of six weeks to six years with three to four staff based on State requirements. Hayes reviewed the property noting there are multiple points of ingress and egress to the property and ample parking. Hayes reviewed that the original Conditional Use Permit allowed the religious use and that the addition of the child care center required the Major Amendment to that Conditional Use Permit. Hayes identified the location of the child care center as being in the basement of the building and reviewed the ingress and egress locations for the child care center. Hayes also reviewed the hours of operation, layout and security measures for the child care center, noting that the religious use located in the upper floor will not change. Hayes stated that a fire suppression sprinkler system, smoke detectors and a fire alarm panel will be installed prior to operation. Hayes reviewed indoor and outdoor play space stating that they meet both of these requirements. Hayes stated that staff is recommending approval of the Major Amendment to a Conditional Use Permit to allow a child care center with stipulations as outlined in the Project Report.

Jennifer Mink, daughter of area resident, spoke to her concerns regarding the potential for congestion, noise and possible dual usage of the space.

Kyra Phipps, applicant, stated that the Montessori School and summer classes that had previously used the facility were either no longer in operation or will be completed prior to operation of the child care center.

Fisher discussed the criteria of the existing Conditional Use Permit.

Age and history of use for the property, location, size and design of the outdoor play area, the need for childcare in the city and that the requirement for a Building

Permit for the fire sprinkler system providing further review of the ingress and egress for the basement facility were discussed.

Golliher moved, Vidal seconded and Planning Commission unanimously approved of the Major Amendment to a Conditional Use Permit to allow a child care center with the following stipulations:

- 1. Upon the submittal of a Building Permit, the plans submitted shall identify that the child care center has sufficient fire sprinkler, smoke detection, and fire alarm systems. Prior to issuance of a Certificate of Occupancy, the Fire Department shall verify and inspect installation of the fire systems;**
- 2. A minimum of seven parking spaces shall be provided for the child care center and a minimum of 57 parking spaces shall be provided for the religious worship facility. At least three parking spaces shall be ADA accessible with one being van accessible. Parking shall be designed in compliance with the City's Parking Regulations;**
- 3. A minimum of 1,050 square feet of indoor play space and 1,500 square feet of fenced outdoor play space shall be provided. Fencing around the outdoor play area shall be a minimum of four feet in height; and,**
- 4. The Major Amendment to a Conditional Use Permit shall allow a child care center for a maximum of 30 children in compliance with the applicant's operational plan. 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 review and approval of an amendment to the Conditional Use Permit pursuant to Section 17.54.030.I of the Rapid City Municipal Code. (8 to 0 with Arguello, Braun, Bulman, Ginsberg, Golliher, Heikes, 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. Staff and Planning Commission Discussion Items

None

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