

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 22, 2024

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

MEMBERS ABSENT: John Herr, Karen Bulman, and Brook Kaufman

STAFF PRESENT: Vicki Fisher, Jessica Olson, Sarah Hanzel, Kip Harrington, Tanner Halonen, Cassie Hayes, Mike Dugan, Chip Premus, Roger Hall, Kinsley Groote, Daniel Ainslie and Kristin Garvin.

Braun called the meeting to order at 7:01 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 Item #6 be removed from the Consent Agenda for separate consideration.

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

Motion by Vidal, seconded by Quasney and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations with the exception of Items 5 and 6. (8 to 0 with Arguello, Braun, Ginsberg, Golliher, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 8, 2024 Planning Commission Meeting Minutes.
2. No. 24VR001 - Feigel Subdivision
A request by Towey Design Group for Northwestern Engineering Company to consider an application for a **Vacation of Right-of-Way** for a portion of the E1/2 and W1/2 of Cherry Avenue and a portion of the S1/2 of E. Madison Street right-of-way adjacent to Block 1 of Feigel Subdivision and Lot 4 of Block 4 of Feigel Subdivision, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. Watertown and east of Spruce Street.

Planning Commission recommended approval of the Vacation of Right-of-Way.
3. No. 24PL059 - KH Development
A request by Baseline Surveying for KH Properties LLC to consider an application

for a **Preliminary Subdivision Plan** for proposed Lot 1 in KH Development, legally described as a portion of the S1/2 of the SW1/4; a portion of the SW1/4 of the SE1/4 less right-of-way of Section 9, T2N, R8E, BHM Pennington County, South Dakota, more generally described as being located northeast of the intersection of Dyess Avenue and 225th Street.

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

- 1. Upon the submittal of a Development Engineering Plan application, if the property is rezoned from the current Agriculture District to any other Pennington County zoning district, construction plans shall be submitted for review and approval which identify property line sidewalks along Dyess Avenue and 225th Street adjacent to the proposed lot, or a Variance shall be obtained from City Council to waive this requirement. If a Variance is obtained a copy of the approval documents shall be submitted with the Final Plat application;**
- 2. Prior to the submittal of a Final Plat application, the proposed lot shall be Rezoned and a Comprehensive Plan Amendment obtained to change the zoning district and Future Land Use designation to permit a 3-acre lot size or a Variance shall be obtained from the County Board of Commissioners to reduce the minimum lot size from 10 acres to 3 acres. If a Rezone and Comprehensive Plan Amendment or a Variance is obtained a copy of the approval documents shall be submitted with the Final Plat application;**
- 3. Prior to the submittal of a Final Plat application, a Variance shall be obtained from the County Board of Commissioners to reduce the required front yard setback from 25 feet to 13.5 feet or an Exception shall be obtained to waive the dedication of 50 feet of right-of-way to the eastern half of Dyess Avenue. If a Variance or an Exception is obtained a copy of the approval document shall be submitted with the Final Plat application;**
- 4. Prior to the submittal of a Final Plat application, Approach Permits shall be obtained from the Pennington County Highway Department for the existing approach on Dyess Avenue and 225th Street accessing the proposed lot. A copy of the approval documents shall be submitted with the Final Plat application;**
- 5. Prior to the submittal of a Final Plat application, the applicant shall verify the Flood Insurance Rate Map panel numbers on the plat document and make corrections if necessary;**
- 6. Upon the submittal of a Final Plat application, a revised Master/Phasing Plan shall be submitted for review and approval which identifies the proposed Collector Street that intersects the eastern portion of the property;**
- 7. Upon the submittal of a Final Plat application, the plat document shall identify the dedication of 50 feet of right-of-way to the eastern half of Dyess Avenue and to the northern half of 225th Street adjacent to the plat boundary or the criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approval document shall be submitted with the Final Plat application;**

8. Upon the submittal of a Final Plat application, the proposed legal description on the plat document shall be revised to read 'Lot 1 in KH Development Subdivision' rather than 'Lot 1 in KH Development'; and,
9. 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. 24PD017 - Vista Lake Subdivision #2

A request by Chris Stryker for T-Mobile to consider an application for a **Major Amendment to a Planned Development Overlay to allow additional cellular facilities** for Lot 1 of Vista Lake Subdivision #2, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4616 Jackson Boulevard.

Planning Commission recommended approval of the Major Amendment to a Planned Development Overlay to allow additional cellular facilities with the following stipulations:

1. A temporary Cell on Wheels (COW) tower not exceeding 60 feet in tower height shall be allowed to be placed on the subject property for a period not to exceed 12 months while permanent facilities are constructed. The COW tower shall be placed within the area leased for cellular facilities and shall be securely surrounded by temporary fencing while on the subject property. A Building Permit for the temporary use shall be obtained for the COW tower prior to installation;
2. Prior to issuance of a Building Permit for the proposed T-Mobile ground equipment, a copy of a lease executed by the landowner shall be provided demonstrating that the equipment will be located within the boundaries of the leased area on the subject property;
3. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
4. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the Planned Development Overlay;
5. The additional fence proposed as part of this Major Amendment to the Planned Development Overlay shall be constructed to conform architecturally to the elevation and color palette of the existing fence and as per the approved Fence Height Exception (#09FV007);
6. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
7. A minimum of 7 parking spaces shall be provided for the photography studio and residence. One of the spaces shall be "van accessible". In addition, a minimum of 2 parking spaces shall be provided for the communication facility. One of the spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
8. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;

9. The currently adopted International Fire Code shall be continually met; and,
10. This Major Amendment to a Planned Development Overlay shall allow for the following uses on the subject property:
 - The existing 150-foot-tall flagpole cell tower with 2 equipment shelters and pad-mounted equipment cabinets;
 - The addition of up to 6 panel antennas and 6 Remote Radio Units (RRUs) on the existing cell tower along with radio and electrical ground equipment and a future backup generator installed on a new equipment platform;
 - A temporary Cell On Wheels (COW) tower in accordance with Stipulation #1 above; and,
 - A residence and photography studio.

The American flag shall be flown on the flagpole tower and lighted as needed. A minimum of 2 co-locators shall continually be allowed on the property. Any other use or expansion of use 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.

5. No. 24OA006 – Ordinance 6631
A request by City of Rapid City Department of Community Development to consider an application for **an Ordinance Adopting Section 17.40.055 to Add Usable Open Space Requirements to the Office Commercial District for Multi-Family Dwellings and Assisted Living Centers.**

Braun pulled this item from the Consent Agenda for discussion.

Fisher noted that the Office Commercial District was previously revised to eliminate single-family homes as an allowed use. Fisher stated that multi-family development is still permitted but the Office Commercial District does not have an open space requirement and the Ordinance Amendment is aligned with the current requirement for open space for multi-family dwellings and assisted living centers identified within residential districts.

Vidal moved, Heikes seconded and Planning Commission unanimously approved the Ordinance Adopting Section 17.40.055 to Add Usable Open Space Requirements to the Office Commercial District for Multi-Family Dwellings and Assisted Living Centers. (8 to 0 with Arguello, Braun, Ginsberg, Gollhofer, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

- *6. No. 24UR014 - Moon Ridge Subdivision
A request by Jaime Salinas of Colliers Engineering and Design to consider an

application for a **Conditional Use Permit to allow a gas station and convenience store with a car wash within 250 feet of a residential district** for Lot 7 of Moon Ridge Subdivision, located in Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2125 Moon Meadows Drive.

Stuck pulled this item for discussion. Discussion was made concerning access from Moon Meadows Drive. Fisher stated that this is a significant area for traveling into the Hills and that Public Works and SDDOT has approved the design.

Matt Naasz from Gunderson, Palmer Law Firm spoke on behalf of Tom St. Hill, owner of Black Hills RV Park. Naasz stated that St. Hill has not had adequate time after receiving the notification letter to meet with City Staff and/or the developer to discuss his concerns pertaining to drainage, lighting, and vacuum and trash location.

Fisher stated that the lighting issue is addressed as Advisory #8 in the Project Report and if it becomes an issue, Code Enforcement should be notified. Fisher noted that the Advisories also identify the need to obtain a Building Permit which will address drainage requirements. Fisher discussed snow removal on the adjacent property as a separate issue and referred to Roger Hall, City Engineer for more description on drainage.

Richard Blossy, Client Manager from Colliers Engineering and Design for Circle K, addressed the detention pond and storm water issues. Blossy explained that Black Hills RV Park is buffered about 200-250 feet from the development site. Discussion followed regarding adequate buffering and screening.

Naasz addressed the physical barrier issue and requested a condition to install a privacy fence between the Circle K and RV park to help with the light, trash, noise, and pedestrian foot traffic.

Fisher stated that the representatives of the Circle K have volunteered to add a stipulation that would require a privacy fence along the south lot line designed so that there would be an access point.

Heikes moved, Vidal seconded and Planning Commission approved the Conditional Use Permit to allow a gas station and convenience store with a car wash within 250 feet of a residential district with the following stipulations and an additional stipulation by the Planning Commission that a 6-foot tall opaque privacy fence shall be installed and maintained along the south property line (6-2 with Arguello, Ginsberg, Gollither, Heikes, Stuck and Vidal voting yes and Braun and Quasney voting no):

- 1. Upon submittal of a Building Permit, if the southern approach from Fort Hayes Drive is proposed to be constructed, the applicant shall provide documentation demonstrating that the proper easements, approvals, and approach permits have been obtained;**
- 2. A minimum of 60 off-street parking spaces shall be provided for the gas station and convenience store and a minimum of 3 stacking spaces per drive through lane shall be provided for the car wash. A**

minimum of 2 parking spaces shall be ADA accessible with at least 1 of those spaces being van accessible. All parking shall be in compliance with Rapid City Municipal Code §17.50.270;

3. A minimum of 196,158 landscaping points shall be provided for the gas station and convenience store with a car wash. Landscaping shall comply with Rapid City Municipal Code §17.50.300; and,
4. The Conditional Use Permit shall allow a gas station and convenience store with a car wash in compliance with the applicant's submitted plans. Any change in the use or expansion of the use that is permitted in the General Commercial District shall require the review and approval of a Building Permit. Any change in the use or expansion of the use that is a Conditional Use in the General Commercial District shall require review and approval of an amendment to this Conditional Use Permit pursuant to Section 17.54.030.I of the Rapid City Municipal Code.

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---

---BEGINNING OF REGULAR AGENDA ITEMS---

*7. No. 24PD016 - Huffman Subdivision

A request by Scull Construction Services, Inc for Adult Day Center of the Black Hills to consider an application for a **Major Amendment to a Planned Development Overlay to allow an adult day care center** for Lot 2C of Huffman Subdivision located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1339 E. North Street.

Olson presented the application and reviewed the associated slides stating that this property was previously used as a child care center with an outdoor play area. Olson explained that both child care centers and adult day care centers are separate conditional uses under the General Commercial zoning district, which is why a Conditional Use Permit is required for this property. Olson reviewed the layout and operations of this facility. Olson stated that staff is recommending approval of the Major Amendment to a Planned Development Overlay to allow an adult day care center with stipulations outlined in the Project Report.

Fisher stated that the applicant has an existing facility on E. Minnesota Street which provides essential care for those with aging family members and benefits our community.

Quasney moved, Vidal seconded and Planning Commission unanimously approved the Major Amendment to a Planned Development Overlay to allow an adult day care center with the following stipulations:

1. **A building permit shall be obtained prior to construction. A Certificate**

- of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, a revised landscaping plan shall be submitted showing all landscaping in compliance with the requirements of the Rapid City Landscaping Ordinance;
 3. All provisions of the underlying zoning districts shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development Overlay or a subsequent Amendment;
 4. All signage shall comply with the requirements of the Rapid City Sign Code. No light emitting diode (LED) signage or message centers are being approved as a part of this Final Planned Development. The addition of LED signage or message centers shall require a Major Amendment to the Planned Development. A sign permit is required for each sign; and,
 5. This Final Planned Development shall allow for an adult day care center. The adult day care center shall operate in compliance with the submitted operations plan and all the requirements of the Rapid City Municipal Code. Uses permitted in the General Commercial District shall be permitted contingent upon approval of a building permit and provision of sufficient parking. Conditional uses shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Arguello, Braun, Ginsberg, Gollhofer, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

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

8. No. 24TI003 - Ennen Subdivision

A request by Toby Morris for Jim Scull to consider an application for a **Resolution to Create Tax Increment Financing District and Resolution to Adopt Project Plan for Ennen Housing Development TID No.92** for Government Lot 1 less Hillsvie Estates Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. and Lots 1 thru 7, 9 and 10 of Block 1, Lots 1 thru 14 of Block 2, Lots 1 thru 9 of Block 3, Lots 1 thru 9, 10R, 11R of Block 5, Lots 1 thru 4 of Block 6, of Hillsvie Estates Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. and the 2349 LF± of Reservoir Road right-of-way located between the Homestead Street, Reservoir Road Intersection and the future E. Anamosa Street Reservoir Road Intersection and the existing Government Lot 4 less Meadow Ridge Subdivision, Section 2, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road, north of Homestead Street and west of Enned Drive.

Dugan presented the application and reviewed the associated slides. Dugan explained that the new TID No. 92 will include the completion of Reservoir Road up to the future proposed east intersection of East Anamosa Street and grading of the west boundary line of proposed East Anamosa Street. Dugan explained that the improvements will connect the northwest area to develop 156 single-family homes, 84 of which will be considered small homes. Dugan presented the

proposed TID-funded costs, anticipated base valuation, projected pay-off period, increase in valuation when the homes are completed, and the project tax revenue. Dugan also explained that it was discussed in the TIF Committee on July 17, 2024 of adding a Pennington County administration fee. Dugan added that a \$15,000 administrative fee will be paid to the County.

Fisher clarified that the TID boundary extends further south along Reservoir Road than the proposed residential development because previous projects were granted Exceptions by City Council that deferred improvements of Reservoir Road. Discussion about the housing size, grant status, timing of the extension of E. Anamosa Street, and right-of-way size followed.

Quasney moved, Heikes seconded and the Planning Commission unanimously recommended approval of creating the District and adopting the Project Plan, with the following stipulations incorporated into the Developer's Agreement:

- 1. Developer's Agreement: Following approval of the Resolutions to Create the District and approve the Project Plan, the City and the applicant shall enter into a Developer's Agreement to set forth the conditions and expectations of the City and the applicant;**
- 2. District Classification: The proposed District is anticipated to be classified as an Affordable Housing TIF District, which will not impose an additional school levy on all real property within the Rapid City Area Schools District, but instead be made up across the entirety of the State of South Dakota. In order to ensure this project outcome, the Developer's Agreement shall include covenant agreements or other legal instruments to verify that the housing units are available on the market as proposed in alignment with the State's affordability criteria;**
- 3. Public Bidding: The Developer's Agreement shall include language requiring public bidding for public improvements;**
- 4. Certification: The Developer's Agreement shall include language pertaining to expectations for certification and construction administration including minimum tasks required for construction observation.**
- 5. The Developer's Agreement shall include a requirement that any plans used for bidding of Tax Increment Financing project components be approved by the Public Works Department prior to the bid opening;**
- 6. The Developer's Agreement shall include language identifying that any funding deficiency in the Project Plan shall be the responsibility of the developer to fully fund and construct and;**
- 7. The Developer's Agreement shall address the time and manner of any administrative costs to Pennington County that are approved in the Project Plan. (8 to 0 with Arguello, Braun, Ginsberg, Gollhofer, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)**

9. Staff and Planning Commission Discussion Items

Fisher explained that she reviewed the Planning Commission roster and term expiration dates, so she will reach out to those Commissioners who need reappointment.

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Braun stated that he would like to have an educational session set up about Tax Increment Districts. Fisher explained that the Tax Increment Districts have been moved to the Finance Department and she will work with Finance Director, Daniel Ainslie, to host a training session with both Planning Commission and City Council that can be recorded for those not be able to attend.

There being no further business, Gollither moved, Vidal seconded and unanimously carried to adjourn the meeting at 8:18 a.m. (8-0 to 0 with Arguello, Braun, Ginsberg, Gollither, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)