

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
January 7, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand, Kay Rippentrop, Steve Rolinger, Kimberly Schmidt, Andrew Scull and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: None

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Ted Johnson, Carla Cushman, Jess Rogers, Rebel VanLoh and Andrea Wolff.

Braun called the meeting to order at 7:05 a.m.

\*7 No. 15PD047 - Cleary Subdivision

A request by Cleary Building Corp for Tom and Carol Cleary to consider an application for a **Major Amendment to a Planned Unit Development to allow Black Hills Garage Doors as a professional office** for Lot A less Lot H1 of Cleary Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1555 Carton Boulevard.

Braun stated that Bulman would be recusing herself from this item. Bulman stepped down from the dais at this time.

Lacock presented the application noting that Planning Commission had previously approved a Major Amendment to the Planned Unit Development, 15PD036, with the requirement that Black Hills Garage Doors leave the property. Lacock stated that staff has been made aware that they had not. Lacock stated that in addition to Black Hills Garage Doors remaining in the facility, the approved hours of operation have not been adhered to and that staff continues to receive complaints from the neighbors regarding early arrivals and noise associated with the operation of the property. Based on these reasons staff recommends that the **Major Amendment to a Planned Unit Development to allow Black Hills Garage Doors as a professional office** be denied.

Pat Hahn, 1105 Regency Court, spoke to her concerns regarding the use of the building and stated that she is in disagreement with the request.

Bulman, 1311 Edinborough Drive, spoke to her concerns in regards to this request saying that the requirements of the previous Major Amendment to the Planned Unit Development that the property be operated as commercial offices and that the hours of operations be contained to 8:00 am to 5:00 pm and that Black Hill Garage Doors no longer be in the building have not been followed. Bulman said that the large equipment usage has stopped but that the hours of operation have not been met causing disruption to the neighborhood. Bulman said that the current use of the building exceeds the approved office use leaning more towards an industrial use. She notes that they are still using the building for storage of vehicles and requests that they be required to operate solely as office uses.

In response to a question from Brewer regarding what will happen if Planning Commission denies as per staff recommendation, how will the enforcement of hours be handled, Fisher clarified that denying this request would limit the operation to office hours.

Jess Rogers, City Attorney's office, spoke about the procedures for the enforcement of complaints stating that when an item is ongoing or before Planning Commission her office tends to stay enforcement until a final decision is made. Rogers noted that she was aware that a decision had been made regarding the Cleary offices use of the building but that there was a pending application regarding the Black Hills Garaged Doors use of the property. Based on previous discussion about allowing the early arrival of vehicles to fall outside the defined hours listed in the hours of operation and with the pending Major Amendment to the Planned Unit Development that is now before the Planning Commission, Rogers said she is waiting for clear instructions regarding the hours of operation which would then allow her to criminally enforce reported offences. Rogers agreed that the denial of the request for Black Hills Garage Doors and clarification of the hours of operation for the Cleary office use would meet these criteria.

**Brewer moved to deny the request to allow Black Hills Garage Doors to operate as professional offices and to verify the hours of operations for Cleary office use.**

Discussion followed regarding the usage and hours of those uses.

Patrick Anderson, of Cleary Buildings stated that he had addressed the outdoor use of the property. Anderson stated that the current use of the property included employees arriving prior to 6:30 am which are the hours of the business. Anderson spoke to a letter from the attorney's office addressing the use of the building by Black Hills Garage Doors pending the review of this application was why Black Hills Garage Doors had been allowed to continue to operate onsite and confirmed that he understands that the action today requires that Black Hills Garage Doors be removed from the property.

Scull called the question.

Following the vote, Michael Friend, Black Hills Garage Doors, asked if he could speak to the issue. Friend stating that he has been operating under a lease with Cleary Buildings for approximately the last two years and that he was aware of the concerns but that he has invested in the location and would like to request to continue being able to remain on property.

Fisher stated that as the Planning Commission had voted to deny the application that the applicant has to cease and desist at this time. She did state that the applicant can appeal this decision to the City Council.

**Brewer moved, Marchand seconded and unanimously carried to deny the Major Amendment to a Planned Unit Development to allow Black Hills**

**Garage Doors as a professional office and clarified the hours of operation for the Cleary office operations as follows: Monday thru Friday from 8:00 am to 5:00 pm and Saturday from 8:00 am to 12:00 pm with no employee activity on the property before 7:30 am. (7 to 0 with Braun, Brewer, Marchand, Rolinger, Schmidt, Scull, and Swank 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***