

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 10, 2013

MEMBERS PRESENT: Carlos Beatty Jr., Erik Braun, John Brewer, Linda Marchand, Cody Raterman, Kay Rippentrop, Tim R. Rose and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Sandra Beshara, Dennis Popp, Steve Rolinger and Andrew Scull

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Rich Broderick, Ted Johnson, Allison Marsland and Andrea Wolff.

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

Brewer 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 Beatty, seconded by Rose and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (9 to 0 with Beatty, Braun, Brewer, Marchand, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the December 6, 2012 Planning Commission Meeting Minutes.
2. No. 12VR006 - Sections 26 and 27, T1N, R7E
A request by Pat Tlustos for Highway 16 Properties, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of the Highway 16 Service Road right-of-way and a portion of Section Line right-of-way in the SW1/4 NW1/4 of Section 26, T1N, R7E and in the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of US Highway 16 and Catron Boulevard.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:

1. **Prior to approval by City Council, an access easement for the portion of right-of-way being vacated shall be submitted to Community Planning and Development Services for review and approval. The access easement shall be recorded at the Register of Deeds in conjunction with the Vacation of right-of-way. The access easement shall be maintained until such time as an alternative means of access is completed by the applicant and accepted by the City;**
2. **A Covenant Agreement between the City of Rapid City and the applicant shall be recorded. In particular, the Covenant Agreement shall secure the proposed access easement on the property until such time that an alternative access connecting Catron Boulevard and the**

- U.S. Highway 16 Service Road has been completed by the applicant and accepted by the City, at which time the access easement may be vacated. A copy of the recorded Covenant Agreement shall be submitted to Community Planning and Development Services; and,
3. Prior to approval by City Council, a sanitary sewer easement shall be submitted for review and approval. The sanitary sewer easement shall be recorded at the Register of Deeds in conjunction with the Vacation of right-of-way.

*3. No. 12PD039 - I-90 Heartland Business Park

A request by By-Pass Development LLC to consider an application for an **Initial Planned Development Overlay to Allow Construction of a Ready-Mix Concrete Batch Plant** for Lot 6 of Block 2 of I-90 Heartland Business Park, located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2620 Rearden Court.

Planning Commission approved the Initial Planned Development Overlay with the following stipulations:

1. Prior to issuance of a building permit, a Final Planned Development shall be approved for the proposed ready-mix concrete batch plant. All additional development shall comply with the requirements of the Rapid City Municipal Code;
2. Prior to issuance of a building permit, final signed and sealed construction plans shall be submitted for review and approval. In particular, final plans shall be submitted to show that all construction is located outside the boundaries of the Federally Designated 100 Year Flood Plain, or a Floodplain Development Permit shall be obtained;
3. Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained;
4. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
5. Upon submittal of a Final Planned Development, a full parking plan shall be submitted to Community Planning and Development Services for review and approval. All parking and circulation shall comply with the requirements of the Rapid City Municipal Code, or an Exception to allow non-complying parking shall be obtained;
6. Upon submittal of a Final Planned Development, a full landscaping plan shall be submitted to Community Planning for review and approval. All landscaping shall be installed and maintained as shown in the approved landscaping plan and in compliance with the Rapid City Landscaping Ordinance, or an Exception shall be obtained for any non-complying landscaping;
7. Upon submittal of a Final Planned Development, a complete site plan shall be submitted to Community Planning and Development Services for review and approval showing the location and dimensions of all development on the site;
8. All development on the site shall comply with the requirements of the Heavy Industrial District unless specifically stipulated as a part of this

- Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment to the Planned Development;
9. This Initial Planned Development shall allow for the construction of a ready-mix concrete batch plant with aggregate/material storage, truck circulation, parking, and landscaping. Any changes to the use on the property shall require a Major Amendment to the Planned Development.

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.

*4. No. 12PD040 - Pine View Terrace

A request by Sperlich Consulting, Inc. for Lage Construction, Inc. to consider an application for a **Planned Development Overlay to Allow Construction of a Townhome Development in the Low Density Residential District** for Lot 1 of Block 1 of Pine View Terrace, located in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the north side of Corral Drive west of the intersection of Corral Drive and Park Drive.

Planning Commission approved the Planned Development Overlay to Allow Construction of a Townhome Development in the Low Density Residential District with the following stipulations:

1. An Exception to reduce the front yard setback from 25 feet to 20 feet is hereby granted;
2. An Exception to reduce the setback from the section line from 58 feet to 41 feet is hereby granted;
3. An Exception to reduce the minimum required lot width at the front building line from 50 feet to 48 feet is hereby granted;
4. An Exception to increase the maximum permitted lot coverage for all lots from 30 percent to 37.5 percent is hereby granted contingent upon all site drainage being accommodated;
5. A building permit shall be required prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;
6. Prior to issuance of a building permit, a Final Planned Development for the property shall be approved;
7. Prior to issuance of a building permit, the applicant shall confirm with the Rapid City Fire Department that adequate fire flows exist throughout the proposed development. If fire flows are found to be inadequate for the development, a fire sprinkler protection system shall be provided for each residence. In addition, the applicant shall coordinate with the Rapid City Fire Department for implementation of a Wildland Fire Mitigation Plan as necessary. All provisions of the most recently adopted International Fire Code shall be continually maintained;

8. **Prior to issuance of a Certificate of Occupancy, a Final Plat shall be recorded at the Register of Deeds for each townhome lot; and,**
9. **All provisions of the Low Density Residential District shall be continually maintained unless specifically stipulated as a part of this Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment.**

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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

***5. No. 12PD035 - Section 26, T1N, R7E**

A request by James Letner for Thomas Letner to consider an application for an **Initial Planned Development Overlay to allow the Construction of a Multi-Family Development** for the E1/2 of the W1/2 of the NE1/4 of the NW1/4 and the W1/2 of the E1/2 of the NE1/4 of the NW1/4; excepting therefrom a portion of Lot H1 of the NE1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Catron Boulevard and Wellington Drive.

Lacock presented the application and noted that the applicant has provided the requested photo simulations; however, staff has not had sufficient time to review them or receive public comment. As such staff requests that the **Initial Planned Development Overlay to allow the Construction of a Multi-Family Development** be continued to the January 24, 2013 Planning Commission meeting.

Marchand moved, Braun seconded and unanimously carried to continue the Initial Planned Development Overlay to allow the Construction of a Multi-Family Development to the January 24, 2013 Planning Commission meeting. (9 to 0 with Beatty, Braun, Brewer, Marchand, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

***6. No. 12PD038 - Stoney Creek South**

A request by Cadpar LLC, dba Solace to consider an application for a **Major Amendment to a Planned Development to Allow an On Sale Liquor Establishment** for Lot 3 of Block 1 of Stoney Creek South Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5734 Sheridan Lake Road, Suite 204.

Laroco presented the application, reviewed the slides and identified that the

requested on-sale liquor use will be located within the existing structure. Laroco stated that staff recommends approval of the **Major Amendment to a Planned Development to Allow an On Sale Liquor Establishment** with stipulations.

In response to a question by Brewer as to whether the on-sale is for the entire property or for a specific area, Fisher stated that this Major Amendment is solely for Suite 204, which houses the yoga facility.

Erin Barker, of Solace, 5754 Sheridan Lake Road, Suite 204 stated that since they plan to offer multiple classes that will be held on the weekends and evenings followed by drinks in the lounge that the Major Amendment is a better fit than a Special Event License. Barker confirmed that you have to be a customer of the yoga studio to obtain alcohol on site.

In response to a question from Beatty, Barker briefly described the studio.

Braun moved, Swank seconded and unanimously carried to approve the Major Amendment to a Planned Development to allow an On-Sale Liquor Establishment with the following stipulations:

1. The on-sale liquor use shall be operated in conjunction with a fitness center operated by Cadpar, LLC as outlined in the approved operations plans. Any change in ownership of the on-sale liquor establishment shall require a Major Amendment to the Planned Development;
2. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to Occupancy;
3. A minimum of 165 parking spaces shall be provided. Six of those spaces shall be handicap accessible with one of the handicap accessible with one of those spaces being "van accessible". All provisions of the Rapid City Parking Ordinance shall be continually maintained;
4. A minimum of 104,035 landscaping points shall continue to be provided as shown on the landscaping plans approved by City Council on September 2, 2008. All landscaping shall be maintained in a live, vegetative state and replaced as required in compliance with the City's adopted Landscaping Ordinance;
5. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-ways and not be a hazard to the passing motorist or constitute a nuisance of any kind;
6. Advertising specific to the proposed on-sale liquor use at Solace shall not be permitted. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. Changes to the approved sign package which the Director of Community Planning and Development Services determines is consistent with the original approved sign package may be allowed as a Minimal Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Development. The addition of electronic signage, or signage which does not comply with Chapter 15.28 of the Rapid City Municipal Code

requiring the review and approval of the Sign Code Board of Appeals, shall require a Major Amendment to the Planned Development. A sign permit shall be required for each sign;

7. All applicable provisions of the most recently adopted International Fire Code shall be continually met;
8. All provisions of the General Commercial District shall be met unless specifically authorized as a stipulation of the original Planned Development or a subsequent Major Amendment to the Planned Development;
9. This Major Amendment to the Planned Development shall allow for an on-sale liquor establishment to be operated in conjunction with a fitness center by Cadpar, LLC. Changes in the operation of the fitness center which comply with the Rapid City Municipal Code shall be permitted. Changes to the on-sale liquor portion of the establishment shall require a Major Amendment to the Planned Development. (9 to 0 with Beatty, Braun, Brewer, Marchand, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

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*7. No. 12UR023 - Original Town of Rapid City

A request by AcV2 Architecture for Jake Boerger to consider an application for a **Major Amendment to a Conditional Use Permit to Expand an Existing On-Sale Liquor Establishment** for Lots 13 through 16 of Block 82 of the Original Town of Rapid City, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 510 9th Street.

Lacock presented the application and reviewed the slides showing the current site layout and the proposed site layout. Lacock noted that the expanded area is within the confines of the building and does not require any additional exterior area. Lacock noted that this does not appear to have a negative impact on any surrounding residential neighborhoods and that staff recommends approval of the **Major Amendment to a Conditional Use Permit to Expand an Existing On-Sale Liquor Establishment** with stipulations.

Jake Boerger, owner of Murphy's, stated that the renovations made to the main floor of the establishment have been successful and is in line with their business plan. They believe that the proposed expansion to the lower level would also be in line and hopes that the Planning Commission will approve the request.

In response to a question from Braun regarding the Fire Department's review of the basement location in regards to safety and accessibility, Rich Broderick of the Fire Department, noted that the building is currently up to code and that the Fire

Department expects that the applicant will work with the Fire Department as they move forward with the renovation.

Braun moved, Rose seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to expand the existing on-sale liquor establishment with the following stipulations:

- 1. The on-sale liquor establishment shall operate in conjunction with a full-service restaurant;**
- 2. The hours of operation for the outdoor patio shall be limited to 11:00 a.m. to 12:00 a.m. on weekdays and 11:00 a.m. to 1:00 a.m. on Friday and Saturday. In addition, live entertainment on the outdoor patio shall not be allowed beyond 11:30 p.m.;**
- 3. A building permit shall be obtained prior to any construction;**
- 4. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 5. All provisions of the Central Business Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment;**
- 6. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 7. 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;**
- 8. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a Conditional Use Permit to expand an existing on-sale liquor establishment. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining the Sign Permit; and,**
- 9. The Major Amendment to a Conditional Use Permit shall allow the expansion of the on-sale liquor use to include 2,304 square feet of the basement. Any expansion to the 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 Minimal Amendment. Any change in 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 Beatty, Braun, Brewer, Marchand, Raterman,**

Rippentrop, Rolinger, Rose 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.

*8. No. 12PD041 - Tuscany Square Subdivision

A request by Good Guys, LLC to consider an application for a **Major Amendment to Planned Development to Review the Cosmetology School Parking and to Request a Reduction in Parking for an Additional Beauty Salon** for Tract 1 of Tuscany Square Subdivision, located in Section 36, T2N, R7E and in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Omaha Street.

Lacock presented the application and clarified that the proposed use will be within an existing structure and that the applicant has reviewed the current parking capacity. Other than a large event held annually, the applicant has indicated that parking is readily available. Lacock stated that staff recommends approval of the **Major Amendment to Planned Development to Review the Cosmetology School Parking and to Request a Reduction in Parking for an Additional Beauty Salon** with stipulations.

In response to Braun's question about the stipulation requiring a Major Amendment if complaints are received, Fisher stated that notices would be sent to the surrounding property owners regarding the parking issues and it would come before the Planning Commission for review. Fisher stated that since the additional parking is obtained through a lease with an expiration date, as long as the lease is extended in a timely fashion the parking exception can be reviewed as a Minimal Amendment, but if it is not, it would have to be addressed as a Major Amendment.

In response to a question from Beatty on other proposed expansions that might add to the parking issues for the area, Fisher stated that staff has been working with one business that is looking to expand about parking and potential lease options, but do not foresee any issues at this time.

Boerger stated that they have discussed this proposed expansion with the existing businesses both within the development and surrounding it, and believe they have done a good job of creating an area with businesses that complement each other.

In response to a question from Braun, Lacock reviewed the parking requirements and available parking.

Braun moved, Beatty seconded and unanimously carried to approve the Major Amendment to Planned Development to review the cosmetology school parking and to request a reduction in parking for an additional

beauty salon with the following stipulations:

- 1. An exception is hereby granted to reduce the parking requirement from 246 parking spaces to 174 parking spaces. A minimum of six of the parking spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, a minimum of 58 off-site parking spaces shall be provided for the cosmetology, esthetics and massage therapy school and salon. Three of these spaces shall be handicap accessible with one of the handicap spaces being "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met. In addition, a Major Amendment to the Planned Development shall be required at any time should a complaint be received regarding shortage of parking;**
- 2. The cosmetology school shall be allowed on the property as proposed until November 1, 2016. At that time, if the applicant can demonstrate that the 58 off-site parking spaces will continue to be provided, a Minimal Amendment shall be obtained to extend the use of the cosmetology school on the property. If the applicant cannot demonstrate that the 58 off-site parking spaces will be provided, then a Major Amendment to the Planned Development shall be obtained or the cosmetology school shall cease operation. In addition, a Major Amendment to the Planned Development shall be required at any time should a complaint be received regarding shortage of parking;**
- 3. A minimum of 129,240 landscaping points shall continually be provided. In addition, a minimum of 28,000 landscaping points with one planter island shall continually be provided within the off-site parking lot. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 5. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for the proposed signs;**
- 6. All outdoor lighting shall continually 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;**
- 7. All provisions of the General Commercial District shall be met unless**

otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent amendment in compliance with Chapter 17.50.050 of the Rapid City Municipal Code; and,

8. The Major Amendment to the Planned Development shall allow a cosmetology school and a new salon with a maximum of eight work stations. In addition, an on-sale liquor establishment in conjunction with a full service restaurant shall be allowed on the property. Minimal Amendments shall be allowed as per Chapter 17.50.050 of the Rapid City Municipal Code. Any change in use that requires additional parking or is a conditional use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Beatty, Braun, Brewer, Marchand, Raterman, Rippentrop, Rolinger, Rose 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.

*9. No. 12UR024 - Harter Subdivision

A request by Kent Kennedy for Benneco, LLC to consider an application for a **Major Amendment to a Conditional Use Permit to Allow an On-Sale Liquor Establishment in Conjunction with a Full Service Restaurant** for Tract A of Harter Subdivision, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2335 West Main Street.

Laroco presented the application reviewing the slides and the proposed layout of the property noting the removal of structures on the site to allow the proposed restaurant on the property. Laroco noted that staff had received a letter from a neighboring business requesting that the application be denied and that the staff has reviewed the issues presented in the letter and has found that the property in question has adequate access from both Harter Drive and from West Main Street, that the on-sale use is in conjunction with a full service restaurant and that there is sufficient parking on the property for the proposed use. Laroco also stated that staff recommends that the **Major Amendment to a Conditional Use Permit to Allow an On-Sale Liquor Establishment in Conjunction with a Full Service Restaurant** be approved with stipulations.

In response to a question from Brewer regarding pedestrian crossings in the area, Fisher stated that pedestrian crossings are located at the lights and that there are sidewalks on both sides of the street.

Swank moved, Marchand seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a full-service restaurant with the

following stipulations:

- 1. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be required prior to occupancy;**
- 2. Prior to issuance of a building permit, final signed and sealed construction plans shall be submitted for review and approval. Final construction plans shall show that the required grease interceptor is being provided;**
- 3. A 5 foot tall screening fence shall continue to be maintained on the southern property line, separating the commercial development from the residential uses to the south;**
- 4. A minimum of 40,010 landscape points shall be provided as shown on the approved landscaping plan. Changes to the landscaping which the Director of Community Planning and Development Services determines are consistent with the original approved landscaping plan may be approved as a Minimal Amendment to the Conditional Use Permit. All landscaping shall be maintained in a live vegetative state and replaced as required by the City's Adopted Landscaping Ordinance;**
- 5. A minimum of 62 parking spaces shall be provided. Three of these parking spaces shall be handicap accessible, with at least one of these handicap accessible parking spaces being "van" accessible. All parking shall comply with the requirements of the Rapid City Parking Ordinance;**
- 6. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. No electronic signage is being approved with approval of this Major Amendment to the Conditional Use Permit. Changes to the signage which the Director of Community Planning and Development Services determines are consistent with the original approved sign package may be permitted as a Minimal Amendment to the Conditional Use Permit. Any proposed signage that does not comply with Chapter 15.28 of the Rapid City Municipal Code or any electronic signage will require a Major Amendment to the Conditional Use Permit. A sign permit is required for each individual sign.**
- 7. All provisions of the most recently adopted International Fire Code shall be continually maintained;**
- 8. The restaurant shall be operated in compliance with the applicant's approved operations plan. Changes to the operation of the restaurant shall be in compliance with the requirements of the Rapid City Municipal Code;**
- 9. All provisions of the General Commercial District shall be met unless specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment to the Conditional Use Permit; and,**
- 10. This Major Amendment to the Conditional Use Permit shall allow for an on-sale liquor establishment to be operated in conjunction with a full-service restaurant. Changes to the operation of the full-service restaurant which comply with the Rapid City Municipal Code shall be**

permitted. Changes to the operation of the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. (9 to 0 with Beatty, Braun, Brewer, Marchand, Raterman, Rippentrop, Rolinger, Rose 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.

10. No. 12RZ019 - Section 18, T1N, R8E

A request by Renner and Associates, LLC for Parkview Estates LLC to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** for a portion of the W1/2 of the NW1/4 of the SW 1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at south section 1/16th corner, on the west line of Section 18, T1N, R8E, BHM, common to the east line of Section 13, T1N, R7E, BHM, and the point of beginning; Thence, first course: N00°11'02"E, along the section line common to said Sections 13 and 18, a distance of 500.00 feet; Thence, second course: S89°17'02"E, a distance of 165.05 feet, to a point on the westerly boundary of Tract A, of Block 19, of Robbinsdale Addition No. 10; Thence, third course: S00°14'30"E, along the westerly boundary of said Tract A, a distance of 500 feet, to a point on the northerly boundary of Lot H1 in Lot A Revised of the N1/2 of Government Lot 4, Section 18, T1N, R8E, BHM, common to the section 1/16th line; Thence, fourth course: N89°18'01"W, along the said section 1/16th line, a distance of 168.76 feet, to the said point of beginning, more generally described as being located east of Parkview Drive and south of East Minnesota Street.

Lacock presented the application and stated that upon review, it was discovered that there are issues that the applicant needs to address before the application can be processed. As such, staff requests that the **Rezoning from Low Density Residential District to Medium Density Residential District** be continued to the January 24, 2013 Planning Commission meeting to allow the applicant to address the issues.

Rose moved, Braun seconded and unanimously carried to continue the Rezoning from Low Density Residential District to Medium Density Residential District to the January 24, 2013 Planning Commission meeting. (9 to 0 with Beatty, Braun, Brewer, Marchand, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

11. Discussion Items

Limbaugh informed the Planning Commission that the six ordinances designed to combine the Sign Code Board of Appeals into the Board of Adjustment are scheduled to be reviewed by the Zoning Board of Adjustment at their January 15, 2013 meeting. The Ordinances will be

back before the Planning Commission at the January 24, 2013 Planning Commission meeting.

Discussion regarding changes followed. Planning Commission requested that they be sent the amendments prior to the January 24, 2013 Planning Commission to allow the Planning Commissioners to review them one more time.

Limbaugh clarified that the Sign Code and Fence Height Amendments were previously part of Chapter 15. Therefore, prior changes had not been before the Planning Commission, but that the changes to Chapter 17 require review by the Planning Commission. Discussion followed regarding the Sign Ordinance and the separation of on-site and off-site signage and associated items.

Braun referenced the previous discussion on the amendments that addressed renewal dates for off-premise sign licenses.

12. Staff Items
None
13. Planning Commission Items
None
14. Committee Reports
None

There being no further business, Swank moved, Braun seconded and unanimously carried to adjourn the meeting at 8:01 a.m. (9 to 0 with Beatty, Braun, Brewer, Marchand, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)