

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 9, 2014

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Linda Marchand, Brett Monson, Dennis Popp, Kay Rippentrop, Steve Rolinger, Tim R. Rose, Andrew Scull, Walt Swan Jr. and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: None

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Kip Harrington, Patsy Horton, Sarah Hanzel, Tim Behlings, Ted Johnson, Wade Nyberg, Carla Cushman 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.

Staff requested that Items 7, 12 and 16 be removed from the Consent Agenda for separate consideration.

Bulman requested that Item 2 and Braun requested that Items 8 and 10 be removed from the Consent Agenda for separate consideration.

Motion by Rose seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 16 in accordance with the staff recommendations with the exception of Items 2, 7, 8, 10, 12 and 16. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the December 5, 2013 Planning Commission Meeting Minutes.
3. No. 13CA015 - Section 5, T1N, R8E
Summary of Adoption Action for a request by Sperlich Consulting for Terry Batchelder to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Industrial to Residential** for a portion of Tract 4 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the southwesterly corner of Tract 4 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., common to the northwesterly corner of Tract 2 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., and common to a point on the easterly edge of the right-of-way of Creek Drive, and the Point of Beginning; Thence, first course: N25°25'48"E, along the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to the easterly edge of the right-of-way of said Creek Drive, a distance of 54.50 feet, to an angle point on the westerly boundary of

said Tract 4 of Lot Lb of Lot L, common to an angle point on the easterly edge of the right-of-way of said Creek Drive; Thence, second course: N03°05'38"E, along the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to the easterly edge of the right-of-way of said Creek Drive, a distance of 62.99 feet, to the northwesterly corner of said Tract 4 of Lot Lb of Lot L, common to the southwesterly corner of Tract 3 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., and common to a point on the easterly edge of the right-of-way of said Creek Drive; Thence, third course: N 89°59'01"E, along the northerly boundary of said Tract 4 of Lot Lb of Lot L, common to the southerly boundary of said Tract 3 of Lot Lb of Lot L, a distance of 247.00 feet, to a point on the northerly boundary of said Tract 4 of Lot Lb of Lot L, common to a point on the southerly boundary of said Tract 3 of Lot Lb of Lot L; Thence, fourth course: S40°51'14"E, a distance of 44.16 feet, to an angle point; Thence, fifth course: S13°05'47"E, a distance of 80.80 feet, to a point on the southerly boundary of said Tract 4 of Lot Lb of Lot L, common to a point on the northerly boundary of said Tract 2 of Lot Lb of Lot L; Thence, sixth course: S89°59'01"W, along the southerly boundary of said Tract 4 of Lot Lb of Lot L, common to the northerly boundary of said Tract 2 of Lot Lb of Lot L, a distance of 321.00 feet, to the southwesterly corner of said Tract 4 of Lot Lb of Lot L, common to the northwesterly corner of said Tract 2 of Lot Lb of Lot L, and common to a point on the easterly edge of the right-of-way of said Creek Drive, and the Point of Beginning, more generally described as being located north of the intersection of Creek Drive and East Saint Charles Street.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

- 4 No. 13CA016 - North Rapid Addition No. 2
Summary of Adoption Action for a request by Fisk Land Surveying and Consulting Engineers, Inc for Black Hills Habitat for Humanity to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Public to Residential** for Block 76 of North Rapid Addition No. 2, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Dilger Avenue.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

- *5. No. 13PD050 - Una Del Acres
A request by Rob and Tami Poeppel to consider an application for a **Final Planned Development Overlay to allow an oversized garage** for Lot 6, less Highway right-of-way, of Una Del Acres, located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5965 Sheridan Lake Road.

Planning Commission approved the Final Planned Development Overlay to allow an oversized garage with the following stipulations:

1. **An Exception is hereby granted to allow an oversized garage of 2,328**

- square feet in lieu of the maximum of 1,500 square feet;
2. An Exception is hereby granted to allow a detached garage as an accessory structure to be 16 feet in height in lieu of the maximum allowed 15 feet;
 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 4. Prior to issuance of a building permit, a Wild Lands Fuel Mitigation Plan shall be approved. Prior to issuance of a certificate of occupancy, the Wild Lands Fuel Mitigation Plan shall be implemented. All applicable provisions of the adopted International Fire Code shall continually be met;
 5. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
 6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 7. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment; and,
 8. The Final Planned Development Overlay shall allow for an oversized garage for the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the garage shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of 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.

*6. No. 13UR022 - Melvin Subdivision

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to replace an existing Off-Premise Sign** for Lot 1R of Melvin Subdivision, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3504 Edward's Street.

Planning Commission approved the Conditional Use Permit to replace an existing Off-Premise Sign with the following stipulations:

1. A sign permit shall be obtained prior to commencement of construction of the sign;
2. Prior to issuance of a sign permit, final construction plans signed and sealed by a registered professional engineer shall be submitted for

review and approval. Final construction plans shall include the structural footing of the proposed sign;

3. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. All signage must comply with the requirements of the Rapid City Municipal Code. All lighting must be designed to preclude shining on all adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
4. All requirements of the Light Industrial District and the Rapid City Sign Code shall be continually maintained, and;
5. This Conditional Use Permit shall allow for the replacement of an existing off-premise sign. The sign shall be constructed as shown on approved plans. Changes to the construction of the sign shall require a Major Amendment to the Conditional Use Permit.

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. 13PL134 - Gemstone Subdivision

A request by Centerline for Lazy P6 Land Co. Inc to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 20 of Block 1 of Gemstone Subdivision, legally described as Government Lot 1 less Gemstone Subdivision, less North 80 Subdivision, less Lot H1 and Less right-of-way; Government Lot 2 less North 80 Subdivision, less part described by Metes and Bounds (AKA BHP Lot 1), less Lots H2, H3, H4 and less right-of-way, all located in Section 19, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Sandra Lane and Topaz Lane.

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

1. Prior to submittal of a Final Plat application, a waiver of right to protest any future assessment for the design and construction of Sandra Lane to the east boundary of the Lazy P-6 property shall be executed. In addition, a copy of the recorded document shall be submitted with the Final Plat application; and,
2. Prior to submittal of a Final Plat application, the Infrastructure Development Partnership Fund payment shall be paid, if applicable. In addition, a copy of the receipt verifying payment shall be submitted with the Final Plat application.

11. No. 13PL136 - Old Town

A request by Fisk Land Surveying and Consulting Engineers, Inc for E. Jason Stamper, Stamper Black Hills Gold Jewelry Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Stamper

Subdivision, legally described as Lot 1R of Block 1 of Old Town, located in Section 26, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7201 S. Highway 16.

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

- 1. Prior to submittal of a Development Engineering Plan application, or a Final Plat application if subdivision improvements are not required, the existing on-site wastewater system shall be permitted through the City. As a part of the City permitting, the applicant shall verify that the system is in compliance with any State and/or Federal permitting for industrial waste or commercial septic systems;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for U.S. Highway 16 showing the installation of a parallel water main on the east side of the street and curb, gutter, sidewalk and street light conduit shall be submitted for review and approval or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for the frontage road shall be submitted for review and approval showing the installation of a minimum 24 foot wide pavement width, curb, gutter, sidewalk and street light conduit or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for the access road to Judicial Lot A shall be submitted for review and approval showing the access road located within a minimum 70 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 5. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;**
- 6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Drainage Basin Master Plan shall be submitted for review and approval if subdivision improvements are required. In addition, drainage easements shall be secured as needed;**
- 7. Upon submittal of a Development Engineering Plan application,**

geotechnical analysis signed and stamped by a Professional Engineer for public roadways and pavement design shall be submitted for review and approval if subdivision improvements are required;

8. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required;
9. Upon submittal of a Development Engineering Plan application, a cost estimate of any required subdivision improvements shall be submitted for review and approval;
10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
11. Prior to submittal of a Final Plat application, the property shall be annexed into the City limits of Rapid City;
12. Prior to submittal of a Final Plat application, the applicant shall ensure that no off-premise signage is being created as a result of the plat or the signage shall be revised to comply with the City's Sign Code;
13. Prior to submittal of a Final Plat application, the existing storage structures and the storage trailer located across the west lot line of proposed Lot 2 and within a 15 foot wide driveway easement located on the adjacent property shall be removed and/or relocated to provide minimum setback requirement(s) and to preclude encroachments into the required 8 foot wide minor drainage and utility easement that will be created as a part of platting the property;
14. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
15. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

*13. No. 13PD053 - Big Sky Business Park

A request by Fisk Land Surveying and Consulting Engineering, Inc for Aaron Christensen and Kevin Kohl dba Pilot Properties, LLC to consider an application for a **Final Planned Development Overlay to construct an apartment complex** for Lot 4 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 the northwest corner of the intersection of Berniece Street and Neel Street.

Planning Commission approved the Final Planned Development Overlay to construct an apartment complex with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Upon submittal of a building permit, plans shall be prepared and

stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;

3. Prior to issuance of a building permit, the applicant shall dedicate an access easement to the water shutoff valve located on private property. In addition, a copy of the recorded easement shall be submitted with the building permit application;
4. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
5. A minimum of 72 parking spaces shall be provided. Three of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
6. A minimum of 65,679 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape 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;
7. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. 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. 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. 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 all signs.
8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
9. 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;
10. All applicable provisions of the adopted International Fire Code shall continually be met;
11. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay; and,
12. The Final Planned Development Overlay shall allow for four three-story 12 unit apartment buildings for a total of 48 apartment units and two five-stall garages for the property. Any change in use that is a permitted use in the Office Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Final 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

*14. No. 13PD055 - Minnesota Park Subdivision

A request by FMG Inc for Rapid City Medical Center LLP, Attn. Andy Langefeld to consider an application for an **Initial Planned Development Overlay to allow a parking lot** for the southern portion of existing Lot 2 of Block 2 of Minnesota Park Subdivision in the N1/2 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as beginning at a point that is the south corner of Lot 2 of Block 2 of Minnesota Park Subdivision, said point being marked by a 5/8" rebar, Thence N29°42'11"W a distance of 142.52' to a point; Thence N47°07'23"E a distance of 209.94' to a point; Thence along a curve to the left, said curve having a chord bearing of S58°18'56"E, a chord distance of 135.44', a delta of 22°18'46", a length of 136.30' and a radius of 350.00' to a point that is the east corner of Lot 2, said point being marked by a 5/8" rebar with survey cap marked "Lamke LS 5225"; Thence along a curve to the left, said curve having a chord bearing of S24°54'08"W, a chord distance of 29.37', a delta of 03°08'23", a length of 29.37' and a radius of 536.05' to a point, said point being marked by a 5/8" rebar with survey cap marked "Lamke LS 5225"; Thence along a curve to the right, said curve having a chord bearing of S47°46'47"W, a chord distance of 251.31', a delta of 48°53'41", a length of 259.10' and a radius of 303.62' to the point of beginning., more generally described as being located south of Minnesota Street and west of Wisconsin Avenue.

Planning Commission approved the Initial Planned Development Overlay to allow a parking with the following stipulations;

- 1. An Exception is hereby approved to reduce the required amount of handicap parking spaces required for the parking lot from three to zero, contingent upon the provision that sufficient handicap parking shall be provided on the adjacent lot legally described as Lot 1 of Block 1 of the Minnesota Park Subdivision, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota;**
- 2. Prior to issuance of a building permit, a Final Planned Development shall be approved for the property;**
- 3. A building permit shall be required prior to construction. Final approval shall be required prior to use of the parking lot;**
- 4. Prior to issuance of a building permit, final construction plans signed and stamped by a registered professional architect or engineer shall be submitted;**
- 5. Prior to final approval of the parking lot, temporary or permanent erosion and sediment control measures shall be achieved;**
- 6. Upon submittal of a Final Planned Development, a drainage report shall be submitted for review and approval to include the design of**

the required storm water quality treatment. In addition, the submitted plan shall confirm that the proposed impervious area anticipated as a part of this development was planned for within the South Robbinsdale Drainage Basin. If the proposed impervious area exceeds that anticipated in the Drainage Basin Plan, then plans shall provide on-site detention or confirm where detention will be provided;

7. Upon submittal of a Final Planned Development, the applicant shall submit a full landscaping plan showing that a minimum of 38,333 landscaping points and a minimum of two landscaping islands are being provided, or an Exception shall be obtained to waive/reduce the required landscaping;
8. Upon submittal of a Final Planned Development, a full sign package for any proposed signage shall be submitted to Community Planning and Development Services for review and approval;
9. Upon submittal of a Final Planned Development, a full lighting plan shall be submitted. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
10. All requirements of the International Fire Code shall be continually met;
11. All requirements of the Office Commercial District shall be continually met unless specifically stipulated as a part of this Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment to a Planned Development, and;
12. This Initial Planned Development shall allow for the development of a parking lot. Uses permitted in the Office Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. Conditional uses in the Office Commercial District 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.

15. No. 13PL137 - Minnesota Park Subdivision

A request by FMG Inc for GWH Properties LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A and B of Lot 2 of Block 2 of Minnesota Park Subdivision, legally described as Lot 2 of Block 2 of Minnesota Park Subdivision in the N1/2 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Minnesota Street and west of Wisconsin Avenue.

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

1. Prior to submittal of a Final Plat application, a plat document shall be

submitted showing the dedication of an 8 foot wide minor drainage and utility easement along all interior lot lines or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Final Plat application; and,

2. Prior to submittal of a Final Plat application, a plat document shall be submitted showing the dedication of an additional ten feet of right-of-way along Minnesota Street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Final Plat application.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

2. No. 08TI006 - Section 13 and 24, T1N, R7E, Section 18 and 19, T1N, R8E
A request by City of Rapid City to consider an application for a **Resolution to Dissolve Tax Increment District No. 41** for Government Lot 1 & 2 less Lot H1 in the SW1/4NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NW1/4NW1/4, SE1/4NW1/4 less the West 460 feet of the South 990 feet less Lot H1, SW1/4NW1/4 less the South 990 feet, SE1/4NE1/4, SW1/4NE1/4, NE1/4NW1/4, N1/2NE1/4 less NE1/4NW1/4NE1/4 and Less NW1/4NE1/4NE1/4, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, SW1/4SW1/4SE1/4, N1/2SW1/4SE1/4, the unplatted balance of the E1/2NW1/4SE1/4, the unplatted balance of the SW1/4NW1/4SE1/4, the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated Right-of-way, Block 11, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as per "Plat of Lot 2 of Block 11, Robbinsdale Addition No. 10, located in the SE1/4 of Section 13, T1N, R7E, BHM and in the N1/2 of the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota"; and, Lot A Revised of N1/2 Government Lot 4 and the adjacent Parkview Drive right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Block 11, Robbinsdale #10, and adjacent Parkview Drive right-of-way, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as per "Plat of Lot 1, Block 11, Robbinsdale Addition #10, located in SE1/4 of SE1/4 Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the Intersection of Catron Boulevard and Fifth Street.

Bulman stated that this Tax Increment District had created such high revenue that it was able to be paid off in half the anticipated lifespan and she noted that

without this particular Tax Increment District the growth along Fifth Street would not have happened. Bulman stated that this was a good example of Tax Increment Financing.

Popp moved Marchand seconded and unanimously carried to recommend that the Resolution dissolving Tax Increment District No. 41 be approved. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

7. No. 13CA017 - Section 28, T1N, R7E

A request by Dream Design International, Inc to consider an application for a **Amendment to the Comprehensive Plan to revise the Major Street Plan to realign a proposed principal arterial street and a proposed collector street** for that part of the east 480 feet of the SE1/4 of the SW1/4 north of Moon Meadows Drive; the SW1/4 of the SW1/4 lying north of Sheridan Lake Road less right-of-way; the NE1/4 of the SW1/4 less right-of-way; the NW1/4 of the SE1/4 less right-of-way; the W1/2 of the NE1/4 of the SE1/4 less right-of-way and that part of the SW1/4 lying south of Sheridan Lake Road less the east 480 feet and less Moon Meadows Subdivision and right-of-way; all located in Section 28, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located approximately 2,500 east of the intersection of Dunsmore Road and Sheridan Lake Road.

Harrington presented the application and reviewed the slides.

Leo Hamm, 6501 Sheridan Lake Road, stated that he is not against the proposal, but wanted to ensure that the future planning and connectivity of the road in question was being addressed and reviewed the various proposals that have previously been brought forward for this section of the Major Street Plan. Hamm indicated that he feels that the road should be designed to enable the connection to Shooting Star Trail and noted that he has met with staff to discuss his concerns. Hamm stated that his family has owned the property that the proposed road runs through for many years and that he has worked with the City on many occasions on this and other development projects.

Hamm also noted his concerns with the required mailing notification stating that he feels this is unnecessary and costly to the applicant and asked that the requirements be reviewed.

Brewer clarified that the application before the Planning Commission is the alignment of the identified section of the road as it relates to the Major Street Plan and not the expansion of the road and future connections. Hamm responded that his desire is to show the future connection of the current road to Shooting Star Trail.

In response to a question from Brewer regarding projected traffic control for the proposed section of road and Sheridan Lake Road, Harrington stated that the spacing allows for signalized control, but that those decisions have not yet been made. Discussion followed.

Braun stated that he would be abstaining due to a conflict of interest.

Brewer took a moment to welcome Walt Swan Jr. to the Planning Commission as second alternate.

Popp moved, Rolinger seconded and carried to recommend that the Amendment to the Comprehensive Plan to revise the Major Street Plan by realigning a proposed principal arterial street and a proposed collector street be approved. (10 to 0 to 1 with Brewer, Bulman, Marchand, Monson, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)

Items No. 8 and 10 were taken together.

Braun stated he would be abstaining from voting on items 8 and 10 due to a conflict of interest.

Monson became a voting member of the Planning Commission.

8. No. 13PL133 - Elks Crossing

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 6 thru 21 of Block 7, Lots 16 thru 29 of Block 9 and Vinecliff Drive right-of-way of Elks Crossing, legally described as a portion of the SE1/4 of the SW1/4 less Lot H3R, less Elks Crossing and less right-of-way; the NE1/4 of the SW1/4 less Plum Creek Subdivision, less Elks Crossing and less right-of-way of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Marlin Drive, north of East Minnesota Street.

Rolinger moved, Bulman seconded to recommend that the Preliminary Subdivision Plan be approved with the following stipulations

- 1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be submitted for review and approval. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**
- 2. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with 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;**

3. Prior to submittal of the Development Engineering Plan application, the Elks Crossing Drainage Report dated December 17, 2008 shall be updated to address any conditions that may have changed since the report was completed. If no conditions have changed to warrant a revision of the report, indicate as such. The Design Report shall be signed and sealed by a professional engineer;
 4. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 5. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 6. Prior to submittal of a Final Plat application, the Infrastructure Development Partnership Fund payment shall be paid, if applicable. In addition, a copy of the receipt verifying payment shall be submitted with the Final Plat application;
 7. Upon submittal of a Final Plat application, a covenant agreement securing maintenance of the rear drainage channel located on proposed Lots 16 through 29 of Block 9 shall be submitted for recording with the Final Plat document;
 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (10 to 0 to 1 with Brewer, Bulman, Marchand, Monson, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)
10. No. 13PL135 - Big Sky Business Park
A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Block 5 of Big Sky Business Park, legally described as the S1/2 of Government Lot 3, less the Big Sky Subdivision and less right-of-way; the S1/2 of Government Lot 4, less Big Sky Business Park and less Lot H1, H2 and right-of-way, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Berniece Street and Neel Street.

Rolinger moved, Bulman seconded to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of four additional feet of right-of-way along Neel Street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Final Plat application;

2. **"No Parking" signs shall be provided along Neel Street between Bernice Street and its northern terminus or an Exception shall be obtained to reduce the pavement width for parking along a collector street as required in Figure 2-1 of the Infrastructure Design Criteria Manual. If the signs are not posted and/or the Exception obtained, then construction plans shall be submitted for review and approval providing a minimum pavement width of 34 feet along Neel Street which triggers the requirement that a Development Engineering Plan application be submitted for review and approval. If the signs are posted and/or the Exception obtained, then the applicant may proceed directly to the Final Plat application; and,**
3. **Prior to submittal of a Final Plat application, the Infrastructure Development Partnership Fund payment shall be paid, if applicable. In addition, a copy of the receipt verifying payment shall be submitted with the Final Plat application. (10 to 0 to 1 with Brewer, Bulman, Marchand, Monson, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)**

*12. No. 13PD052 - Big Sky Business Park

A request by Dream Design International, Inc to consider an application for a **Initial Planned Development Overlay to construct an apartment complex** for the S1/2 of Government Lot 3, less the Big Sky Subdivision and less right-of-way; the S1/2 of Government Lot 4, less Big Sky Business Park and less Lot H1, H2 and right-of-way, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Berniece Street and Neel Street.

Fisher stated that due to an error by staff, notification on this item was not met and therefore this item is being continued to the January 23, 2014 Planning Commission meeting to allow a corrected notice to be mailed. Fisher noted that this mailing will be done by staff.

Rolinger moved, Marchand seconded to continue the Initial Planned Development Overlay to construct an apartment complex to the January 23, 2014 Planning Commission Meeting. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

16. No. 13PL138 - Orchard Meadows

A request by Dream Design International, Inc to consider an application for a **Preliminary Subdivision Plan** for proposed Tracts D, E, F, G, H, I, J, K, and L, Tracts 1 and 2, Lots 1 thru 14 Of Block 1, Lots 1 thru 18 of Block 2, Lots 1 thru 35 of Block 3, Lots 1 thru 17 of Block 4, Lots 1 thru 31 of Block 5, Lots 1 thru 33 of Block 6 of Orchard Meadows, legally described as that part of the N1/2 of the SW1/4 of the NE1/4, less Stekl Subdivision, less Orchard Meadows, less railroad right-of-way, less Lot H1 and H2; the S1/2 of the SW1/4 of the NE1/4 less Lot H1; S1/2 of the SE1/4 of the NW1/4 of the SW1/4; and W1/2 of the SE1/4, less Tract A of the E1/2 of the SW1/4 and the W1/2 of the SE1/4, Section 9, T1N,

R8E, less Lot H1 in the NE1/4 of the SW1/4 of Section 9, less Lot H1 in the S1/2 of the SE1/4 of the NW1/4 of Section 9, less Lot H2 in the SE1/4 of the SW1/4 of the NE1/4 of Section 9, less Lot 1 Wally Byam Addition and Lot 1, less Tract A and Tract B of Orchard Meadows, Wally Byam Addition, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south east of the intersection of Elk Vale Road and South Dakota Highway 44.

Fisher reviewed the application noting that Planning Commission has previously approved phase one of this development. Fisher stated that this application is for additional phases of the Orchard Meadows development. Fisher noted that the City Utility Plan shows that a sewer trunk main will be extended through the property and as such staff has requested that an easement corridor be secured for the future trunk main at the time of the Final Platting. However, it was decided that it would better suit everyone involved to change the stipulation to read "Upon submittal of a Development Engineering Plan application for any future phase, a preliminary potential easement corridor for the City's future sewer trunk main shall be identified. The owners shall work with the City of Rapid City staff to secure any potential easements." Fisher presented staff's recommendation that the **Preliminary Subdivision Plan** be approved with stipulations as revised.

Braun noted that he would be abstaining from voting on this item due a conflict of interest.

Monson became a voting member.

Rolinger moved, Rose seconded to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:

- 1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be submitted for review and approval. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**
- 2. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with 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;**
- 3. Prior to approval of a Development Engineering Plan application for any phase within the 100 year Federally designated floodplain, a Floodplain Development Permit shall be obtained. In addition, prior to vacation of the existing 75 foot wide drainage easement located on**

- the property, all floodplain issues and/or map revisions shall be completed with the Federal Emergency Management Agency;
- 4.. Prior to platting more than 40 residential lots, the portion of Jim Street located outside of the City limits shall be improved as required by Pennington County Design Standards or an Exception shall be obtained;
 5. Upon submittal of a Development Engineering Plan application for each phase, construction plans shall be in accordance with the executed "Agreement between Orchard Meadows, LLC and the Rapid Valley Sanitary District regarding Water and Sewer Service" and with the City of Rapid City and the Rapid Valley Sanitary District Master Plans. In addition, the construction plans shall be approved by Rapid Valley Sanitary District prior to approval by the City of Rapid City;
 6. Upon submittal of a Development Engineering Plan application for any future phase, a preliminary potential easement corridor for the City's future sewer trunk main shall be identified. The owners shall work with the City of Rapid City staff to secure any potential easements;
 7. Upon submittal of a Development Engineering Plan application for each phase of the development, the applicant shall demonstrate that the proposed phase is in accordance with the assumptions of the Traffic Impact Study for the entire property, or an amendment to the Traffic Impact Study shall be submitted for review and approval;
 8. Prior to approval of the Development Engineering Plan application for Phase Twp, the construction plans shall be approved by the Murphy Ditch authority for the proposed siphon and road crossing within the ditch easement;
 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements for the proposed phase of development shall be submitted for review and approval;
 11. Prior to submittal of a Final Plat application for Tracts 1 and 2, a stormwater facility ownership and maintenance agreement must be submitted. In addition, the approved agreement shall be submitted with the Final Plat application for recording;
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (10 to 0 to 1 with Brewer, Bulman, Marchand, Monson, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)

*17. No. 13PD036 - Meadowlark Hills Subdivision

A request by FMG Inc for Northwestern Engineering Company to consider an application for a **Final Planned Development Overlay to allow for the expansion of an existing mobile home park** for Tract A Of North Side Addition; Lot 1 Of Meadowlark Hills Subdivision; And That Portion Of Lot 2 Of Meadowlark Hills Subdivision Lying Within The Following Described Boundary: From The Northeast Corner Of Section 31, T2N, R8E, BHM, Which Is Also The Northeast Corner Of Lot 3 Of Meadowlark Hills Subdivision, S11°45'20"W A Distance Of 2399.95' To The Point Of Beginning, Said Point Being A 5/8" Rebar With Survey Cap Marked "FMG Inc. LS SD 4225" Marking A Corner On The West Side Of Lot 2 Of Meadowlark Hills Subdivision, Thence N09°42'19"W A Distance Of 245.08', Thence N21°30'42"W A Distance Of 269.27', Thence N42°57'23"E A Distance Of 373.68', Thence N07°52'48"W A Distance Of 324.68', Thence S47°03'10"E A Distance Of 574.35', Thence S00°03'09"W A Distance Of 767.09', Thence N89°57'11"W A Distance Of 59.02', Thence S00°02'49"W A Distance Of 30.00', Thence N89°57'11"W A Distance Of 27.50', Thence S00°02'49"W A Distance Of 40.00', Thence S89°57'11"E A Distance Of 27.50', Thence S00°02'49"W A Distance Of 151.90', Thence S89°56'23"W A Distance Of 7.00', Thence N00°02'50"E A Distance Of 101.23', Thence N26°41'46"W A Distance Of 116.42', Thence N49°23'40"W A Distance Of 135.41', Thence S89°56'23"W A Distance Of 268.56', To The Point Of Beginning, more generally described as being located south of East Anamosa Street and north of the railroad tracks.

Brewer referenced the Lehe Report which was recently approved the by the City Council and urged the Planning Commissioners to review the report. Brewer stated he feels there are numerous proposals in the report that he feels will make the development process more efficient for development, but hopes that the appropriate hearing processes be preserved to serve the public and community as a whole. Brewer said that he understood that one of the changes would be that plat applications would no longer be reviewed by Planning Commission.

Fisher confirmed that Brewer is correct, plats would no longer be required to be approved by hearing, but noted that there is no legal requirement for plats to be approved by hearing and therefore there is no legal authority for denial of plats. Fisher did note that Conditional Zoning, which is a change proposed by the Lehe Report, will bring additional duties before the Planning Commission. Discussion followed.

Lacock presented the application and reviewed the slides. Lacock noted that this application had been continued to allow the applicant to submit Exceptions for Water System Design which have since been approved. Lacock noted that an associated Initial Planned Development application (13PD037) expanding the development to the south was previously approved by Planning Commission. Lacock noted that the applicant is requesting Exceptions to reduce setbacks for portions of the existing mobile home park and that staff recommends they be granted. Lacock stated that staff recommends approval of the **Final Planned Development Overlay to allow for the expansion of an existing mobile home park** with stipulations.

Brewer stated that he had visited the site and requested clarification of the area being developed. Discussion followed.

Rose moved, Marchand seconded and unanimously carried to approve the Final Planned Development Overlay to allow for the expansion of an existing mobile home park be approved with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required front yard setback along East Adams Street from 20 feet to 10 feet;**
- 2. An Exception is hereby granted to reduce the minimum required front yard setback along North Spruce Street from 20 feet to 10 feet;**
- 3. An Exception is hereby granted to reduce the minimum required front yard setback along Riley Avenue for units 354 and 355 from 20 feet to 10 feet;**
- 4. An Exception is hereby granted to reduce the minimum required front yard setback along North Cambell Street for units 364, 365 and 386 from 25 feet to 10 feet;**
- 5. An Exception is hereby granted to reduce the minimum required front yard setback along Meadowlark Road for units 31 through 36, 183, 184 and 202 from 20 feet to 10 feet;**
- 6. An Exception is hereby granted to reduce the minimum required rear yard setback which abuts railroad right-of-way from 25 feet to 0 feet provided that upon submittal of a building permit, a revised statement from Canadian Pacific Railroad shall be submitted indicating concurrence with the proposed setbacks;**
- 7. A building permit shall be obtained prior to any construction. In addition, a building permit shall be obtained prior to installation of all new and replacement mobile home units;**
- 8. Upon submittal of a building permit, the applicant shall verify that backflow preventers have been installed in the three meter pits or the installation of backflow preventers shall be included in the construction plans;**
- 9. Prior to issuance of a building permit, a Developmental Lot Agreement shall be signed and recorded and a copy submitted to Community Planning and Development Services;**
- 10. A Mobile Home Park License shall be obtained within 30 days of completion of the new mobile home park expansion;**
- 11. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 12. A minimum of 799 parking spaces shall be provided. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 13. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. 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 all signs;**

14. 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;
15. Access to mobile home units that abut public right-of-way shall be from private streets internal to the mobile home park, except for existing unit 15 which can only be accessed from North Spruce Street;
16. All provisions of the Medium Density Residential District and Chapter 15.48 of the Rapid City Municipal Code shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment to the Planned Development;
17. All applicable provisions of the adopted International Fire Code shall continually be met; and,
18. The Final Planned Development Overlay shall allow for the expansion of a mobile home park on the property. Any change in use that is a permitted use in the Medium Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, 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.

*18. No. 13PD049 - Copperhill Ridge Subdivision

A request by Davis Engineering, Inc for Chapel Lane Water Company to consider an application for a **Final Planned Development Overlay to construct a water reservoir** for Lot 2 of Lot A of Copperhill Ridge Subdivision, located in the SE1/4 of the SW1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current western terminus of Copper Hill Ridge.

Lacock noted that this application had been continued at the previous Planning Commission meeting to allow the applicant to hold a neighborhood meeting. That meeting was held December 13, 2013. Since that time staff has received numerous public comments in opposition. Comments pertained to how exactly the tower will affect or increase the fire flows. In addition, the requested photo simulations of how the tower will look on the property have not been submitted. Lacock stated that in order to allow time for this information to be received, staff requests that the **Final Planned Development Overlay to construct a water reservoir** be continued to the January 23, 2014 Planning Commission meeting.

In response to Brewer's question on fire flows, Behlings confirmed that this is a

long standing issue and noted that there are a number of improvements the Fire Department has requested. Brewer requested that the safety issue be included in the staff report when this item comes back to Planning Commission.

Swank moved, Rolinger seconded to continue the Final Planned Development Overlay to construct a water reservoir to the January 23, 2014 Planning Commission meeting as requested by the applicant. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, 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.

*19. No. 13PD051 - Rainbow Addition and South Boulevard Subdivision

A request by 42nd Street Design Studio for Patrick Hall to consider an application for a **Final Planned Development Overlay to allow an on-sale liquor establishment and to allow storage in excess of 5,000 square feet** for Lots 1 thru 5 of Block 1 of Rainbow Addition, Section 11 and the north 90 feet of Lots 15 and 16 of Block 16 of South Boulevard Subdivision and the south 50 feet of Lots 15 and 16 of Block 16 of South Boulevard Subdivision, Section 12, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2202 Mount Rushmore Road.

Lacock presented the application and reviewed the slides.

Rolinger stepped away from the dais at this time.

Lacock noted that this is the former location of the "Rodeway Inn", but that the on-sale use had ceased to exist for more than one year and as such the legal non-conforming on-sale use has expired. As such, the applicant is requesting a Final Planned Development to allow on-sale liquor to enable the applicant to renew liquor licenses on the property along with a reduction in parking. The applicant has indicated that there is a parking agreement to use 6 parking spaces on property to the east and that there is also on-street parking. Lacock stated with these considerations, staff recommends that the **Final Planned Development Overlay to allow an on-sale liquor establishment and to allow storage in excess of 5,000 square feet** be approved with stipulations.

Braun stated that he would be abstaining from voting due to a conflict of interest.

Monson became a voting member.

Rose moved, Scull second and carried to approve the Final Planned Development Overlay to allow an on-sale liquor establishment and to allow storage in excess of 5,000 square feet with the following stipulations:

1. An Exception is hereby granted to allow 6,955 square feet of storage in

lieu of the maximum allowed 5,000 square feet. Any change in use from storage shall require a Major Amendment to the Planned Development;

2. An Exception is hereby granted to allow 25 parking spaces in lieu of the minimum required 31 parking spaces. One of the parking spaces shall be handicap "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
5. 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;
6. All signage shall continually conform to the Sign Code. No new electronic signs are being approved as a part of this Final 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 shall require a Major Amendment to the Planned Development. 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 each individual sign;
7. All applicable provisions of the adopted International Fire Code shall continually be met; and,
8. The Final Planned Development shall allow for an on-sale liquor establishment and storage area of 6,955 square feet is size for the property. Any expansion to the on-sale liquor use shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use in the General Commercial District in compliance with the minimum requirements of the Zoning Ordinance shall require the review and approval of a Minimal Amendment. All conditional uses or uses that do not comply with the minimum requirements of the Zoning Ordinance shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 to 1 with Brewer, Bulman, Marchand, Monson, Popp, Rippentrop, Rose, Scull and Swank voting yes and none voting no and Braun 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

20. Discussion Items

Horton introduced Sarah Hanzel as the new Long Range Planner.

Rolinger returned to the dais at this time.

Horton reminded the Planning Commission of the upcoming Comprehensive Planning meetings January 14 and 15 and confirmed which meeting they would be attending.

21. Staff Items

None

22. Planning Commission Items

In response to Brewers question regarding scheduled training, Fisher stated that currently there is none scheduled and suggested that they wait until the proposed changes have been made prior to any training being offered.

23. Committee Reports

- A. City Council Report (December 16, 2013)
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
- C. Zoning Board of Adjustment
- D. Capital Improvements Subcommittee
- E. Tax Increment Financing Committee

There being no further business, Rolinger moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:50 a.m. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)