

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 5, 2015

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

MEMBERS ABSENT: Kay Rippentrop

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Ted Johnson, Joel Landeen, Carla Cushman and Andrea Wolff.

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

Marchand 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 6 and 7 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Items 6 and 7. (9 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the February 19, 2015 Planning Commission Meeting Minutes.
2. No. 15PL009 - Victra Subdivision No. 2
A request by D.C Scott Surveyors, Inc. for Delores, A. Sjerven, Trustee to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Victra Subdivision No.2, legally described as a portion of the SW1/4 of the SW1/4 of Section 12, less Victra Subdivision, located in Section 12, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 7400 Longview Road.

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

1. **Upon submittal of a Development Engineering Plan application, construction plans for Longview Road shall be submitted for review and approval showing an additional 12 feet of pavement for a total pavement width of 36 feet, curb, gutter, sidewalk, street light conduit, sewer and dual water mains 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;**
2. **Upon submittal of a Development Engineering Plan application, the**

- Master Plan shall be revised to show the future collector street along the east lot line of the property as per the City's Major Street Plan;
3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual or an Exception shall be obtained. The water plan and analysis shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development or an Exception shall be obtained. If an Exception is obtained, a copy shall be submitted with the Development Engineering Plan application;
 4. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval or an Exception shall be obtained. If the existing on-site wastewater system is to continue to serve the property, then prior to submittal of a Final Plat application, an on-site wastewater treatment system permit shall be obtained from Pennington County and shall be submitted with the Final Plat application;
 5. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the City's Drainage Basin Plan shall be submitted for review and approval if subdivision improvements are required. In addition, the plat document shall be revised to provide drainage easements as necessary;
 6. 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;
 7. Prior to Development Engineering Plan approval, 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 Registered Professional Engineer;
 8. 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;
 9. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;
 10. Prior to submittal of a Final Plat application, the property shall be rezoned from Limited Agriculture District to Low Density Residential District by Pennington County;
 11. Prior to submittal of a Final Plat application, the plat document shall

be revised to include a note dedicating an 8 foot wide minor drainage and utility easement along all interior lot lines;

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).

3. No. 15RZ003 - Park Hill Subdivision

A request by Advanced Engineering for TJ Wojtanowicz to consider an application for a **Rezoning from Low Density Residential District to Medium Residential District** for Lot 13R of Block 6 of Park Hill Subdivision, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Hoefer Avenue and Churchill Street.

Planning Commission acknowledged the applicants' withdrawal of the Rezoning from Low Density Residential District to Medium Residential District.

4. No. 15RZ004 - Fountain Spring Business Park

A request by Jake Boerger to consider an application for a **Rezoning from General Agricultural District to Light Industrial District** for Tract S of Fountain Springs Business Park, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2319 N. Plaza Drive.

Planning Commission recommended that the Rezoning from General Agricultural District to Light Industrial District be approved.

5. No. 15VR001 - Michael Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc. for Koser Enterprises LLC to consider an application for a **Vacation of Section Line Highway** for Section Line right-of-way in Lot A of Michael Subdivision located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest corner of the intersection of Deadwood Avenue and Lien Street.

Planning Commission recommended that the vacation of section line highway be approved.

*8. No. 15PD003 - Country Meadows Subdivision

A request by Feber Engineering Company for Aspen Ridge Lawn and Landscape, LLC to consider an application for a **Final Planned Development Overlay to allow a landscaping company** for a portion of Lot 1 of the SE1/4SE1/4 of Section 29, including Lot A of Lot 1 of SE1/4SE1/4 and Excepting

Therefrom, Croyle Avenue and Dunsmore Road; Lots H1 and P1 of Lot 1; Lot B of Lot 1; Colonial Pine Hills Sanitary District Well Lot; and, Lot 1 of Flannery Subdivision and Dedicated Right-of-Way all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sheridan Lake Road between Croyle Avenue and Dunsmore Road.

Planning Commission approved the Final Planned Development Overlay to allow a landscaping company with the following stipulations:

- 1. A building permit shall be obtained prior to construction. A certificate of completion shall be obtained prior to initiation of the use;**
- 2. Prior to removal of any structures on the property in excess of 120 square feet, a demolition permit shall be obtained;**
- 3. Prior to issuance of a building permit, final construction plans shall be submitted. Plans shall include engineered design for all retaining walls over four feet in height. In addition, plans shall show that accessibility shall be provided to all areas of the property as necessary;**
- 4. All parking shall continue to comply with all the requirements of the Rapid City Parking Ordinance. Changes to the parking shall be permitted contingent upon provision of the minimum required amount of parking;**
- 5. All landscaping shall comply with all the requirements of the Rapid City Landscaping Ordinance. Changes to the landscaping design may be permitted as a Minimal Amendment to the Planned Development;**
- 6. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. The inclusion of LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;**
- 7. All lighting shall be designed to preclude shinning on adjacent properties and rights-of-way in any manner which may create a nuisance to neighboring properties or passing traffic;**
- 8. All requirements of the International Fire Code shall be continually maintained;**
- 9. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a future Major Amendment to the Planned Development, and;**
- 10. This Final Planned Development shall allow for development of the property with a landscaping business. Uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. Conditional uses 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.

---END OF CONSENT CALENDAR---

6. No. 15PL014 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 3 of Block 1 of LaGrand Subdivision, legally described as a portion of the NE1/4 less LaGrand Subdivision, less Lots H2, H3 and right-of-way, located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately 1000 feet west of N. Elk Vale Road and north of Eglin Street.

Fisher presented the application and reviewed the associated slides. Fisher presented staff's recommendation that the **Preliminary Subdivision Plan** be approved with stipulations.

It was noted that this item was removed from the Consent Agenda to allow Braun to abstain due to a conflict of interest.

Rose entered the meeting at this time.

Rolinger moved, Scull seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:

1. **Upon submittal of a Development Engineering Plan application, a revised site plan shall be submitted for review and approval confirming the location of all existing utilities located adjacent to and on the proposed platted lot. In addition, the plat document shall be revised to show the dedication of utility easements pursuant to the Infrastructure Design Criteria Manual;**
2. **Upon submittal of a Development Engineering Plan application, construction plans showing the installation of dual water mains along Eglin Street 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, the plat document shall be revised to show the dedication of 30 feet of right-of-way along the section line highway which is one-half of the required right-of-way width. In addition, construction plans shall be submitted for review and approval showing the installation of a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the section line highway shall be vacated. If an Exception is obtained, a copy of the Exception shall be submitted with the Development Engineering Plan application;**

4. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual or an Exception shall be obtained. The water plan and analysis shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. Utility easements shall be secured as needed;
5. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval or Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the City's Drainage Basin Plan shall be submitted for review and approval if subdivision improvements are required. In addition, the plat document shall be revised to provide drainage easements as necessary;
7. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show an easement for the 36 inch RCP storm sewer pipe extending through the property from Eglin Street to the railroad right-of-way;
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. Prior to Development Engineering Plan approval, 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 Registered Professional Engineer;
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. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;
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). (9 to 0 to 1 with Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)

7. No. 15PL015 - Shortcut Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Block 1 of Shortcut Subdivision, legally described as a portion of Government Lot 1 less the west 660 feet and less Lots H2 and H5; the SE1/4 of the NE1/4 Less the west 660 feet of the north 1081.18 feet less Lots H2, H3, less Rushmore Regional Industrial Park and less Hilltop Business Park Subdivision, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest corner of E. Anamosa and Elk Vale Road.

Fisher presented the application and reviewed the associated slides. Fisher presented staff's recommendation that the **Preliminary Subdivision Plan** be approved with stipulations.

It was noted that this item was removed from the Consent Agenda to allow Braun to abstain due to a conflict of interest.

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

1. **Upon submittal of a Development Engineering Plan application, construction plans showing the installation of a sidewalk and a 16 inch water main in compliance with the City's Master Utility Plan along Anamosa Street 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;**
2. **Upon submittal of a Development Engineering Plan application, construction plans showing the installation of a sidewalk and a 16 inch water main in compliance with the City's Master Utility Plan along E. Anamosa Street 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, the plat document shall be revised to show the dedication of 35 feet of right-of-way along the section line highway which is one-half of the required right-of-way width. In addition, construction plans shall be submitted for review and approval showing the installation of a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or**

- the section line highway shall be vacated. If an Exception is obtained, a copy of the Exception shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual or an Exception shall be obtained. The water plan and analysis shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. Utility easements shall be secured as needed;
 5. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval or Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the City's Drainage Basin Plan shall be submitted for review and approval if subdivision improvements are required. In addition, the plat document shall be revised to provide drainage easements as necessary;
 7. 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;
 8. Prior to Development Engineering Plan approval, 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 Registered Professional Engineer;
 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 shall be submitted for review and approval if subdivision improvements are required;
 11. Upon submittal of a Final Plat application, the plat title shall be revised to read "formerly a portion of Govt. Lot 1 of Section 4";
 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). (9 to 0 to 1 with Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)**

---BEGINNING OF REGULAR AGENDA ITEMS---

- *9. No. 15UR002 - Rapid City Greenway Tract
A request by City of Rapid City Parks and Recreation Department, Kristy Lintz to consider an application for a **Conditional Use Permit to allow an on-sale liquor established in conjunction with a festival and to allow structures in the Flood Hazard District** for Tract 17 located in Section 34 and 35 less Lot H1 and H2 of Rapid City Greenway Tract, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha.

Lacock presented the application and reviewed the associated slides. Lacock stated that this Conditional Use Permit is for the Rapid City Parks and Recreation Department to operate a beer tent and vendor tents in conjunction with the Black Hills Fat Tire Festival. Lacock noted that the applicant would be required to obtain a Flood Plain Development Permit, a Temporary Use Permit and a Special Event Permit each year. Lacock stated that staff believes that the on-sale liquor use in conjunction with a three day festival once a year over the next five years will not create a hardship or blight on the area and that staff recommends approval of the **Conditional Use Permit to allow an on-sale liquor established in conjunction with a festival and to allow structures in the Flood Hazard District** with stipulations.

In response to a question from Brewer, Kristy Lintz, from Rapid City Parks and Recreation Department, stated that although not listed in the operational plan, the beer garden would close at 8:00 p.m. Brewer also noted that the nature of West Omaha in this area is high traffic and high speed and requested that this be kept in mind when managing the festival.

Swank moved, Rose seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor established in conjunction with a festival and to allow structures in the Flood Hazard District with the following stipulations:

1. **Prior to the installation of the temporary structures, a Temporary Use Permit shall be obtained each year;**
2. **Prior to the placement of the temporary structures, a Flood Plain Development Permit shall be obtained each year;**
3. **Prior to the start of the festival, a Special Event Permit shall be obtained for the sale of alcohol each year;**

4. All provisions of the Flood Hazard District shall be met;
5. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. Signage in compliance with the Sign Code shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Major Amendment to the Conditional Use Permit. 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;
6. All applicable provisions of the adopted International Fire Code shall continually be met; and,
7. The Conditional Use Permit shall allow for an on-sale liquor establishment in conjunction with the three day long “Black Hills Fat Tire Festival” once a year through 2019. The event shall be operated in compliance with the applicant’s operational plan. A new Conditional Use Permit shall be obtained for the on-sale liquor use beyond 2019. In addition, temporary structures shall be allowed for the three day festival. Any expansion to the on-sale liquor use or the footprint of the temporary structures shall require a Major Amendment to the Conditional Use Permit. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, 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.

*10. No. 15UR003 - Plaza Subdivision

A request by Kimanh Troung dba Impressive Nails to consider an application for a **Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon** for Lot 2 of Plaza Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at 1301 West Omaha Street, Suite 105.

Lacock presented the application and reviewed the associated slides. Lacock noted that this request is in association with an existing business and that staff recommends that the application for a **Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon** be approved.

In response to Brewer’s question, Fisher stated that this Conditional Use Permit is associated with the property and a specific suite in conjunction with a salon.

Rolinger moved, Bulman 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 salon with the following stipulations:

1. The minimum number of required parking spaces shall continue to be provided which is 283 parking spaces. A minimum of seven 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;
2. The minimum required 129,535 landscaping points shall continue to 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;
3. All provisions of the General Commercial District shall be met;
4. 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;
5. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. 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 shall require a Major Amendment to the Conditional Use Permit. 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;
6. All applicable provisions of the adopted International Fire Code shall continually be met; and,
7. The Conditional Use Permit shall allow for an on-sale liquor establishment in conjunction with a salon on the property. 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 General Commercial District and in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. All conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, 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.

*11. No. 15UR004 - Section 11, T1N, R7E

A request by Renner and Associates, LLC for Colonial House, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant** for the north 125 feet of Tract E; the north 50 of the south 250 feet of Tract E; the west 200 feet of the south 200 feet of Tract E; said Tract E being in the S1/2 of the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2315 Mount Rushmore Road.

Lacock presented the application and reviewed the associated slides. Lacock noted that a variance was previously granted to allow a landscape buffer in lieu of a screening fence due to the steep slopes between the commercial use and adjacent residential properties. Lacock presented staff's recommendation that the application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant** be approved with stipulations.

In response to a question from Bulman regarding the pole signs, Lacock noted that the existing signs have been removed during the construction but will be reinstalled. The applicant indicated that the existing signs at the current restaurant location would not re-used.

Scull praised the applicant for the reinvestment in the Eighth Street corridor.

Rolinger moved, Rose seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant with the following stipulations:

- 1. A landscape buffer consisting of evergreen trees shall be installed and maintained as shown on the approved landscape plan;**
- 2. A Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. A minimum of 102 parking spaces shall be provided. Five 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;**
- 4. A minimum of 117,529 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;**
- 5. All provisions of the General Commercial District shall be met;**
- 6. 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;**
- 7. All signage shall continually conform to the Sign Code. No new electronic signs are being approved as a part of this Conditional Use Permit. 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 shall require a Major Amendment to the Conditional Use Permit. Any new 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;

8. All applicable provisions of the adopted International Fire Code shall continually be met; and,
9. The Conditional Use Permit shall allow for an on-sale liquor establishment in conjunction with a full service restaurant for the property. 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 General Commercial District and in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. All conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, 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.

12. No. 15OA002 - Ordinance to Amend Provisions Concerning Appointments to the Rapid City Planning Commission by Amending Sections 2.60.020 and 2.60.030 to the Rapid City Municipal Code

A request by the City of Rapid City to consider an application for an **Ordinance to Amend Provisions Concerning Appointments to the Rapid City Planning Commission by Amending Sections 2.60.020 and 2.60.030 to the Rapid City Municipal Code.**

Cushman reviewed the ordinance noting that this item has been before the Planning Commission previously. Cushman identified the changes that were made per the Planning Commission's request following the last review of the ordinances, specifically changing the number of members and including the associated quorum requirements for both the Planning Commission and the Zoning Board of Adjustment.

In response to a question from Braun regarding pending changes to state law and Zoning Boards, Cushman stated that she does not believe that those changes would affect this action.

Discussion followed regarding Council Liaisons for Planning Commission and Zoning Board of Adjustment.

Rose moved, Rolinger seconded and unanimously carried to approve the Ordinance to Amend Provisions Concerning Appointments to the Rapid City Planning Commission by Amending Sections 2.60.020 and 2.60.030 to the Rapid City Municipal Code. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose, Scull and Swank voting yes and none voting no)

13. No. 15OA003 - Ordinance to Authorize the Planning Commission to Act as the Zoning Board of Adjustment by Amending Section 17.54.010 of the Rapid City Municipal Code

A request by the City of Rapid City to consider an application for an **Ordinance to Authorize the Planning Commission to Act as the Zoning Board of Adjustment by Amending Section 17.54. 010 of the Rapid City Municipal Code.**

Cushman reviewed the ordinance.

Kurt Pochart, 1314 7th Street, stated that he questions regarding the function of the two bodies, specifically how the meetings would be separated and actual time of each meeting. Pochart said that he feels that a specific starting time should be assigned to each meeting stating that this would allow applicants speaking to either of the two bodies attend only the meeting they need.

Rolinger stated that as a member of both bodies he can honestly say that the average meeting time for the Zoning Board of Adjustment is usually a half hour to an hour, but can vary.

Mayor Kooiker clarified that the confusion regarding the number of members stems from the summary paragraph on the item cover memo that still identifies the Zoning Board as seven members and that revisions have been made to change that to nine. Kooiker stated that the separation of the bodies, and therefore meetings, would be achieved by commencing one meeting at the scheduled time, probably the Zoning Board of Adjustment first, addressing all the items on that agenda; adjourning as the Zoning Board of Adjustment and reconvening as the Planning Commission directly following.

In response to a question from Bulman regarding bylaws, Cushman stated that she feels that the two bodies will retain separate bylaws and that those can be reviewed once the ordinances have actually gone into effect.

In response to a question from Brewer about the quorum requirements and the number of members, Cushman stated that those issues were addressed in Ordinance 15OA002 and that both bodies will have the same nine members.

In response to a question from Scull whether a time could be set on the agendas, Fisher clarified that the fluidity of the meeting defining a time could

create delays or issues for both the applicants and staff. Fisher noted that the Zoning Board of Adjustment meeting would start at 7:00 a.m. with the Planning Commission starting directly following the completion of the Zoning Board of Adjustment to allow the meetings to flow without delays.

Discussion followed regarding the actual wording of the ordinance and meeting times and scheduling.

Pochart spoke again to the need for applicants to be informed of a specific time to appear to speak to their application.

In response to a question from Swank regarding the option to work around applicant's schedules, Fisher stated that staff works with the applicants and can continue items, but stated that people being affected other than the applicant also deserve the same considerations as they would also be required to adjust their schedules to be able to speak at a meeting.

Limbaugh stated that setting the Zoning Board of Adjustment before the Planning Commission is important, as the Zoning Board Adjustment is quasi-judicial and items addressed by this body can only be appealed to circuit court. Therefore, it is imperative that applicants be present for these actions, whereas items heard by the Planning Commission, although also important, can be appealed to the City Council.

Popp moved, Rose seconded and unanimously carried to approve the Ordinance to Authorize the Planning Commission to Act as the Zoning Board of Adjustment by Amending Section 17.54. 010 of the Rapid City Municipal Code. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose, Scull and Swank voting yes and none voting no)

14. No. 150A004 - Ordinance Amendment to Change the Name of Rapid Street Between Third and Fifth Street To Nikko Street And Between Fifth And Eight Streets To Apolda Street By Amending Sections 10.48.010, 12.08.050 And 17.036.010 Of The Rapid City Municipal Code

A request by the City of Rapid City to consider an application for an **Ordinance Amendment to Change the Name of Rapid Street Between Third and Fifth Street To Nikko Street And Between Fifth And Eighth Streets To Apolda Street By Amending Sections 10.48.010, 12.08.050 And 17.036.010 Of The Rapid City Municipal Code.**

Cushman presented the ordinance noting that this ordinance is in conjunction with a road name change that will come before the City Council in the near future changing the name of Rapid Street to Nikko Street as well as addressing a previous change where another section of Rapid Street had been changed to Apolda Street. Cushman noted that since the street name is specially addressed in various areas of the Rapid City Municipal Code that the amendment is necessary to change the references to the revised street names.

Scull moved, Rolinger seconded and unanimously carried to approve the

Ordinance Amendment to Change the Name of Rapid Street Between Third and Fifth Street To Nikko Street And Between Fifth And Eighth Streets To Apolda Street By Amending Sections 10.48.010, 12.08.050 And 17.36.010 Of The Rapid City Municipal Code. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose, Scull and Swank voting yes and none voting no)

15. Discussion Items
None

16. Staff Items
None

17. Planning Commission Items
None

18. Committee Reports

- A. City Council Report (February 17, 2015)
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, Rose moved, Braun seconded and unanimously carried to adjourn the meeting at 7:40 a.m. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rolinger, Rose, Scull, and Swank voting yes and none voting no)