

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
April 9, 2015

MEMBERS PRESENT: Erik Braun, Karen Bulman, Galen Hoogestraat, Linda Marchand, John Pinkard, Dennis Popp, Kay Rippentrop, Steve Rolinger, Andrew Scull and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: John Brewer

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Sandy Smith, Sarah Hanzel, Patsy Horton, Tim Behlings, Ted Johnson, 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.**

**Bulman requested that Items 9 and 13 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 13 in accordance with the staff recommendations with the exception of Items 9 and 13. (9 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the March 5, 2015 and March 26, 2015 Planning Commission Meeting Minutes.
2. No. 15PL018 - Eastern Acres Subdivision  
A request by Sperlich Consulting, Inc. for Paul and Lori Sauser to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 7A and 7B of Block 1 of Eastern Acres Subdivision, legally described as Lot 7 of Block 1 of Eastern Acres Subdivision, located in the W1/2 of the SW1/4 of Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5846 Long View 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 showing a public water main within Earth Drive 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 an 8 inch water main within Legacy Lane 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, 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 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, 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;
  5. 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;
  6. 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;
  7. 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;
  8. 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;
  9. Upon submittal of a Final Plat application, the applicant shall demonstrate that road maintenance has been secured for the adjacent street(s);
  10. 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;
  11. Prior to submittal of a Final Plat application, a utility easement shall be secured for that portion of the existing water service line located on Lot 6 that provides water service to Lot 7. A copy of the recorded easement shall be submitted with the Final Plat application;

12. Prior to submittal of a Final Plat application, the proposed water service line extending from Long View Road to the existing residence on proposed Lot 7B shall be constructed to ensure that a non-conforming water service is not created;
13. 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;
14. Upon submittal of a Final Plat application, signed Waiver of Right to Protest document(s) shall be submitted for recording with the Final Plat;
15. 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,
16. 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. 15RZ006 - Section 23, T1N, R7E

A request by Larry and Mary Stevens to consider an application for a **Rezoning from General Agricultural District to Park Forest District** for the W1/2 of the SW1/4 of the NE1/4 of the NE1/4 less Lot H1 lying south of Lot H1 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4784 Enchanted Pines Drive.

**Planning Commission recommended that the Rezoning from General Agricultural District to Park Forest District be approved.**

4. No. 15PL022 - Heartland Retail Center

A request by Renner and Associates, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 3 and 4 of Block 2, Lots 1 and 2 of Block 3 of Heartland Retail Center, legally described as Tract A of Block 2 of Heartland Retail Center, located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4145 Cheyenne Boulevard.

**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 Endeavour Boulevard showing the street located within a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. In addition, since the street intersects with an arterial street, the first 200 linear feet of Endeavour Boulevard shall have a minimum right-of-way width of 80 feet pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual 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 for Cheyenne Boulevard shall be submitted for review and approval showing a dual water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with Development Engineering Plan application;**
  - 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. In addition, utility easements shall be provided as needed;**
  - 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. The sewer data shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. A sewer master plan shall also be submitted to ensure that the proposed sewer can serve future development. In addition, utility easements shall be provided as needed;**
  - 5. Prior to submittal of the Development Engineering Plan application, redlined comments on the conceptual site plan and plat shall be addressed. Upon submittal of the Development Engineering Plan application, the redlined comments and the revised drawings and plat per the redline comments shall be submitted for review and approval or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment shall be obtained. If an Exception is obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;**
  - 6. 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;**
  - 7. Upon submittal of a Development Engineering Plan application, a drainage plan prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and in compliance with the City's Drainage Basin Plan shall be submitted for review and approval**

or an Exception shall be obtained. The drainage plan shall address storm water quantity control and storm water quality treatment. Drainage easements shall also be provided as necessary;

8. Upon submittal of a Development Engineering Plan application, a grading plan and 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;
9. Upon submittal of a Development Engineering Plan application, a geotechnical analysis including pavement design and soil corrosivity analysis 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;
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;
12. Upon submittal of a Final Plat application, written documentation indicating concurrence from all of the affected utility companies shall be submitted for the proposed 8 inch wide utility easement on proposed Lot 3 being vacated by this plat;
13. 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,
14. 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).

\*5. No. 15PD006 - Rushmore Crossing

A request by Renner and Associates, LLC for Midland Atlantic to consider an application for a **Final Planned Development Overlay to construct a commercial building** for Lot 5A1 of Block 2 of Rushmore Crossing, located in Section 29, (also in Section 30), T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1201 Eglin Street.

**Planning Commission approved the Final Planned Development Overlay to construct a commercial building with the following stipulations:**

1. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Upon submittal of a Building Permit, the applicant shall address redlined comments and return the redlined plans to Community Planning and Development Services;

3. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
4. Prior to issuance of a Building Permit, the owner shall dedicate a utility access easement to the City to allow access to the water shut-off valve;
5. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
6. A minimum of 49 parking spaces shall be provided. In addition, two 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;
7. A minimum of 44,848 landscaping points shall be provided All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
8. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
9. 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;
10. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
11. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
12. All applicable provisions of the adopted International Fire Code shall continually be met; and,
13. The Final Planned Development Overlay shall allow for a commercial building on the property. 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 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. 15PD007 - Rushmore Crossing

A request by Renner and Associates, LLC for Midland Atlantic to consider an application for a **Final Planned Development Overlay to allow a retail development** for Lot 3 of Block 2 of Rushmore Crossing, located in Section 30 (also in Section 29), T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1183 Eglin Street.

**Planning Commission approved the Final Planned Development Overlay to allow a retail development with the following stipulations:**

1. **A Building Permit shall be obtained prior to any structural 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 owner shall dedicate a utility access easement to the City to allow access to the water shut-off valve;**
4. **Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
5. **All parking and landscaping shall continue to comply with the previously approved Planned Development for the property, specifically File #07PD074;**
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 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;**
8. **An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
9. **All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;**
10. **All applicable provisions of the adopted International Fire Code shall continually be met; and,**
11. **The Final Planned Development Overlay shall allow for a retail development on the property. 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 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.***

\*7. No. 15UR007 - Jaehn Subdivision

A request by Michael Avveduto to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 12 of Jaehn Subdivision, located in Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5003 South Canyon Road.

**Planning Commission approved the Conditional Use Permit to allow an oversized garage with the following stipulations:**

- 1. An Exception is hereby granted to allow an oversized garage of 1,688 square feet in lieu of the maximum 1,500 square feet;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. All provisions of the Low Density Residential District shall be met;**
- 4. 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.**
- 5. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 6. The Conditional Use Permit 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 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.***

\*8. No. 15PD008 - The Cotton Wood Subdivision

A request by Wellspring dba Wellfully to consider an application for a **Final Planned Development Overlay to allow a church in the Medium Density Residential District** for Lots 2 thru 15, Lots 18 thru 37 (also in Section 4) of Block 9 of The Cottonwoods Subdivision, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as



being located at 3402 Cottonwood Street.

**Planning Commission approved the Final Planned Development Overlay to allow a church in the Medium Density Residential District 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 church use;**
- 2. All parking shall continue to comply with the requirements of the Rapid City Parking Ordinance and the submitted parking plan;**
- 3. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance;**
- 4. All future signage shall comply with the requirements of the Rapid City Sign Ordinance. Changes to existing signage other than changes to the faces on existing signs will require a Major Amendment to the Planned Development. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. A sign permit shall be obtained for each sign;**
- 5. All lighting shall be designed to preclude shining on adjacent properties or rights-of-way so as to be a nuisance to neighboring properties or passing traffic;**
- 6. All requirements of the International Fire Code shall be continually maintained;**
- 7. All requirements of the Medium Density Residential District shall be continually maintained unless specifically authorized as a subsequent Major Amendment to the Planned Development, and;**
- 8. This Final Planned Development shall allow for use of the existing structure as a church and a teen care facility. All office uses located on the property shall be accessory to the existing teen care facility and/or the church. Conditional uses in the Medium 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.***

10. 15TP014 - 2015 Unified Planning Work Program Agreement Amendment - #1

**Planning Commission recommended approving Amendment 2015-01 to the Rapid City Area 2015 Unified Planning Work Program and Amendment #1 to the 2015 Unified Planning Work Program Agreement 311212.**

11. 15TP015 - 2013-2015 Pedestrian & Bicyclist Crash Report

**Planning Commission recommended that the Metropolitan Planning Organization Committees acknowledge the attached 2002-2014**

**Pedestrian and Bicyclist Crash Report.**

12. 15TP017 - 2015 Rapid City Population Estimate

**Planning Commission recommended that the 2015 Rapid City Population Estimate be acknowledged.**

**---END OF CONSENT CALENDAR---**

9. No. 14OA009 - Ordinance Amendment to Permit Hobby Beekeeping in Residential Areas by Amending Sections 17.04.035, 17.08.020 and 17.10.020 of the Rapid City Municipal Code

A request by to consider an application for **an Ordinance Amendment to Permit Hobby Beekeeping in Residential Areas by Amending Sections 17.04.035, 17.08.020 and 17.10.020 of the Rapid City Municipal Code.**

In response to questions from Bulman, Cushman clarified that density limits are listed as a part of a companion ordinance as well as the 15 feet separation from dwellings, other than those on the same lot, which is a compromise based on other municipalities. Cushman noted that licensing of apiaries is required by the State so the City opted not to duplicate this requirement.

**Bulman moved, Rolinger seconded and unanimously carried to recommend that the proposed Ordinance Amendment be approved. (9 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)**

13. Acknowledge proposed amendments to the Planning Commission and Zoning Board of Adjustment Bylaws

In response to a question from Bulman regarding the language in the Zoning Board of Adjustment Bylaws denoting voting and quorum, Cushman stated that this section will be revised to read clearly. Cushman clarified that these items were before the Commission to meet the notice requirements and not for action and that changes would be made as needed prior to coming before the Planning Commission for action. Additional items noted by Bulman included the terms for Zoning Board of Adjustment and the starting time for the meetings.

**Bulman moved, Swank seconded and unanimously carried to recommend that the proposed amendments to the Planning Commission and Zoning Board of Adjustment Bylaws be acknowledged. (9 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

- \*14. No. 15PD004 - Original Town of Rapid City

A request by Jake Boerger for MWT Leasing/MHK Leasing to consider an application for a **Major Amendment to a Planned Development to allow professional offices** for Lot 13 thru 16 and Lot 10 thru 16 of Block 87 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 329 Main Street.

Laroco presented the application and reviewed the associated slides. Laroco noted that the Planned Development is to allow flexible work spaces that can be rented on an as-needed basis. Laroco stated that parking for the facility will be available on the adjacent lot, noting that the applicant has requested a reduction of parking from 51 spaces to 28 spaces. Additionally, Laroco stated that the site plan indicates the potential for a future brewery to be located within the property. It is not part of the current application and if the brewery is proposed it will require a Major Amendment to the Planned Development. Laroco presented staff's recommendation that the **Major Amendment to a Planned Development to allow professional offices** be approved with stipulations.

**Rolinger moved, Braun seconded and unanimously carried to approve the Major Amendment to a Planned Development to allow professional offices with the following stipulations:**

- 1. An Exception to reduce the required amount of parking from 51 spaces to 28 spaces is hereby granted. A minimum of two of the provided parking spaces shall be handicap accessible. One of the handicap accessible spaces shall be van accessible. All parking shall comply with the requirements of the Rapid City Parking Ordinance;**
- 2. A building permit shall be obtained prior to construction. A certificate of completion shall be obtained prior to initiation of the use;**
- 3. Prior to issuance of a building permit, a parking agreement shall be secured for the parking located on the lot adjacent to the east. A copy of the recorded parking agreement shall be submitted to Community Planning for review;**
- 4. Prior to issuance of a building permit, approval through an 11.1 Historic Review must be obtained;**
- 5. All signage shall require approval through the Historic Sign Board. 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 Major Amendment to the Planned Development. The addition of LED signage shall require the review and approval of a Major Amendment to the Planned Development. A sign permit is required for each sign;**
- 6. All requirements of the International Fire Code shall be continually maintained;**
- 7. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment, and;**
- 8. This Major Amendment shall allow for development of the property with professional office space designed as "flexible workplace**

**solutions". All uses permitted in the General Commercial District which do not increase the required amount of off-street parking spaces shall be permitted contingent upon approval of a building permit. All conditional uses or uses which increase the required amount of off-street parking spaces shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, 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.***

\*15. No. 15PD005 - Rushmore Crossing

A request by Fisk Land Surveying and Consulting Engineers, Inc for Dakota Wingmen LLC - Colin Hofer to consider an application for a **Final Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant** for a portion of Lot 7A of Block 3 of Rushmore Crossing, located in the Southeast One Quarter of the Southwest One-Quarter (SE ¼ SW ¼) of Section Twenty Nine (29) of Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of Lot 7A of Block 3 of Rushmore Crossing, located in the Southeast One Quarter of the Southwest One Quarter (SE ¼ SW ¼) of Section Twenty Nine (29) of Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota as shown on the plat document filed on December 23, 2014 and recorded as document number A201416616, said point is located on the north line of Eglin Street right-of-way and coincident with the southeast corner of Lot 6 of Block 3 of Rushmore Crossing; thence, northeasterly on the westerly line of said Lot 7A of Block 3 of Rushmore Crossing and on the easterly line of said Lot 6 of Block 3 of Rushmore Crossing, North 33 degrees 01 minutes 14 seconds East, a distance of 40.00 feet more or less; thence, continuing northeasterly on the westerly line of said Lot 7A of Block 3 of Rushmore Crossing and on the easterly line of said Lot 6 of Block 3 of Rushmore Crossing, North 28 degrees 47 minutes 27 seconds East a distance of 223.40 feet more or less to the northwest corner of said Lot 7A of Block 3 of Rushmore Crossing, said point being located on the south line of Interstate 90 right-of-way and coincident with the northeast corner of said Lot 6 of Block 3 of Rushmore Crossing; thence, southeasterly on the north line of said Lot 7A of Block 3 of Rushmore Crossing and on the south line of Interstate 90 right-of-way, South 61 degrees 11 minutes 54 seconds East a distance of 119.61 feet more or less; thence, continuing southeasterly on the north line of said Lot 7A of Block 3 of Rushmore Crossing and on the south line of Interstate 90 right-of-way, curving to the right on a curve with a radius of 862.93 feet, a delta of 4 degrees 16 minutes 48 seconds an arc length of 64.46 feet, a chord bearing of South 59 degrees 03 minutes 30 seconds East and a chord distance of 64.44 feet more or less; thence, South 28 degrees 49 minutes

28 seconds West a distance of 189.41 feet more or less; thence, South 50 degrees 50 minutes 06 seconds West a distance of 86.72 feet more or less; thence, South 41 degrees 55 minutes 31 seconds East a distance of 22.94 feet more or less; thence South 48 degrees 02 minutes 28 seconds West a distance of 20.23 feet more or less to a point on the south line of said Lot 7A of Block 3 of Rushmore Crossing and on the north line of Eglin Street right-of-way; thence northwesterly and on the south line of said Lot 7A of Block 3 of Rushmore Crossing and on the north line of Eglin Street right-of-way, curving to the left on a curve with a radius of 650.00 feet; a delta of 15 degrees 17 minutes 38 seconds, an arc length of 173.50 feet; a chord bearing of North 49 degrees 19 minutes 53 seconds West and a chord distance of 172.99 feet more or less, to the point of beginning, more generally described as being located on the north side of Eglin Street in Rushmore Crossing.

Lacock presented the application and reviewed the associated slides. Lacock stated that staff recommends that the **Final Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant** be approved with stipulations.

Scull stated that he would be abstaining from this item due to a conflict of interest.

**Rolinger moved, Bulman seconded and carried to approve the Final Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant with the following stipulations:**

- 1. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Upon submittal of a Building Permit, a drainage summary and calculations shall be submitted for review and approval. In addition, documentation identifying the parties responsible for the perpetual maintenance of on-site stormwater quality improvements shall be submitted;**
- 3. Upon submittal of a Building Permit, the applicant shall address redlined comments and return the redlined plans to Community Planning and Development Services;**
- 4. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 5. Prior to issuance of a Building Permit, the owner shall dedicate a utility access easement to the City to allow access to the water shut-off valve;**
- 6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 7. A minimum of 60 parking spaces shall be provided. In addition, 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;**

8. A minimum of 43,681 landscaping points shall be provided All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
9. 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;
10. 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;
11. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
12. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
13. All applicable provisions of the adopted International Fire Code shall continually be met; and,
14. The Final Planned Development Overlay shall allow for an on-sale liquor establishment in conjunction with a restaurant. 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 and in compliance with the Parking Ordinance shall require the review and approval of a Minimal Amendment. All conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, 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.***

Fisher requested that items 16 and 17 be heard concurrently.

16. No. 15PL010 - Park Hill Subdivision  
A request by Advanced Engineering for TJ Wojtanowicz to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 32 of Block 7 of Park Hill Subdivision, legally described as 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.

**Rolinger moved, Swank seconded and unanimously carried to recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

- 1. Upon submittal of a Development Engineering Plan application, construction plans for Hoeffer Avenue shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located within a minimum 118 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface or Exception(s) shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;**
- 2. 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. 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. Utility easements shall be secured as needed;**
- 3. 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. The sewer plan shall demonstrate that sufficient system capacity is adequate to meet estimated flows. Utility easements shall be secured as needed;**
- 4. Upon submittal of a Development Engineering Plan application, a drainage plan prepared by a Registered Professional Engineer and in compliance with the City's Drainage Basin Plan shall be submitted for review and approval. The drainage plan shall address existing drainage concerns pertinent to the property and address drainage generated from the proposed development. The actual site design and construction shall comply with the Infrastructure Design Criteria Manual and the Stormwater Quality Manual and shall maintain off-site run-off at historic water quality levels without adversely impacting adjacent properties. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 5. 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;**
- 6. 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;

7. 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;
  8. Upon submittal of a Development Engineering Plan application, an agreement requiring that residential fire sprinkler systems be installed in all residential buildings accessed from the cul-de-sac street shall be submitted for review and approval. Upon approval, the agreement shall be recorded and a copy of the recorded agreement submitted with the Final Plat application;
  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. 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,
  11. 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 with Braun, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)
17. No. 15RZ005 - Park Hill Subdivision

A request by Advanced Engineering for TJ Wojtanowicz to consider an application for a **Rezoning from Low Density Residential District I to Low Density Residential District II** for that portion of Lot 13R of Block 6 of Park Hill Subdivision lying in the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 7, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as follows: beginning at a point marked "LS 1019" for the Northwest corner of said Lot 13R and the Southwest corner of Lot 12 of Block 6 of Park Hill Subdivision on the East right-of-way line of Churchill Street, as shown on the Plat of Lots 13R and 14 of Block 6 of Park Hill Subdivision, recorded as Document No. A201316818 in the office of the Pennington County Register of Deeds; Thence, South 89° 53' 44" East, along the North line of Lot 13R, a distance of 660.36 feet to a survey monument marked "LS 6565" for the Southeast corner of Lot 4 of Block 6 of Park Hill Subdivision and the intersection of said North line of Lot 13R with the "Section 1/16th line" forming the East boundary of said NW1/4 SE1/4 of Section 7, from which a point marked "LS 1771" for the Northeast corner of Lot 13R bears South 89° 53' 44" East a distance of 280.06 feet, as shown on said Plat of Lots 13R and 14; Thence, South 00° 01' 49" East, crossing through Lot 13R along said "Section 1/16th line", a distance of 327.51 feet to a point marked "T-Bar" for a Northeast corner of Robbinsdale Park Addition and the Northwest corner of Lot



A of Lot 2 of Superpumper Addition and an angle point in the South line of Lot 13R from which a survey monument marked "LS 6565" for the Southeast corner of Lot 13R bears South 89° 24' 51" East a distance of 279.86 feet, as shown on said Plat of Lots 13R and 14; Thence, South 89° 59' 27" West, along the South line of Lot 13R and North line of said Robbinsdale Park Addition, a distance of 660.53 feet to a survey monument marked "LS 6565" for the Southwest corner of Lot 13R and the Southeast right-of-way corner of said Churchill Street, as shown on said Plat of Lots 13R and 14; Thence, North 00° 00' 07" West, along the West line of Lot 13R and said East right-of-way line of Churchill Street, a distance of 328.82 feet as shown on said Plat of Lots 13R and 14 to the point of beginning, more generally described as being located east of the intersection of Hoefer Avenue and Churchill Street.

Fisher presented the applications and reviewed the associated slides. Fisher stated that the Preliminary Subdivision Plan application to create 26 town home lots and 6 single family lots had triggered concerns regarding density of the development prompting staff to calculate usage. Fisher stated that the development was found to fall within the allowable density for a property zoned Low Density Residential II District. Fisher stated that an Exception to the limit of dwellings on a cul-de-sac was granted previously with the stipulation that each of the dwellings be fire sprinklered.

Fisher noted that due to the topographic layout of the property, the applicant has provided a preliminary drainage plan that shows a retaining wall as part of the initial plan stating that Engineering Staff will review the development of this property as it progresses to ensure it continues to meet the Infrastructure Design Criteria Manual requirements. Fisher stated that staff recommends that the **Preliminary Subdivision Plan** be approved with stipulations and that the **Rezoning from Low Density Residential District I to Low Density Residential District II** be approved.

In response to question from Scull regarding density, Fisher clarified that the density would be well within the limits.

In response to a question from Popp regarding the retaining wall, Johnson stated that if the retaining wall is over four feet in height, it will required to be designed by a license engineer.

Ron Bengs, Advanced Engineering, stated that soil testing is being done on the property and that the retaining wall is being designed by a structural engineer. Bengs noted that the highest portion of the wall will be 6 to 8 feet and that they are working to alleviate the drainage issues created by the slope on the lot. Bengs noted that the drainage does run onto their lot and that a full drainage report will be provided with the Development Engineering Plan application.

**Rolinger moved, Swank seconded and unanimously carried to recommend that the Rezoning from Low Density Residential District I to Low Density Residential District II be approved. (9 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and none**

**voting no)**

\*18. No. 15UR005 - Original Town of Rapid City

A request by Peter Anderson for the Garage LLC to consider an application for a **Conditional Use Permit to allow an on-sale liquor license establishment in conjunction with a commercial office** for Lot 31 thru 32 of Block 86 of Original Town of Rapid City, located in Section 1, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 402 St. Joseph Street.

Lacock presented the application and reviewed the associated slides. Lacock stated that the applicant is requesting to have on-sale liquor to allow beer and wine to be provided to attendees of functions held at the facility. Staff recommends that the application for a **Conditional Use Permit to allow an on-sale liquor license establishment in conjunction with a commercial office** be approved with stipulations.

**Scull moved, Braun seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor license establishment in conjunction with a commercial office be approved with the following stipulations:**

- 1. The on-sale liquor establishment shall be allowed to operate in conjunction with an office building for evening events on Friday, Saturday, and Tuesday evenings three to four times a month;**
- 2. All provisions of the Central Business Zoning District shall continually be met;**
- 3. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 4. 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;**
- 5. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with the Sign Code or any electronic reader board signs shall require a Variance. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining a Sign Permit for any future sign; and,**
- 6. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with an office building for speaker events, social gatherings, and art shows three to four times a month. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Central Business District shall require a building permit. Any change in use that is a Conditional Use in the Central Business District**

**shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Braun, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, 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. 15UR006 - Section 23, T1N, R7E

A request by Epic Outdoor Advertising to consider an application for a **Conditional Use Permit to replace an off-premise sign** for Tract B of C.D. Rounds Subdivision, located in Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3425 Sturgis Road.

Laroco presented the application and reviewed the associated slides. Laroco stated that the applicant is requesting to replace an existing off-premise, static two-side billboard with a 250 square feet per side of advertising with an LED digital billboard. Laroco noted that the applicant is planning to lower the sign from 42 feet to 30 feet and stated that the nearest off-premise sign is 325 feet to the southeast. Laroco reviewed the history on signage including the Sign Ordinance and the associated initiatives. Laroco noted that due to the legal situation regarding the court ruling and pending actions, the City is not able to enforce the ban on electronic billboards. Laroco noted that staff has worked closely with the Attorney's Office regarding this application and that the Attorney's Office had provided a memo on their findings, stating that based on the City's inability to enforce the ban on billboards this application is within the requirements of the current Sign Code. Staff accepted the application and reviewed it based on regulations that allow an off-premise sign. Laroco noted that the sign meets all requirements of the Rapid City Municipal Code with the exception of spacing which was not enforced when an existing sign is being altered, replaced or improved and all other design requirements are being met. Based on these reasons staff recommends that the **Conditional Use Permit to replace an off-premise sign** be approved with stipulations.

Fisher clarified that the criteria used to review an off-premise sign was applied to this application which includes design, lighting, location, and viewshed.

**Rolinger moved and Braun seconded to approve the Conditional Use Permit to allow an off premise sign with stipulation.**

Cathy Calhoun, 1301 Flormann, spoke to her concern regarding changing a static sign to a digital sign and that allowing this change is setting a precedent and asked that the Planning Commission delay this request until the Sign Code is revised. Calhoun said that she believes allowing this conversion of a legal, non-conforming sign from static to digital would create a basis to allow for the

conversion of over 400 similar signs in the city. Calhoon listed concerns she thinks should be addressed such as the effect the lighting of a digital sign would have on a residential area, the fact that the Sign Ordinance, as it is, was not written to address digital signs since it was written with the ban in mind, and that the regulation of the size, spacing, blinking and construction of signs should be actively addressed. Calhoon reiterated her request that a decision on this and other such requests be delayed until the court case is decided. Calhoon also suggested that no Conditional Use Permit should be allowed for any sign company that has a sign that is out of compliance.

Debra Jensen, 913 Mount Rushmore Road, reviewed the history of billboard initiatives and discussed her concern regarding billboard spacing. Jensen stated that this sign is 325 feet from an existing off-premise sign and that the light from the sign may create a nuisance for the nearby residences and possibly even the surrounding businesses. Jensen noted that the sign is located at an already confusing corner and worried it would create more distraction. Jensen asked that the Planning Commission delay action on this Conditional Use Permit until after the final court ruling and if not to add stipulations requiring that the sign face be no larger than 250 feet and to require periodic Code Enforcement review.

Mike Quasney, 1512 Lark Drive, spoke of his concern to the oversaturation of lighted signs affecting the serenity offered by the city.

Jim Peterson, 1203 11<sup>th</sup> Street, acknowledged the staff's efforts to review the application, but feels a mass effect from allowing digital billboards will have on the citizens of Rapid City. Peterson spoke to the need for regulation of billboards and signs and his concerns regarding the replacement of non-conforming signs with non-conforming signs. Peterson requested that the Planning Commission wait for the current litigation to be finalized before this application is decided.

Lisa Modrick, 2044 Promise Road, speaking both as a member of Scenic Rapid City and a citizen of Rapid City, spoke to her concerns about the overabundance of advertising which lack of regulation has created. Modrick stated that this has been an issue for decades, not just the last four years, and stated that they are not in support of banning of advertising, since they are made up of business owners who understand the need for advertising, but wonders if there is a need for action today before the court case is decided and the Sign Code becomes enforceable. She stated that she believes that the applicant is in current violation with other signs and asked if it is in the best interests of the City to approve an application by the same applicant.

Mike Sabers, Attorney for Epic, spoke to the memo from the City Attorney's Office to Planning Commission and noted that the sign is in compliance with the existing Sign Code, that the application is in compliance, and that he believes based on these criteria that the application should be approved.

In response to a question from Swank on the anticipated decision on the ruling of the District Court and what the Planning Commission can do in the interim, Cushman stated that a decision is not expected within the coming months and

that the sign meets the current Sign Code considering the exception to spacing.

In response to Swank's question if the Planning Commission can deny the application, Cushman reiterated that she believes it would be unwise to deny or to delay the decision based on the digital billboard initiative or to wait for the litigation to be resolved as this application meets the current ordinance. Cushman stated that no request to revise the existing Sign Code Ordinance to include the regulation of digital signs has been requested to date and again stated that waiting for such an action would not be wise.

In response to a question from Scull regarding the risk of waiting on this action, Cushman stated that the existing ordinance is the ordinance that must be used to review this application and therefore waiting would not change the outcome. Fisher, in response to question from Scull regarding the status of the sign, stated that the sign is considered legal non-conforming now in regard to height and distance and will be considered as such in the future based on the exceptions allowed for existing signs as to distance and height.

Scull stated that the issue of the Sign Code is for the City Council to decide, but that the issue before the Planning Commission is the request for a Conditional Use Permit and it needs to be addressed based on the current Sign Code Ordinance.

Fisher reviewed the sign code regulation for off-premise signs noting that this application is being reviewed as an off-premise sign. Fisher clarified that the options are to approve, approve with stipulations, or deny based on the existing criteria separate from the lawsuit. Fisher reviewed the suggestions for additional stipulations, specifically that the total measurement of the sign be reduced to 250 feet from the current 288 feet.

Bulman stated that this is a difficult issue for all involved, noting that she is not an advocate of billboards but believes that Planning Commission must make a decision. Bulman stated that she would support an additional stipulation that the overall size of the sign be reduced to 250 square feet.

Brendan Casey, Epic Outdoor Signage, stated that his company operates in compliance to the Sign Code and said when that the Sign Code is changed, after it creates a difficulty for any existing signs to remain in compliance and asked the Planning Commission to approve the request.

In response to a question from Popp regarding amending the Sign Code Ordinance to address electronic digital off-premise billboard signs, Fisher stated that such a process could take up to a year.

Scott stated that she believes that this item will eventually be before the City Council regardless of what the Planning Commission action is today. In response to a question from Scott if the sign would be allowed to remain in its legal non-conforming status if approved by the Planning Commission now when the Sign Code Ordinance is revised, Cushman stated that she believes that this sign

would be allowed to stay. Scott also asked if a stipulation could be added that would require the sign to be removed should it be identified as illegal under a new ordinance. Cushman stated that she would not advise such an action and that the application should not be continued until the ordinance is changed or the final judgment is made.

In response to a question from Scott if Epic owned any of the signs within the 1,500 feet of the existing sign, Casey stated that they did not. In response to Scott's question, Fisher confirmed that the 1,500 foot space requirement would not be a constraint for any additional requests for replacement of an existing billboard sign with an LED billboard sign based on the current ordinance. Fisher also confirmed that the lighting of the sign can be limited for night use.

Rolinger stated that the Planning Commission has to act on the current law as it pertains to the application before them now.

**Bulman made a substitute motion to approve the item with additional stipulations that the overall sign be reduce to 250 feet and that the illumination of the sign be reduced between dusk and dawn.**

In response to a question from Scull if these stipulations are viable, Cushman stated they are viable. In response to Fisher's question to the applicant if these were options that they would be able to agree to, Casey responded that the signs are already programmed to dim at night.

Bulman revised her motion to remove the lighting requirement but retain the reduction of the overall sign to be 250 feet.

In response to a question from Rolinger on reducing the size of the overall sign, Casey stated that 288 feet is considered an industry standard poster board sign and changing from that size creates the need to adjust graphic layout.

**Bulman withdrew her revised motion.**

**A vote was taken on the original motion to approve the Conditional Use Permit to replace an off-premise sign with the following stipulations:**

- 1. A sign permit shall be obtained prior to any work on the sign. A certificate of completion shall be obtained prior to use of the sign;**
- 2. Prior to issuance of a sign permit, final plans shall be submitted signed and sealed by a registered professional pursuant to SDCL 36-18A;**
- 3. All requirements of the General Commercial District and the Rapid City Sign Code shall be continually maintained. Specifically, no flashing, scrolling or any other types of animated graphics are permitted on this off-premise sign. A minimum 8 second static message shall be provided for each graphic, and;**
- 4. This Conditional Use Permit shall allow for the replacement of an existing off-premise sign with a static Light Emitting Diode (LED) message center. Changes to the construction of the sign shall require**

**a Major Amendment to the Conditional Use Permit. (8 to 1 with Braun, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger, Scull and Swank voting yes and Popp 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.***

20. Acknowledge the Historic Preservation Commission's response to the Lehe Report

Scull left the meeting at this time.

Hanzel stated that on October 23, 2014 Historic Preservation acknowledged the Lehe Final Report and recommendations for the Historic Preservation Commission program. Hanzel stated the report contained observations and recommendations for changes to the City's Historic Preservation Commission program and an ordinance amendment to implement those changes. Hanzel stated that this item is the Historic Preservation Commission's response to these recommendations and is before the Planning Commission at the request of the Historic Preservation Commission.

Rolinger left the dais at this time.

Jean Olsen-Kessloff, 1015 12<sup>th</sup> Street, spoke to her thoughts regarding the report. Kessloff thanked staff for their support and the understanding of the importance of historic preservation. Kessloff spoke to the actions that the Historic Preservation Commission has done over the years including the education of residents regarding the importance of maintaining the city's historic properties. Kessloff said that the Historic Preservation Commission has throughout the years experienced resistance up to the threat of dissolution of the Commission and interference in decisions on projects before the Commission and so found many of the report findings confusing and disappointing, but stated that she is still devoted to the historic preservation of the many wonderful buildings in the city and hopes to resolve the issues.

Shawn Krull, 1305 11th Street, Chairman of the Historic Preservation Commission, spoke to his thoughts regarding the Lehe report. Krull noted that the issues that come before the Historic Preservation Commission are often difficult and contentious and that they work to address them as efficiently and comprehensively as possible. Krull stated that there are a number of factual inaccuracies in the report and pointed out that the Memorandum of Understanding between the State Historic Preservation Office and the City was not renewed. As of January of 2015 there is no direct involvement of the Historic Preservation Commission on these issues.

Krull noted that as the only other body of the City to be reviewed by the Lehe

Study, the Historic Preservation Commission felt they should present this response to the Planning Commission. Krull stated that he feels that some of the changes to the Historic Preservation Commission such as appointments to the Commission, lack of professionalism and the relocation of the meetings to the Council Chambers along with other actions of the last year have contributed to the problems for the Historic Preservation Commission. Krull noted that the lack of enforcement is a major issue and that the report addresses those issues.

Rolinger returned to the dais at this time.

**Bulman moved, seconded by Rolinger to extend the Planning Commission meeting beyond 9:00 a.m.**

Bulman stated that she feels that the Historic Preservation Commission is a good body made up of good people noting that it is a difficult commission to manage. Bulman noted that she has concerns regarding staff support, funding, education, the lack of involvement by the community and the separation of the two boards, Historic Preservation Commission and Historic Sign Board. Bulman spoke to the difficulties faced by the Historic Preservation Commission.

Cushman stated that there is an ordinance amendment currently being drafted that should be brought before the Planning Commission within the next few months.

Krull thanked the Planning Commission for their time and support.

**Popp moved, Rolinger seconded to acknowledge the Historic Preservation Committee's response to the Lehe Report. (9 to 0 with Braun, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)**

21. Discussion Items

- A. Review new Staff Report (Project Report) form and content

Due to time constrains this item was not reviewed.

- B. Schedule training for new responsibilities associated with the Zoning Board of Adjustment

Fisher stated that the City Council had approved the Ordinance Amendment authorizing the Planning Commission to serve as the Zoning Board of Adjustment noting that it becomes effective May 1, 2015 and that that the first variance application could be heard at the May 7, 2015 meeting if received.

Fisher clarified that the meetings will start at 7:00 as previously defined with Zoning Board of Adjustment being held first with Planning Commission to follow directly afterwards.



Fisher also stated that following the April 23, 2015 Planning Commission meeting there will be training on the responsibilities associated with acting as the Zoning Board of Adjustment to clarify the differences between approving a Variance and Planned Development. Additionally, staff will introduce the new Project Report they have been working on that will be used to review both variances and other development applications.

In response to a question and comments from Rolinger's regarding change of staff and training for Zoning Board of Adjustment, Fisher stated that training will be ongoing and that staff will work with both the Planning Commission and the public to ensure a smooth transition.

C. Discussion of Preliminary and Final Plats

Limbaugh stated that back in 2012 following the Lehe Report. Several development application processes were reviewed and numerous ordinance amendments were enacted to streamline the processes. Limbaugh noted that at that time the Second Floor Committee wanted the Preliminary Plan, which is a basically a sketch plat that lays out the plat defining what needs to be addressed prior to creating the final plat, to continue to come before the Planning Commission and City Council. Limbaugh stated that he believes that staff can work with the applicant to ensure that they are meeting the final platting requirements without having to go through a preliminary plan process and is cycling this back to the Planning Commission to see if this something they would like to amend.

In response to a request from Braun that any information from when the Second Floor review was being discussed could be brought to the Planning Commission along with the proposed Ordinance Amendments, Limbaugh stated that there are not hard records of meetings but he will bring any existing records.

22. Staff Items

23. Planning Commission Items

24. Committee Reports

- A. City Council Report (March 16, 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, Bruan moved, Bulman seconded and unanimously carried to adjourn the meeting at 9:12 a.m. (9 to 0 with Braun, Bulman, Hoogestraat, Marchand, Pinkard, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)**

