

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
July 23, 2015

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

MEMBERS ABSENT: Kay Rippentrop, Steve Rolinger

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Sarah Hanzel, Tim Behlings, Dale Tech, Ted Johnson, Carla Cushman, Andrea Wolff and Laura Scott.

Marchand called the meeting to order at 7:08 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 3 and 5 be removed from the Consent Agenda for separate consideration.**

**Planning Commission requested that Items 2, 6, and 8 be removed from the Consent Agenda for separate consideration.**

**Motion by Bulman, seconded by Braun 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 2, 3, 5, 6, and 8. (8 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, Scull and Swank voting yes and none voting no)**

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

1. Approval of the July 25, 2015 Planning Commission Meeting Minutes.

\*4. No. 15UR013 - Rapid City Greenway Tract

A request by KLJ for Storybook Island to consider an application for a **Major Amendment to a Conditional Use Permit to allow additional structures in the Flood Hazard District** for Tract 8 located in Sections 3, 4 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1301 Sheridan Lake Road.

**Staff recommends that the Conditional Use Permit to allow additional structures in the Flood Hazard District be approved with the following stipulation:**

1. **The Major Amendment to a Conditional Use Permit shall allow the proposed carousel and storage shed to be located in the Flood Hazard District. Any change in use that is a permitted use in the Flood Hazard**

District and in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Flood Hazard 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.*

7. No. 15PL056 - DTJ Subdivision

A request by FMG, Inc for DTJ, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 8 of DTJ Subdivision, legally described as Lot 2 of Superpumper Addition, less Lots A, B, and C, less Drainage Lot 1, less Drainage Lot 2 and less right-of-way, located in the SE1/4 of SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County South Dakota, more generally described as being located south of E. Oakland Street, north of Fairmont Boulevard and west of Cambell Street.

**Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. **Upon submittal of a Development Engineering Plan application, final design plans showing shared access improvements, alignment and construction details for shared access between existing Lot 1, Superpumper Addition and proposed Lot 6 shall be submitted for review and approval. In addition, written documentation shall be submitted indicating that the property owner of Lot 1, Superpumper Addition concurs with the proposed shared access improvements;**
2. **Upon submittal of a Development Engineering Plan application, construction plans showing the installation of a sewer main along Cambell Street shall be submitted for review and approval or an Exception shall be obtained. If an Exception are obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for the proposed north-south commercial street shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, property line sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
4. **Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the approach to proposed Lot 2 aligning with Craig Street or obtain an Exception. If an Exception is**

- obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
5. 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. Utility easements shall also be provided as needed;
  6. 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. In addition, utility easements shall be provided as needed;
  7. Prior to submittal of the Development Engineering Plan application, redlined comments shall be addressed. Upon submittal of the Development Engineering Plan application, the redlined comments and the revised drawings 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;
  8. 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. Provide final subdivision improvement plans in accordance with the City's plan preparation and drafting standards. 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;
  9. 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;
  10. 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;**
- 11. 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;**
  - 12. Upon submittal of a Development Engineering Plan application, a Final Traffic Impact Study, signed by a South Dakota licensed Professional Engineer, shall be submitted addressing all red line comments;**
  - 13. 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;**
  - 14. Prior to submittal of a Final Plat application, a street name for the proposed north-south commercial street shall be submitted to the Emergency Management Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;**
  - 15. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
  - 16. 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,**
  - 17. 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).**

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

2. No. 15RZ008 - Buffalo Ridge Subdivision

A request by Dream Design International Inc. to consider an application for a **Rezoning from Low Density Residential District I to Low Density Residential District II** for the unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; this being the true point of beginning; thence S02°00'56"W 1325.99 feet; thence N87°48'27"W 680.57 feet; thence N01°18'09"E 1307.89 feet; thence S89°18'29"E 697.03 feet to the Point of Beginning, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

Bulman and Braun stated that they would be abstaining due to a conflict of interest.

**Swank moved, Skull seconded and unanimously carried to recommend**

**that the Rezoning from Low Density Residential-1 District to Low Density Residential-2 District be approved. (6 to 0 to 2 with Brewer, Hoogestraat, Marchand, Popp, Scull and Swank voting yes, none voting no and Braun and Bulman abstaining)**

\*3. No. 15PD018 - North 80 Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc for Roers Investments LLC to consider an application for an **Initial and Final Planned Development Overlay to allow an apartment complex** for a tract of land located in portions of "Government" Lots One (1) and Two (2) in Section Nineteen (19), Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota and more fully described as follows: Commencing at the south right-of-way line of Sandra Lane (a 52' dedicated public right-of-way) near its intersection with Shelby Avenue (a 52' dedicated public right-of-way) and marked by a rebar with plastic cap LS 6251, the point of beginning: thence, South 89 degrees 56 minutes 14 seconds East a distance of 375.15 feet more or less on the south line of Sandra Lane right-of-way to a nail; thence, South 29 degrees 31 minutes 51 seconds West a distance of 120.15 feet more or less on the west boundary of a Major Drainage Easement (Book 164, Page 5441) to a nail; thence, South 2 degrees 01 minutes 40 seconds West a distance of 700.41 feet more or less on the west boundary of (and passing through portions of) the previously described Major Drainage Easement to a nail; thence, South 75 degrees 22 minutes 07 seconds West a distance of 255.21 feet more or less to the east right-of-way line of Shelby Avenue, a nail; thence, North 26 degrees 10 minutes 38 seconds West a distance of 72.30 feet more or less on the east right of way line of Shelby Avenue to a point of curvature, a rebar with plastic cap marked LS 6251; thence, continuing on the east right-of-way line of Shelby Avenue, on a curve to the right, whose radius is 174.00 feet, with a delta of 26 degrees 25 minutes 45 seconds, an arc length of 80.26 feet more or less, to a point of tangency, a rebar with cap marked LS 6251; thence, continuing on the east right-of-way line of Shelby Avenue North 0 degrees 03 minutes 45 seconds East a distance of 722.05 feet more or less to an angle point, a rebar with cap marked LS 6251; thence, North 44 degrees 59 minutes 48 seconds East a distance of 7.07 feet more or less at the intersection of Shelby Avenue and Sandra Lane, to the point of beginning, more generally described as being located east of Shelby Avenue and south of Sandra Lane.

Lacock presented the applications and reviewed the associated slides noting the requested Exception to the elevation of the building.

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

In response to a question from Bulman, staff clarified that this item should have been on Non-Consent due to the Exception requested.

**Hoogestraat moved, Braun seconded and unanimously carried to approve the requested that the Initial and Final Planned Development Overlay to allow an apartment complex be approved with the following stipulations:**

1. **An Exception is hereby granted to allow a height of three stories and 36.5 feet in lieu of the maximum allowed height of three stories or 35 feet; and,**
2. **The Initial and Final Planned Development Overlay shall allow for an apartment complex consisting of five apartment buildings. Any permitted use in the underlying zoning districts in compliance with the parking regulations shall require a minimal amendment. Any change in use that is a Conditional Use in the underlying zoning districts shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (7 to 0 to 1 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp and Swank voting yes, none voting no and Scull abstaining)**

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

6. No. 15PL055 - Big Sky Business Park

A request by Renner and Associates LLC for Dakota Heartland Inc to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Block 2 of Big Sky Business Park, legally described as a portion of the W1/2 of the SW1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying south of Homestead Street.

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

**Bulman moved, Brewer seconded and unanimously carried to approve the requested 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 sewer main along Homestead Street shall be submitted for review and approval or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the construction of curb and gutter or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, the construction plans shall show the construction of sidewalk along Elk Vale Road or a Variance shall be obtained from City Council;**
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. Utility easements shall also 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. In addition, utility easements shall be provided as needed;
  5. Prior to submittal of the Development Engineering Plan application or Final Plat application if subdivision improvements are not needed, redlined comments shall be addressed. In addition, the redlined comments shall be returned with the 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. Final subdivision improvement plans in accordance with the City's plan preparation and drafting standards shall be provided. 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 if subdivision improvements are required 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 if subdivision improvements are required;
  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 any required subdivision improvements shall be

submitted for review and approval;

11. Prior to submittal of a Final Plat application, the outstanding Infrastructure Development Partnership Fund (IDPF) payment shall be resolved to the satisfaction of the City;
  11. 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,
  12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required(7 to 0 to 1 with Brewer, Bulman, Hoogestraat, Marchand, Popp, Scull and Swank voting yes, none voting no and Braun abstaining)
8. No. 15OA006 - Ordinance To Amend Provisions Concerning Consolidation Plats And Lot Line Adjustment Plats By Amending Section 16.08.100 Of The Rapid City Municipal Code

A request by City of Rapid City to consider an application for an **Ordinance To Amend Provisions Concerning Consolidation Plats And Lot Line Adjustment Plats By Amending Section 16.08.100 Of The Rapid City Municipal Code**.

Skull asked for clarification about the ordinance amendment. Fisher stated that some subdivision improvements were being avoided through the lot line adjustment/consolidation platting process. As such, only previously platted lots may be included in this platting process.

**Brewer moved, Bulman seconded and unanimously carried to approve the request that the Ordinance to Amend Provisions Concerning Consolidation Plats And Lot Line Adjustment Plats By Amending Section 16.08.100 Of The Rapid City Municipal Code be approved. (8 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, Scull and Swank voting yes and none voting no)**

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

9. No. 15PD019 - McMahon Subdivision

A request by Renner and Associates, LLC to consider an application for a **Final Planned Development to allow mini-storage units** for Lot 4R of Tract G-1 of McMahon Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 519 Kathryn Avenue.

Laroco presented the application and reviewed the associated slides. Staff noted questions posed from previous Planning Commission meetings and addressed the newly updated material which dealt with those issues. Staff also noted the concerns with the architectural design. Laroco identified the updated stipulations in the report.

Bulman identified previous concerns about landscaping and building materials,



noting that these issues had been addressed.

**Bulman moved to approve with stipulations, Braun seconded.**

Doyle Estes, P.O. Box 330, neighboring landowner noted potential revisions to the building facade with the intent to keep the structure looking complimentary to the character of the surrounding area.

**Bulman motioned, Braun seconded and unanimously carried to recommend that the Final Planned Development be approved with the following stipulations:**

- 1. Prior to Planning Commission approval, revised plans shall be submitted showing the proposed irrigation system is being provided and clarifying the materials and architectural design of the proposed storage units;**
- 2. The requested Exception to allow steel panel construction of the proposed storage units in lieu of the required masonry, wood, or simulated wood siding is hereby granted;**
- 3. All landscaping shall comply with the Rapid City Landscaping Ordinance and the approved landscaping plan. Changes to the landscaping in compliance with the requirements of the Rapid City Landscaping Ordinance which do not disrupt the required landscaping buffer may be permitted as a Minimal Amendment to the Planned Development. Changes in the landscaping plans which disrupt the approved landscaping buffer shall require a Major Amendment to the Planned Development;**
- 4. Prior to issuance of a building permit, revised stormwater quality and treatment calculations and data shall be submitted for review and approval. In addition, the applicant shall enter into a covenant agreement for the inspection and maintenance of the Stormceptor, and;**
- 5. This Final Planned Development shall allow for the construction of ministorage units on the property. All requirements of the General Commercial District shall be continually maintained unless specifically authorized as a part of this Final Planned Development or a future Major Amendment to the Planned Development. (8 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, 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.***

Laroco requested that Items 5 and 10 be heard concurrently.

5. No. 15RZ014 - The Cottonwoods

A request by Fisk Land Surveying and Consulting Engineers, Inc for Kelly Lytle to consider an application for a **Rezoning from Medium Density Residential District to High Density Residential District** legally described as the south 8 1/3 feet of Lot 37 and all of Lot 38 thru 40 and the vacated Railroad Lane abutting Lots 40 of Block 2 of The Cottonwoods, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3312 Jackson Boulevard.

\*10. No. 15PD020 - The Cottonwoods

A request by Fisk Land Surveying and Consulting Engineers, Inc for Kelly Lytle to consider an application for an **Initial and Final Planned Development to allow professional office in the High Density Residential District** for the south 8 1/3 feet of Lot 37 and all of Lots 38 thru 40 and the vacated Railroad Lane abutting Lot 40 of Block 2 of The Cottonwoods, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3312 Jackson Boulevard.

Laroco presented items 5 and 10 together. Staff addressed a previous attempt to rezone the property which was not approved and that the current zoning does not allow for the current use. Staff spoke to the request to reduce parking and the circulation aisle width and that if any other development were to be proposed it would be brought before the Planning Commission again. Staff noted that this proposed rezoning upholds the character of the neighborhood and would allow the current use to continue. Staff also spoke to a petition submitted in opposition to the proposed request.

In response to a question from Brewer, Fisher addressed the conditional uses within the High Density Residential District. Staff also noted that rezoning to High Density Residential District would allow the dentist office to continue operation and if sold this would allow primarily licensed professionals.

In response to a question from Bulman, Fisher spoke to the allowed density of the subject property. Staff addressed the maximum number of units and maximum height allowed on the subject property.

In response to questions from Hoogestraat, Fisher addressed the first attempt to rezone this property and how Office Commercial does not uphold the character of the neighborhood given this property is in the middle of a residential area. Staff noted that the High Density Residential District allows reasonable use of the property but maintains the integrity of the area as primarily residential uses.

James Winkler, 2033 2<sup>nd</sup> Ave, voiced concerns about the rezone and future developments that could result and requested more time to better inform the neighborhood.

Kelly Lytle, 3312 Jackson Blvd, stated that the initial request for rezone to Office Commercial occurred 20 years ago and since then changes to the area have occurred. Lytle stated that the ability to market or develop the property is limited due to the current zoning.

Swank moved to approve with an additional stipulation that if the use changes from a professional office or a height over 2 stories is proposed, a Major Amendment to the Planned Development is required.

In response to a question from Lytle about future development, Fisher addressed the third stipulation regarding the rezoning of the subject property and addressed the rewording of the stipulation to trigger a Major Amendment to the Planned Development in the future that would conform to the character of the neighborhood.

Lytle stated that the Department of Transportation had removed the curb cut onto 1<sup>st</sup> Avenue which further limited the parking on the property.

In response to a question from Lytle, Fisher addressed what issues would trigger future owners of the property to apply for a Major Amendment to the Planned Development.

Brewer addressed neighborhood concern about the use of the land and reasonable use within the community.

**Brewer made a substitute motion, Bulman seconded to add revised stipulation.**

Discussion followed regarding the wording of the revised stipulations and reasonable use of the property.

**Brewer motioned, Bulman seconded and unanimously carried to recommend that the request to rezone property from Medium Density Residential District to High Density Residential District be approved in conjunction with the associated Final Planned Development, and:**

**That the requested Final Planned Development be approved in conjunction with the associated rezone and with the following stipulations:**

- 1. The requested Exception to reduce the required parking aisle from 26 feet to 16 feet is hereby granted;**
- 2. The requested Exception to increase the permitted amount of signage on the property from one square foot to 24 square feet is hereby granted for the existing signage. Any change in signage shall limit the total signage on the property to 12 square feet. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. The addition of LED signage shall required a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign, and;**
- 3. This Final Planned Development shall allow for medical and/or professional offices as a conditional use on the property. This shall not include an urgent care facility. Any other use shall require a Major Amendment to the Planned Development. In addition, the structural**

**height on the property shall not exceed two stories. (8 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, 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. 15OA001 - Ordinance to promote Historic Preservation by Repealing Chapter 2.68 of the Rapid City Municipal Code and Adopting Provision in Chapters 17.04 and 17.54 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for an **Ordinance to promote Historic Preservation by Repealing Chapter 2.68 of the Rapid City Municipal Code and Adopting Provision in Chapters 17.04 and 17.54 of the Rapid City Municipal Code.**

Scull left the dais at this time.

Cushman introduced the item and gave a brief summary. Hanzel presented the item and addressed questions brought up during the joint Planning Commission and Historic Preservation Commission meeting. Staff addressed how the 11.1 reviews proceed in other communities, how the ordinance relates to the comprehensive plan, and how the environs are applied by staff.

In response to a question from Brewer, Hanzel addressed public activity within the environs stating reviews are triggered for demolition, new construction or additions. Staff also addressed property that is partially within the environs.

Bulman spoke to the application of the environs and the ability to review projects.

Brewer addressed concern about implications to property located outside of the historic district but within the environs.

Bill Kessloff, 1015 12<sup>th</sup> Street, spoke in opposition to the ordinance and provided a handout.

Bulman spoke to the 11.1 Reviews, how these reviews are handled within the city and throughout the state and expressed a desire to see the adverse reviews still come through the Historic Preservation Commission and have public input.

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

Brewer addressed letter from State Historic Preservation Office which states that the City is working to make the process more timely for the public and that SHPO supports the ordinance change.

Hoogestraat left the dais at this time.

**Brewer moved and Braun seconded to approve the ordinance as written.**

Jean Kessloff, 1015 12<sup>th</sup> Street, spoke to the benefits of having a diverse group perform historic reviews in comparison to a single staff member performing historic reviews.

Discussion followed regarding the legal process leading up to the proposed ordinance and the process the ordinance will follow going forward.

Bulman noted that the current version of the ordinance still has corrections visible and should be addressed before forwarding to City Council.

**Brewer moved and Braun seconded to approve the Ordinance to promote Historic Preservation by Repealing Chapter 2.68 of the Rapid City Municipal Code and Adopting Provision in Chapters 17.04 and 17.54 of the Rapid City Municipal Code. (5 to 1 with Braun, Brewer, Marchand, Popp, and Swank voting yes and Bulman voting no)**

12. Discussion Items
13. Staff Items
14. Planning Commission Items
15. Committee Reports

**There being no further business, Popp moved, Swank seconded and unanimously carried to adjourn the meeting at 9:10 a.m. (6 to 0 with Braun, Brewer, Bulman, Marchand, Popp and Swank voting yes and none voting no)**