

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 6, 2015

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Galen Hoogestraat, and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Linda Marchand, Dennis Popp, Kay Rippentrop, Steve Rolinger and Andrew Scull

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Ted Johnson, Allison Creelman and Laura Scott.

Braun called the meeting to order at 7:01 a.m.

Braun 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 Item 6 be removed from the Consent Agenda for separate consideration.

Motion by Swank, seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Item 6. (5 to 0 with Braun, Brewer, Bulman, Hoogestraat and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 23, 2015 Planning Commission Meeting Minutes.

*2. No. 15UR014 - Original Townsite of Rapid City

A request by Dave Edquist for Holiday Stationstores, Inc. to consider an application for a **Conditional Use Permit to allow a carwash as a part of a convenience store with gas sales** for Lot 1 through 32 of Block 70, the vacated alley, part of vacated Rapid Street and the west 50 feet of vacated East Boulevard adjacent to said lots 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 15 Omaha Street.

Planning Commission recommended that the Conditional Use Permit to allow a car wash as a part of a convenience store with gas sales be approved with the following stipulations.

1. **Prior to issuance of a building permit, utility and drainage easements shall be relocated as necessary. In addition, the property shall be platted creating the lot(s) as proposed or a Developmental Lot Agreement shall be recorded.**

2. **Prior to issuance of a building permit, a revised Traffic Impact Study shall be submitted which is signed and sealed by a South Dakota Registered Professional Engineer. The Study shall be revised to include a future conditions analysis beyond the year 2017. In addition, any comments identified by South Dakota Department of Transportation staff shall be addressed.**
3. **Prior to issuance of a building permit, all redline comments shall be addressed. All redline comments shall be returned to Community Planning and Development Services.**
4. **Prior to issuance of a building permit, revised storm water calculations shall be submitted to include analyses for 2 Year, 10 Year, and 100 Year storm events in accordance with the requirements of the Rapid City Infrastructure Design Criteria Manual. Any improvements identified shall be designed and installed in compliance with the requirements of the Rapid City Standard Specifications.**
5. **This Conditional Use Permit shall allow for the development of a car wash as a part of a convenience store in the General Commercial District. All requirements of the General Commercial District shall be continually maintained. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Conditional Use Permit.**

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

3. No. 15PL060 - PLM Subdivision No. 2

A request by Fisk Land Surveying and Consulting Engineers, Inc for Pat Tlustos for PLM Development LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 through 33 of Block 1 and Lots 1 through 38 of Block 2 of PLM Subdivision No. 2, legally described as the SW1/4 of the SW1/4 less the N1/2 of the N1/2 of the N1/2 of the N1/2 of the SW1/4 of the SW1/4 and less PLM Subdivision, the NW1/4 of the SE1/4 of the SW1/4, the NE1/4 of the SE1/4 of the SW1/4 and Lots 38 and 39 of Minnesota Ridge Subdivision and a portion of the unplatted balance of the N1/2 of the NW1/4, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Minnesota Street, west of 5th Street and north of Enchanted Pines Drive.

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 Ranchester Court 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, construction plans for East Millstone Court 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;
3. Upon submittal of a Development Engineering Plan application, construction plans for West Millstone Court shall be submitted for review and approval showing the street located within a minimum 50 foot wide right-of-way and constructed with a minimum 24 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;
4. Upon submittal of a Development Engineering Plan application, construction plans for Enchantment Road 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 or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
5. Upon submittal of a Development Engineering Plan application, construction plans for Stumer Road 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 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;
6. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow 23 residential lots along

- Ranchester Court in lieu of a maximum of 20 lots as per Section 2.13.1 of the Infrastructure Design Criteria Manual or the plat document shall be revised accordingly. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
7. Prior to submittal of a Development Engineering Plan application, Exception(s) shall be obtained to waive the requirement to provide an intermediate turnaround along Ranchester Court and East Millstone Court, respectively, as per Section 2.13.2 of the Infrastructure Design Criteria Manual or the plat document shall be revised accordingly. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
 8. Prior to submittal of a Development Engineering Plan application, a Covenant Agreement requiring that residential fire sprinkler systems be installed in all residential buildings accessed along Ranchester Court and East Millstone Court 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;
 9. 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;
 10. 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;
 11. 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;
 12. Upon submittal of a Final Plat application, a Covenant Agreement shall be provided for the lots that abut a Major Drainage Easement to ensure maintenance of the drainage features;

13. 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;
14. 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;
15. 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;
16. 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;
17. Prior to submittal of a Final Plat application, the alternate approved street name(s) for Enchantment Road, East Millstone Court, West Millstone Court and Ranchester Court shall be shown on the plat document;
18. 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,
19. 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).

*4. No. 15PD024 - Section 14, T1N, R7E

A request by Jay White to consider an application for a **Final Planned Development to allow an oversized garage and to allow a second residence as a guest house** for the north 801 feet of the E1/2 of the E1/2 of the NW1/4 of the SW1/4; the unplatted portion of the north 801 feet of the W1/2 of the NE1/4 of the SW1/4, all located in Section 14, T1N, R7E, more generally described as being located at 1640 Skyline Ranch Road.

Planning Commission recommended that the Final Planned Development Overlay to allow an oversized garage and to allow a second residence as a guest house be approved with the following stipulations:

1. An Exception is hereby granted to allow an oversized garage of 4,120 square feet in lieu of the maximum 1,500 square feet; and,
2. The Final Planned Development Overlay shall allow an oversized garage and shall allow a second residence as a guest house. The proposed storage structures shall not be used for commercial purposes or as a second residence. In addition, the sheds shall not

be used as a rental unit. Any change in use that is a permitted use in the Park Forest District shall require a building permit. Any change in use that is a Conditional Use in the Park Forest 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.

*5. No. 15PD022 - Denmans Addition

A request by FMG, Inc for South Dakota School of Mines and Technology Foundation to consider an application for a **Final Planned Development Overlay to allow student housing in the High Density Residential District** for the W1/2 of Lot 6 and all of Lots 7 through 30; and the alley vacation located adjacent to the W1/2 of Lot 6 less the east 3.78 feet and adjacent to all of Lots 7 through 26 and adjacent to the west 8.72 feet of Lot 27 of Block 4 of Denmans Addition, located in the NE1/4 of Section 1, T1N, R7E and the NW1/4 of Section 6 of T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of St. Joseph Street, east of Maple Avenue, north of Kansas City Street.

Planning Commission recommended that the Final Planned Development Overlay to allow a student residence building be approved with the following stipulations:

- 1. Acknowledge the previously granted Exception to reduce the minimum required parking from 164 parking spaces to 155 parking spaces be granted;**
- 2. Acknowledge the previously granted Exception to reduce the minimum required front yard setback along Saint Joseph Street from 35 feet to 10 feet;**
- 3. Acknowledge the previously granted Exception to reduce the minimum required side yard setback that abuts Maple Avenue from 35 feet to 18 feet;**
- 4. Acknowledge the previously granted Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet;**
- 5. Acknowledge the previously granted Exception to allow the proposed landscaped boulevards in lieu of the minimum required four landscaped parking islands;**
- 7. Upon submittal of a Building Permit, the applicant shall submit stormwater quality design information for review and approval to verify compliance with the Stormwater Quality Manual;**
- 8. Upon submittal of a Building Permit, a revised landscape plan shall be submitted for review and approval that shows only shallow rooted vegetation located within the vacated alley right-of-way; and,**
- 9. The Final Planned Development Overlay shall allow a student**

residence building. Any change in use that is a permitted use in the underlying zoning districts and in compliance with the parking and development standards of the Zoning Ordinance shall require a building permit. 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.

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

---END OF CONSENT CALENDAR---

6. 15TP025 – Approve the 2016 – 2019 Transportation Improvement Program – Final

Harrington presented the item stating that the Department of Transportation may have minor changes and if major changes occur it will be brought back before the Planning Commission.

Bulman moved, Swank seconded and unanimously carried to approve the 2016-2019 Transportation Improvement Program - Final (5 to 0 with Braun, Brewer, Bulman, Hoogestraat and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

- *7. No. 15PD001 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Chad Zandstra Construction, LLC to consider an application for a **Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure** for Lot 5 of Block 13 of Elks Country Estates, located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3744 Padre Drive.

Lacock presented the item which was continued to allow the applicant to address a drainage issue on the property. Lacock stated that the structure was built in the wrong place and encroached into an easement. Lacock stated that the easement has been vacated and the required drainage feature has been constructed.

Shari Dietterle, 3754 Padre Drive, presented photos and voiced concern regarding the drainage feature and how storm water enters her property. She has brought the issue to the original builder and nothing has been done to address the problem.

Swank voiced concern with the way the drainage issue has been handled and that Dietterle has been the one financially responsible for the problems from the drainage issue.

Bulman asked for clarification from staff about the actual distance between the houses. Staff clarified that the distance between the two structures meets International Fire Code requirements and therefore the fire issue has been addressed. Bulman asked Public Works to address the drainage issue and if there was another way to solve the drainage problem.

Johnson addressed the elevation and drainage in the area stating that the issue is between private land owners and is not an issue under the city's jurisdiction.

In response to a question from Bulman, staff stated that developers are not completely at fault but that it is more builders that do not complete work to the specifications that are presented to the City when an application is submitted. Since the City does not have authority to inspect after the grading is complete, the issue falls to the property owner and the builder.

In response to Bulman's request to have the City inspect the grading for new developments, staff stated that at internal meetings discussion have taken place regarding utilizing the "development agreement" that will make the developer responsible until the close of the project.

Hoogestraat asked if a denial of the Major Amendment would assist in fixing the drainage problem.

Brewer made the motion to send the item to City Council without recommendation.

Creelman stated an item can't be forwarded without a final decision to the City Council. The item needs to be either approved or denied by the Planning Commission and then appealed if applicable to the City Council.

Discussion followed.

Brewer moved, Swank seconded and unanimously carried to continue to the August 27, 2015 Planning Commission meeting. (5 to 0 with Braun, Brewer, Bulman, Hoogestraat and Swank voting yes and none voting no)
The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

8. No. 15PL034 - Buffalo Ridge Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Tracts A thru D; Lots 1 thru 2A and B, Lots 3 thru 5, Lots 6 thru 13A and B, Lots 17 thru 33A and B of Block 1 of Buffalo Ridge Subdivision, legally described as the unplatted balance of the S1/2 of the SE1/4 of the NW1/4; the unplatted balance of the NE1/4 of the SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota,

more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

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

Fisher presents the item. Staff noted that the applicant submitted a traffic impact study as part of this Preliminary Subdivision Plan and will be submitting an updated traffic impact study when next phase starts.

Hoogestraat moved, Swank seconded and unanimously carried to approve the request that the Preliminary Subdivision Plan be approved with the following stipulations:

- 1. Prior to submittal of a Development Engineering Plan application, the Traffic Impact Study shall be revised addressing all redline comments, including comments from the South Dakota Department of Transportation. In addition, the construction plans shall be revised as needed to address redline comments. Upon submittal of a Development Engineering Plan application, the Final Traffic Impact Study shall be signed and sealed by a Professional Engineer;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Healing Way shall be submitted for review and approval showing the street located within a minimum 68 foot wide right-of-way and constructed with a minimum 34 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Additional right-of-way and turn lane(s) shall be provided at the intersection with Catron Boulevard pursuant to the recommendations of the approved Traffic Impact Study or Exceptions shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Sanford Court shall be submitted for review and approval if it is the applicant's intent to provide a street connection from Healing Way to the property located in the southeast corner of Catron Boulevard and U.S., Highway 16. 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, sidewalk, street light conduit, water and sewer 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;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for Tatanka Court shall be submitted for review and approval showing the street located within a minimum 50 foot wide right-of-way and constructed with a minimum 24 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 104 foot diameter right-of-way and constructed with a minimum 84 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;
5. Upon submittal of a Development Engineering Plan application, construction plans for Medicine Man Trail 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;
 6. Upon submittal of a Development Engineering Plan application, construction plans for Addison Avenue located west of Healing Way shall be submitted for review and approval 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, water and sewer 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;
 7. Upon submittal of a Development Engineering Plan application, construction plans for Addison Avenue located east of Healing Way 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 or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
 8. 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;
 9. 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;
 10. 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;

- 11. Upon submittal of a Final Plat application, verification that perpetual maintenance and ownership is secured for all drainage facilities shall be provided;**
- 12. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan for subdivision improvements in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval;**
- 13. 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. In addition, any oversize reimbursement requests shall be executed;**
- 14. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
- 15. Prior to submittal of a Final Plat application, the plat document shall be revised to show the area around Phase 1A on the east side of Healing Way as a platted lot in lieu of an unplatted balance;**
- 16. 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;**
- 17. Prior to submittal of a Final Plat application, different street names for Tatanka Court and Medicine Man Trail 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 names. The plat document shall also be revised to show "Addison Avenue East" as "Addison Avenue";**
- 18. 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,**
- 19. 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 to 0 to 2 with Brewer, Hoogestraat and Swank voting yes and none voting no and Braun and Bulman abstaining)

*9. No. 15PD021 - Kormylo Subdivision

A request by Lamar Advertising to consider an application for a **Final Planned Development Overlay to allow the alteration of an existing off-premise billboard sign** for Lot A of Tract 2 of Kormylo Subdivision, located in Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3980 Cambell Street.

Laroco presented the item explaining the stipulations as they applied to both an approval and a denial of the application.

In response to a question from Brewer, Terry Olson, Lamar Advertising 3839 Sturgis Rd, addressed questions about size of the proposed sign.

Olson also addressed the industry standards for billboards which make it simpler for advertisers to submit signs on billboards. Olson noted the requested changes would improve the overall square footage and condition of the existing sign.

Brewer spoke in favor of the reduction in surface area in relation to the revitalization corridor.

Bulman voiced concern with the possibility of conversion of the sign to an LED message center without prior review and approval of the Planning Commission. Laroco responded that change or conversion of an existing off-premise sign to an LED message center would require a Major Amendment to the Planned Development.

Laroco clarified that if the Planning Commission moved to approve the sign as requested by the applicant, then two Exceptions must be included in the approval. The first would be an increase in the maximum permitted square footage of signage. The second would be a reduction in the minimum distance required between off-premise signs.

Brewer moved, Hoogestraat seconded and carried to approve the requested that the Final Planned Development to allow downsizing of an existing off-premise sign be approved with the following stipulations.

- 1. The requested Exception to increase the permitted square footage of the sign from 250 square feet to 378 square feet is hereby granted;**
- 2. The requested Exception to decrease the minimum spacing requirement between off-premise signs from 2,000 feet to 720 feet is hereby granted;**
- 3. This Final Planned Development shall allow for an off-premise sign not to exceed 378 square feet per side and not to be located closer than 720 lineal feet from any other off-premise sign. All other requirements of the General Commercial District and the Rapid City**

Sign Code shall be continually maintained. Changes to the signage in compliance with the requirements of the Rapid City Sign Code shall be permitted contingent upon an approved sign permit. Any other changes shall require a Major Amendment to the Planned Development. Development of the balance of the property within the Planned Development Designation boundary shall require approval of a Final Planned Development for the property. (4 to 1 with Braun, Brewer, Hoogestraat and Swank voting yes and Bulman voting no)

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

*10. No. 15UR015 - Original Town of Rapid City

A request by Bob Fuchs for Firehouse Brewing Company to consider an application for a **Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a winery** for Lots 23 through 28 of Block 74 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 612 and 616 Main Street.

Lacock presented the item. Lacock stated that the applicant is proposing to expand a full liquor license to include the Firehouse Winery.

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

In response to a question from Bulman about serving food in the winery, Bob Fuchs, the applicant, stated there would be catering but mainly being able to serve a liquor drink in the winery is the objective of the application.

Brewer addressed the benefit of "The Firehouse" in the revitalization of downtown.

Brewer moved, Bulman seconded and carried to approve the requested that the Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a winery be approved with the following stipulation:

- 1. The Major Amendment to a Conditional Use Permit shall allow the expansion of the on-sale use to include the sale of wine, beer, and liquor in conjunction with a winery. Any expansion to the on-sale use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Central Business District shall require the review and approval of a 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. (4 to 0 to 1 with Braun, Brewer, Bulman and Hoogestraat voting yes and none voting no and Swank 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.

*11. No. 15UR016 – Gateway Subdivision

A request by Kennedy Design Group Inc, Kent Kennedy for Lost Cabin Beer Company to consider an application for a **Conditional Use Permit to allow a microbrewery in the General Commercial District** for Parcel 147 feet square in SE corner and 3 feet by 147 feet square vacated Omaha Street abutting on north side and Lots 1 through 5 and vacated alleys less a 20 foot by 35 foot tract in the NW corner of said Lot 1 of Block 18 of Gateway Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 West Omaha Street.

Laroco presented the request noting that the applicant is proposing to brew less than 1000 barrels per year which is within Ordinance. Laroco noted that an Administrative Exception to reduce the required amount of parking by 9% from 53 to 48 spaces was approved by staff. Laroco also noted that a neighboring property owner has submitted a letter in support of the request and noting their own development plans for the future.

In response to questions from Brewer, Jessi Sharpman for Lost Cabin Beer Company spoke to the letter which was written in support and noted that the only off-sale would be using growlers as there would be no packaged product on site.

In response to question from Bulman in regards to the letter, staff noted that this current application should not impact any future applications but any future applications will need to be addressed individually when they are submitted.

Brewer moved, Bulman seconded and unanimously carried to approve the requested that the requested Conditional Use Permit to allow a microbrewery in the General Commercial District be approved with the following stipulations.

- 1. Prior to issuance of a building permit, plans shall be submitted showing that the areas of construction are located outside the 100 Year Federally Designated Floodplain. If any proposed construction is located within the 100 Year Federally Designated Floodplain, a Floodplain Development Permit shall be obtained.**
- 2. Prior to issuance of a building permit, revised plans shall be submitted showing that one additional handicap accessible parking space is being provided. In addition, revised plans shall verify the design and location of the PIV valve.**
- 3. Prior to issuance of a certificate of completion, all municipal, state, and federal licensing requirements shall be met. Copies of all required licensing shall be submitted to Community Planning and**

Development Services.

4. **This Conditional Use Permit shall allow for the development of a microbrewery in the General Commercial District. All requirements of the General Commercial District shall be continually maintained. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Conditional Use Permit. (5 to 0 with Braun, Brewer, Bulman, Hoogestraat and Swank voting yes and none voting no)**

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

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

There being no further business, Swank moved, Hoogestraat seconded and unanimously carried to adjourn the meeting at 8:03 a.m. (5 to 0 with Braun, Brewer, Bulman, Hoogestraat and Swank voting yes and none voting no)