

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 27, 2015

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

MEMBERS ABSENT:

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, 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.

Braun and Brewer requested that Items 2 and 3 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Items 2 and 3. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, Rolinger, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the August 6, 2015 Planning Commission Meeting Minutes.

4. No. 15RZ016 - Flormann Addition

A request by Donna J. Lippert to consider an application for a **Rezoning from General Commercial District to Medium Residential District** for Lot 13 thru 14 of Block 25 of Flormann Addition, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 727 Franklin Street.

Planning Commission recommended that the requested rezone from General Commercial District to Medium Density Residential District be approved.

5. No. 15RZ017 - Hamilton Subdivision

A request by Renner and Associates, LLC to consider an application for a **Rezoning from General Commercial District to Office Commercial District** for a portion of Lot BR, Hamilton Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot BR of Hamilton Subdivision,

common to the northwesterly corner of Lot CR of Hamilton Subdivision, and common to a point on the southerly boundary of Lot D of Hamilton Subdivision, and the point of beginning, Thence, first course: S00°26'15"W, along the easterly boundary of said Lot BR, common to the westerly boundary of said Lot CR, a distance of 176.90 feet, to the southeasterly corner of said Lot BR, common to the southwesterly corner of said Lot CR, and common to a point on the northerly edge of East Minnesota Street Right-of-Way; Thence, second course: N89°35'04"W, along the southerly boundary of said Lot BR, common to the northerly edge of said East Minnesota Street Right-of-Way, a distance of 230.00 feet; Thence, third course: N00°26'15"E, a distance of 176.18 feet, to a point on the northerly boundary of said Lot BR, common to a point on the southerly boundary of said Lot D; Thence, fourth course: S89°45'49"E, along northerly boundary of said Lot BR, common to the southerly boundary of said Lot D, a distance of 230.00 feet, to the said point of beginning, more generally described as being located at 1240 East Minnesota Street.

Planning Commission recommended that the requested Rezone from General Commercial District to Office Commercial District be approved.

6. No. 15AN001 - Section 22, T2N, R8E

A request by City of Rapid City to consider an application for a **Petition for Annexation** for Lot 1 of the SW1/4 of the NW1/4 of Section 22, T2N, R8E, BHM Pennington County, South Dakota, more generally described as being located at 3400 N. Elk Vale Road.

Planning Commission recommended that the requested petition for annexation be approved.

7. No. 15RZ015 - Section 22, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential I District** for Lot 1 of the SW1/4 of the NW1/4 of Section 22, T2N, R8E, BHM Pennington County, South Dakota, more generally described as being located at 3400 N. Elk Vale Road.

Planning Commission recommended that the requested rezone from No Use District to Low Density Residential District I be approved.

8. No. 15PL066 - Josephs Subdivision

A request by Renner and Associates, LLC for Joseph L Theberge to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Joseph's Subdivision, legally described as the W1/2 of the NW1/4 of the NW1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8105 W. Highway 44.

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 the section line highway located along the north lot line shall be submitted for review and approval showing the**

- street constructed with a minimum 26 foot pavement width, curb, gutter, sidewalk, street light conduit, dry sewer and water or prior to submittal of a Development Engineering Plan application, the section line highway shall be vacated by Pennington County or an Exception shall be obtained to waive the street improvements. 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 the section line highway located along the west lot line shall be submitted for review and approval showing the street constructed with a minimum 26 foot pavement width, curb, gutter, sidewalk, street light conduit, dry sewer and water or an Exception shall be obtained to waive the street improvements. 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, documentation shall be provided demonstrating that the existing on-site wastewater system located on proposed Lot 1 has been permitted by Pennington County;
 4. Upon submittal of a Development Engineering Plan application, soils data for proposed Lot 2 shall be provided demonstrating that the soils are suitable for an on-site wastewater system;
 5. Upon submittal of a Development Engineering Plan application, water testing data for proposed Lot 2 shall be provided demonstrating that potable water is present;
 6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the City's Drainage Standards shall be submitted for review and approval if subdivision improvements are required. In addition, the plat document shall be revised to provide drainage easements as necessary;
 7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required;
 8. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Registered Professional Engineer;
 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted

- for review and approval if subdivision improvements are required;
11. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures;
 12. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Limited Agriculture District by Pennington County or a Variance shall be obtained to waive the minimum lot size requirement. Upon submittal of a Final Plat application, documentation shall be provided showing the actions of the Pennington County Commissioners and/or the Pennington County Zoning Board of Adjustment;
 13. Prior to submittal of a Final Plat application, the plat document shall be revised to include the following note: "Prior to obtaining a permit or constructing any structure, petitioner, his heirs, assigns or successors in interest agree to install a total wastewater containment system for each lot. Prior to installation of such system, plans stamped by a Registered Professional Engineer shall be submitted and approved by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified Professional Engineer to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations";
 14. Prior to submittal of a Final Plat application, the shed located within the section line highway along the north lot line shall be removed from the section line highway. In addition, the shed shall be located outside of the minimum 25 foot setback to the section line highway or a Variance from the Pennington County Zoning Board of Adjustment shall be obtained. If a Variance is obtained, a copy of the actions of the Zoning Board of Adjustment shall be submitted with the Final Plat application;
 15. Upon submittal of a Final Plat application, a Road Maintenance Agreement shall be submitted for recording;
 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. 15UR017 - Section 6, T1N, R7E

A request by Warren Braun for Fountain Springs Church to consider an application for a **Conditional Use Permit to allow a church** for the balance of Lot 2 of Government Lot 1, less Tract F, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 912 E. Centre Street.

Braun and Scull stated that they would be abstaining from this item due to conflicts of interest.

Rolinger moved, Bulman seconded and unanimously carried to approve the Conditional Use Permit to allow a church with the following stipulation:

- 1. Upon submittal of a Building Permit, a revised parking plan shall be submitted that identifies a minimum of six handicap accessible parking spaces with one being "van Accessible"; and,**
- 2. The Conditional Use Permit shall allow a church in the Light Industrial District. Any change in use that is a permitted use in the Light Industrial 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 Light Industrial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 to 2 with Brewer, Bulman, Hoogestraat, Marchand, Popp, Rolinger and Swank voting yes and none voting no and Braun 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.

3. No. 15CA001 - Amendment to the Comprehensive Plan by adopting the Plan Rapid City Comprehensive Plan Quarterly Update and ratifying the Plan Rapid City Comprehensive Plan approved in April 2014

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by adopting the Plan Rapid City Comprehensive Plan Quarterly Update and ratifying the Plan Rapid City Comprehensive Plan approved in April 2014.**

In response to a question from Brewer regarding the Priority Update included with this item, Horton summarized that the Priority Update is a list of actions which are identified in the Plan Rapid City and broken out into Immediate Actions, those that are planned within a year, Near Term Actions, those that are planned within the next two years and Long Term Actions, those that are planned within three to five years along with action status of each item. Horton stated that the list also identifies the agency that is managing or responsible for each item and the status of these items.

Horton also mentioned that the Downtown Plan is being initiated and that the

Planning Commissioners should receive an invitation to attend in the near future.

Rolinger moved, Popp seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by adopting the *Plan Rapid City Comprehensive Plan Quarterly Update* and ratifying the *Plan Rapid City Comprehensive Plan* adopted in April 2014 be approved. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, Rolinger, Scull and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

***9. 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 stated that this application has been continued at the previous meeting to allow drainage and engineering issues to be addressed. Lacock stated that the improvements had not been constructed. Lacock stated that staff recommends that the **Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure** be continued to the September 10, 2015 Planning Commission meeting.

Kale McNaboe, of Sperlich Consulting Inc., agent for the applicant, reviewed status of work being done on the property and the plans to mitigate the drainage issues, including changing the grading and installation of drainage channels. McNaboe said that they anticipated the work to be done soon and to be able to see if the improvements will work as anticipated.

Shari Dietterle, 3754 Padre Drive, spoke to her concerns regarding the damage to her property including that she believes it has damaged her property value by the reduced setbacks of the building to her house. She feels that the water damage will cause long term costs and issues for her family.

Swank moved to continue to the September 9, 2015 Planning Commission meeting to allow work to be completed and staff to inspect the site.

In response to a question from Scull, Fisher confirmed that the continuation of the item is to allow drainage corrections to be completed and see if they provide the anticipated drainage before Planning Commission approves or denies the request.

Planning Commission continued the Major Amendment to reduce the side yard setback from 8 feet to 5 feet for an existing one-story structure to the September 10, 2015 Planning Commission meeting. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, Rolinger, Scull and Swank

voting yes and none voting no)

10. No. 15PL065 - Marlin Drive Commercial Park

A request by Dream Design International Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1-3 of Block 1, Lots 1-9 of Block 2, Lots 1-5 of Block 3, Marlin Drive Commercial Park, legally described as the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ less Lot H1 of Section 17, T1N, R8E; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Less Marlin Industrial Park, Less Lot H1 and Less Right of Way of Section 20, T1N, R8E, BHM; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, T1N, R8E; the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Less Elks Crossing, Less Lot H3 and Less Right of Way of Section 16, T1N, R8E; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Less Plum Creek Subdivision, Less Elks Crossing, Less Lot H1, Less Lot H3 and Less Right of Way of Section 16, T1N, R8E, all located in BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Marlin Drive between Creek Drive and E. Minnesota Street.

Fisher presented the application and reviewed the associated slides. Fisher reviewed the revised staff report and revised stipulations that had been prepared following discussion with the applicant. Fisher stated that staff recommends that the **Preliminary Subdivision Plan** be approved with the revised stipulations.

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

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

1. **Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the street constructed with curb, gutter, sewer and dual water mains or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, the construction plans shall show the construction of sidewalk along Elk Vale Road or a Variance shall be obtained from City Council;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for East Minnesota Street shall be submitted for review and approval showing a second water main along the street 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, a plat document shall be submitted for review and approval showing the street Marlin Drive located within a minimum 78 foot right of way for a distance of 200 feet from the Minnesota Street intersection. The balance of the street shall be located within a minimum 68 foot wide right-of-way, or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with**

- the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, construction plans for the commercial street located between Lot 1 of Block 1 and Lot 5 of Block 3 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 an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 5. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway extending north-south through the property and the section line highway extending east-west through the property shall be submitted for review and approval showing the street(s) 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 prior to submittal of a Development Engineering Plan application, the section line highway(s) shall be vacated or an Exception shall be obtained to waive the street improvements. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 6. Upon submittal of a Development Engineering Plan application, 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 design report 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 secured as needed;
 7. Upon submittal of a Development Engineering Plan application, sewer plans and analysis prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The plans shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, the plans shall confirm that the downstream gravity sewer main can accommodate flows from this area or additional sewer infrastructure to support the proposed development shall be provided. A Sewer Master Plan shall also be submitted to ensure that the proposed sewer can serve future development. Utility easements shall be secured as needed;
 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. 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 for subdivision improvements 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 for subdivision improvements;
11. 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;
12. Prior to submittal of a Final Plat application, a street name for the unnamed commercial street located between Lot 1 of Block 1 and Lot 5 of Block 3 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;
13. 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;
14. Upon submittal of a Final Plat application, all private drainage infrastructure not dedicated to the City of Rapid City shall be identified and a covenant agreement, property owner's agreement or some other form of agreement shall be submitted for recording to identify and ensure perpetual ownership and maintenance of the private drainage improvements;
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. (8 to 0 to 1 with Brewer, Bulman, Hoogestraat, Marchand, Popp, Rolinger, Scull and Swank voting yes and none voting no and Braun abstaining)

*11. No. 15PD023 - Elks Country Estates

A request by Conrad's Sign to consider an application for a **Major Amendment to the Planned Development to allow an LED message center as an accessory use to the existing golf course** for Tract 5R of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3333 Jolly Lane.

Laroco presented the application and reviewed the associated slides. Laroco noted that the proposed sign meets the requirements of the Sign Code, but that per request of the Planning Commission all Light Emitting Diode or LED sign requests be reviewed by the Planning Commission. Laroco also noted that it was believed that the marquee sign on the property sits in the Jolly Lane right-of-way and a stipulation of approval of the request is that all signs in the right-of-way be removed. Laroco stated that staff believes that the sign should have a minimal impact on the neighborhood and recommends that the **Major Amendment to the Planned Development to allow an LED message center as an accessory use to the existing golf course** be approved with stipulations.

Dennis Hettich, of Conrad's Signs, stated that he appreciates the Planning Commission's review and approval of the application and is available to answer questions.

In response to Bulman's question whether there were calls of interest or concern from the neighborhood, Laroco stated that one call had been received and it was only to ask what the application was for, but did not indicate a concern with the request.

Rolinger moved, Popp seconded and unanimously carried to approve the Major Amendment to the Planned Development to allow a light emitting diode (LED) message center to be installed on the property as an accessory to the existing golf course with the following stipulations.

- 1. Prior to issuance of a sign permit, all signage currently located within the Jolly Lane right-of-way shall be removed.**
- 2. A sign permit shall be obtained prior to construction. All signage shall comply with the requirements of the Rapid City Sign Code and the submitted sign package. Any changes to the existing signage shall require a Major Amendment to the Planned Development.**
- 3. This Major Amendment to the Planned Development shall allow for one single-sided, 36.63 inch by 80.69 inch, Light Emitting Diode (LED) message center to be located on the property as an accessory use to the existing golf course. All permitted uses in the General Agriculture District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require the review and approval of a Major Amendment to the Planned Development. All requirements of the General Agriculture District shall be continually maintained unless specifically stipulated as a part of a previously approved Major Amendment, this Major Amendment, or a future Major Amendment to the Planned Development. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, 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.

*12. No. 15PD025 - Abys Feed and Seed Condominium

A request by Scott Hadcock for The Seed LLC to consider an application for a **Major Amendment to a Planned Development to expand the commercial uses** for Unit 1 and 2 and interest in Common Area of Abys Feed and Seed Condominium, located in Section 1, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 412 5th Street.

Amanda Scott, Council Liaison left the meeting at this time.

Lacock presented the application, reviewing the previous applications associated to the property (14PD008, 14PD014 and 14PD014A) which included the reduction of parking and the proposed use of StabilGrid stating that the plans for the StabilGrid are no longer in effect. Lacock stated that this request is to allow for expansion of uses on the property to include a museum, offices and manufacturing, noting that they are requesting Exceptions to the parking and landscaping. Lacock noted that this is an adaptive reuse of a property in the historic district in the downtown area, noting that the Rapid City Comprehensive Plan suggests that the reduction of parking and landscaping be removed as barriers to growth and reinvestment in the downtown area and stated that staff recommends that the **Major Amendment to a Planned Development to expand the commercial uses** be approved with stipulations.

In response to questions from Popp regarding the previous reduction of parking and the expansion of uses proposed, Fisher addressed the issue of lack of parking, noting that self-regulation generally works to moderate the issue in that if there is no parking patrons will not use the facility, she also noted that the operation plan provided by the applicant identifies the hours of many of the businesses in the facility will operate after 5:00 p.m., at which time the city parking lots in the area will be available for use.

Walter Albasi, property owner, stated that the identification of manufacturing is misleading as it is associated to an "art studio" that would allow members of the art studio to use the facility. In addition the identification of a museum, which is an art gallery, is solely because the Zoning Code does not have any other section to identify these uses for parking calculations. Albasi also stated that they currently are not experiencing issues with parking and that the additional uses are not anticipated to create a notable increase in parking demand.

Popp stated that he remains concerned about the lack of parking for the property.

Scull stated that he feels that the property's location on the edge of the Central Business District should not be used as a restriction on the use of the property especially in light of the fact the property owner has worked with staff to make the property functional, noting that the proposed redistricting will allow the use without these restrictions in the near future.

Discussion followed supporting the use of property in and surrounding the Central Business District and the redistricting and possible rezoning of the area.

In response to a question from Bulman regarding pavement of the parking area in front of the property, the applicant confirmed that the area has been paved.

Brewer called the question.

Rolinger moved, Braun seconded and unanimously carried to approve that the Major Amendment to a Planned Development to expand the commercial uses with the following stipulations:

- 1. Acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to zero feet for the existing structures located on the property. Any future redevelopment of the property shall be constructed in compliance with the Zoning Ordinance;**
- 2. An Exception is hereby granted to waive the landscaping requirement;**
- 3. An Exception is hereby granted to reduce the minimum required parking from 58 parking spaces to 30 parking spaces; and,**
- 4. The Major Amendment to a Planned Development shall allow a dance studio, an interior design office, retail space, a museum, offices, manufacturing, and storage space. Any change in use that does not increase the minimum parking requirement shall be reviewed as a Minimal Amendment. Any change in use that increases the minimum parking requirement or is a Conditional Use shall require a Major Amendment. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, 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.

***13. No. 15PD026 - Section 3, T1N, R8E**

A request by Williams and Associates for Dakota Heartland Inc. to consider an application for a **Final Planned Development to allow an urgent care center to be located in the General Commercial District** for a portion of the W ½ of the SW ¼ of the NW ¼, Located in the SW ¼ of the NW ¼ of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of the Homestead Street Right-of-Way and the easterly corner of the DOT Right-of-Way of Elk Vale Road, and the Point of Beginning; Thence, first course: S89°28'23"E, a distance of 1.72 feet; to the Northwesterly corner of proposed Lot 1 of Block 2 of Big Sky Business Park, Thence, second course: S89°28'23"E, a distance of 201.78 feet; Thence, third course: S00°31'37"W, a distance of 216.60 feet; Thence, fourth

course: N89°28'23"W, a distance of 200.68 feet; Thence, fifth course: N00°40'14"E, a distance of 36.57 feet; Thence, sixth course: N00°08'47"E, a distance of 180.04 feet; to the Northwesterly corner of proposed Lot1 of Block 2 of Big Sky Business Park, Thence, seventh course: N89°28'23"W, a distance of 1.72 feet; to the southwesterly corner of the Homestead Street Right-of-Way and the easterly corner of the DOT Right-of-Way of Elk Vale Road, and the Point of Beginning, more generally described as being located southwest corner of the intersection of Homestead Street and Elk Vale Road.

Laroco present the application and reviewed the associated slides noting that although the applicant is proposing that this property be divided into four lots that this application addresses only Lot 1 of the Planned Development and any future changes would require a Major Amendment to the Planned Development. Laroco reviewed the Light Emitting Diode or LED sign noting that although the sign meets all sign code requirements, since the sign is located within a Planned Development it requires review by the Planning Commission and additionally that Planning Commission has requested that all LED signs be presented for review. Laroco stated that no Exceptions are being request with this application and presented staff's recommendation that the **Final Planned Development to allow an urgent care center to be located in the General Commercial District** be approved with stipulations.

Scully, Brewer and Popp all stated that they would be abstaining from this item due to conflicts of interest.

Rolinger moved, Swank seconded and unanimously carried to approve the requested Final Planned Development to allow an urgent care facility to be located in the General Commercial District with the following stipulations.

- 1. Prior to issuance of a building permit, a revised landscaping plan shall be submitted showing that all landscaping for the urgent care facility on proposed Lot 1 of Block 2 is being provided and maintained in compliance with the requirements of the Rapid City Municipal Code.**
- 2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for proposed Lot 1 of Block 2 of the Big Sky Business Park. (6 to 0 to 3 with Braun, Bulman, Hoogestraat, Marchand, Rolinger, and Swank voting yes and none voting no and Brewer, Popp 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.

14. Discussion Items
15. Staff Items
16. Planning Commission Items

17. Committee Reports

- A. City Council Report (August 3, 2015)
The City Council concurred with the recommendations of the Planning Commission.
- A. Building Board of Appeals
- B. Capital Improvements Subcommittee
- C. Tax Increment Financing Committee

There being no further business, Rolinger moved, Swank seconded and unanimously carried to adjourn the meeting at 8:00 a.m. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Popp, Rolinger, Scull, and Swank voting yes and none voting no)