

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 25, 2015

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

MEMBERS ABSENT: Mark Jobman

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:03 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 Items 4, 5 and 6 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Items 4, 5 and 6. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 5, 2015 Planning Commission Meeting Minutes.
2. No. 15CA003 - Amendment to the Comprehensive Plan by adopting the RapidTRIP 2040 Long Range Transportation Plan.
Summary Adoption Action for a request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by adopting the RapidTRIP 2040 Long Range Transportation Plan.**
3. No. 15PL094 - River Ranch Addition
A request by Ron Davis for Merlin Stomer, Trustee of Merlin Stomer Joint Living Trust to consider an application for a **Preliminary Subdivision Plan** for proposed Tracts E, F, G, H and J of River Ranch Addition, legally described as that part of the NW1/4 south of railroad right-of-way less River Ranch Addition; that part of the S1/2 of the NE1/4 south of the railroad right-of-way; the SW1/4 of the SW1/4: the E1/2 of the SW1/4 less Back Country Subdivision and Less right-of-way; the W1/2 of the SE1/4 less Back Country Subdivision and less right-of-way; the NE1/4 of the SE1/4 less the south 198 feet less Lot 1 of Lovell Subdivision and less right-of-way, all located in Section 29, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of SD Highway 44 and east of South Airport Road.

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

- 1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be submitted for review and approval. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**
- 2. 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;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for S.D. Highway 44 shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and dual water mains or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for S. Airport Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and dual water mains or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 5. Upon submittal of a Development Engineering Plan application, the applicant shall clarify if the dedication of right-of-way for S. Airport Road includes a portion of Tract A of River Ranch Addition. If so, a signature block shall be added to the plat for the owner of the property;**
- 6. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the south lot line shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 34 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water and with one additional foot of 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;**
- 7. Upon submittal of a Development Engineering Plan application, construction plans for a cul-de-sac bulb at the western terminus of**

Back Country Road shall be submitted for review and approval. In particular, the construction plans shall show the bulb located in a minimum 118 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface, curb, gutter, sidewalk, streetlight 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;

- 8. Upon submittal of a Development Engineering Plan application, a complete site plan shall be submitted for review and approval showing the location of all structures, wells, water service lines, on-site wastewater treatment systems, drain fields, existing and proposed access/approach locations. In addition, the site plan shall identify the use of each structure to ensure compliance with the Pennington County Zoning Ordinance. Prior to approval of the Development Engineering Plan application, any land use issues shall be resolved with Pennington County;**
- 9. Upon submittal of a Development Engineering Plan application, water and sewer plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual 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. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided at all proposed lots. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 10. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval if subdivision improvements are required. The drainage plan shall also demonstrate that there are no existing drainage issues on the proposed lots. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 11. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval if applicable;**
- 12. 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 and a grading plan shall be submitted for review and approval if subdivision improvements are required;**
- 13. Upon submittal of a Development Engineering Plan application, a building envelope outside of the Federally designated floodway shall be demonstrated on Tract J or the plat document must be revised to identify the floodway issue located on Tract J, noting that it is unbuildable. In addition, an agreement shall be submitted for review and approval securing maintenance and ownership of Tract J. The**

- approved agreement shall be recorded with the Final Plat document;
14. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to create side lot lines that are substantially perpendicular as per Chapter 16.16.030.B of the Rapid City Municipal Code;
 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;
 17. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Tracts as Lots;
 18. Prior to submittal of a Final Plat application, the plat document shall be revised to include the following statement: "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, whoever 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.";
 19. Prior to submittal of a Final Plat application, the plat document shall be revised to secure drainage easements for the Lone Tree Ditch and Southside Irrigation Ditch;
 20. Prior to submittal of a Final Plat application, the plat document shall be revised to show the right-of-way delineation for Back Country Road and the existing lots along the south side of the street;
 21. Prior to submittal of a Final Plat application, the plat document shall be revised to address the redline comments provided by the Register of Deed's Office and the Public Works Department;
 22. Upon submittal of a Final Plat application, documentation shall be submitted for review and approval demonstrating that all existing on-site wastewater treatment systems are permitted through the City/Pennington County;
 23. 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,
 24. 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---

4. No. 15RZ021 - Red Rock Estates

A request by Renner and Associates, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District** for Lot 6 of Block 9 of Red Rock Estates, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the northern terminus of Prestwick Road.

Fisher presented the application. Fisher stated that an adjacent property owner has indicated that he had not received a letter of notice, but that staff records indicate that the mailing was verified and mailed by staff in compliance with the ordinance. Fisher recommended that the item be heard and stated that staff recommends that the **Rezoning from General Agricultural District to Low Density Residential District** be approved.

Bob Borgmeyer, 8730 Sheridan Lake Road, owner of property adjacent to the subject property, gave a short history of his land ownership stating that he had not received a notice for the rezoning request and asked that the item be continued to allow him time to review and address the issue.

Renee Catron of Renner and Associates, agent for the applicant, stated that the applicant is requesting the rezone to allow the development of a single family home and noted that she had questioned the address, having mailed numerous notices previously to the Borgmeyer family, but that the address was the one provided on the list gathered from the Director of Equalization's data and that the notice had been sent.

In response to a question from Brewer regarding when Borgmeyer learned of the rezone, Borgmeyer stated that he had learned the previous day. Brewer stated that as the application will go before the City Council twice it should allow Mr. Borgmeyer time to research the application.

Fisher offered that Mr. Borgmeyer is welcome to come into the office to review the application.

Hoogestraat moved, Rolinger seconded and unanimously carried to recommend that the Rezoning request be approved. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)

5. No. 15RZ022 - Section 32, T2N, R8E

A request by Dream Design International, Inc to consider an application for a **Rezoning from General Agricultural District to General Commercial District** for a portion of future Lot 2 of Block 2 of LaGrand Subdivision, a parcel of land located in the Northeast One-Quarter of the Northeast One-Quarter (NE ¼ NE ¼) of Section Thirty Three (33) in Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of said Section 33 in T2N, R8E, BHM, said point being coincident with the southeast corner of Section 28 in T2N, R8E, BHM, and said point being located within Elk Vale Road right-of-way; thence, westerly along the south line of said Section 28, and coincident with the north line of said Section 33, North 87

degrees 50 minutes 40.29 seconds West, a distance of 127.35 feet, more or less, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with aluminum SD-DOT cap, thence South 02 degrees 00 minutes 04.26 seconds West a distance of 1,322.553, more or less to the point of beginning, said point being located on the west line of Elk Vale Road right-of-way; thence, North 87 degrees 57 minutes 04.54 seconds West, a distance of 488.41 feet, more or less; thence, South 02 degrees 08 minutes 31.82 seconds West; a distance of 245.11 feet, more or less; thence, South 87 degrees 51 minutes 06.71 seconds East, a distance of 488.90 feet, more or less, said point being located on the west line of Elk Vale Road right-of-way; thence, North 02 degrees 01 minutes 37.50" East; a distance of 245.95 feet, more or less to the point of beginning, more generally described as being located west of Elk Vale Drive and south of Eglin Street.

Braun stated that he would be abstaining from the next two items as he has a conflict of interest and handed the gavel to Bulman at this time.

Scull stated that he would be abstaining from this item as he has a conflict of interest.

Brewer moved, Marchand seconded and unanimously carried to recommend that the request to rezone property from General Agriculture District to General Commercial District be approved. (7 to 0 to 2 with Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no and Braun and Scull abstaining)

6. No. 15PL099 - Buffalo Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 10A thru 33B of Block 1 and Tracts A thru H of Buffalo Crossing Subdivision, legally described as Tract 1 of Waterslide Addition located in Section 26, T1N, R7E and a portion of the unplatted balance of 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 Blvd and east of Highway 16.

Fisher stated that this item had been placed on Non-Consent to allow Braun to abstain due to a conflict of interest.

Bulman noted that although she has abstained from previous applications in this area, this time the property is not adjacent to any of her property so she is not abstaining at this time.

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

- 1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be submitted for review and approval. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**

2. Upon submittal of a Development Engineering Plan application, construction plans for Sanford Court 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. 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 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, construction plans for Addison Avenue shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water, sewer and a temporary turnaround 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 Reyelts 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;
5. 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;
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 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;
7. 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 available to meet estimated flows. Utility easements shall be secured as needed;
8. 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;
9. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the unplatted area within the project overview located east of Healing Way as a platted lot or lot(s);
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed "Tracts" as "Lots";
 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 located along Reyelts Court;
 12. Upon submittal of a Final Plat application, verification that perpetual maintenance and ownership is secured for all drainage facilities shall be provided;
 13. 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;
 14. 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;
 15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (8 to 0 to 1 with Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no and Braun abstaining.)

---BEGINNING OF REGULAR AGENDA ITEMS---

- *7. No. 15PD029 - Forest Hills Subdivision
A request by Kent R. Hagg to consider an application for a **Final Planned Development Overlay to allow an oversized garage in the Low Density Residential District** for Lot B of Forest Hills Subdivision, located in the NW1/4 of the SW1/4 of Section 2,T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1224 Skyline Drive.

Braun took back the gavel at this time.

Lacock stated that the applicant is not able to attend this or upcoming Planning Commission meetings and has requested that the item be continued to the February 4, 2016 Planning Commission meeting.

Rolinger moved, Marchand seconded and unanimously carried to continue the Final Planned Development Overlay to allow an oversized garage in the Low Density Residential District the Final Planned Development Overlay to allow an oversized garage be continued to the February 4, 2016 Planning Commission meeting.

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. 15PD033 - Moon Ridge Subdivision

A request by Renner and Associates, LLC to consider an application for a **Final Planned Development Overlay to allow a mini storage in the General Commercial District** for Lot 4 of Moon Ridge Subdivision, located in Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2251 Moon Meadows Drive.

Laroco presented the application reviewed the associated slides. Laroco stated that the applicant is proposing to construct in two phases comprised of approximately 96,200 square feet of mini storage space on the approximately 6 acres of property. Laroco noted that the applicant is requesting two Exceptions; one to waive the opaque screening fence and the second to waive building materials. Laroco noted that since the application was submitted this and the neighboring lots have been consolidated, but since the original legal description was used in the application the original lot lines are reflected on the associated slides. Laroco stated that the property is considered appropriate for Mixed Use Commercial and is located in a Gateway, an Entry Corridor, and a Community Activity Center, which is identified as an area for high intensity commercial activity such as shopping centers restaurants, and other such uses. Laroco stated that the Exception to materials is being requested for only a portion of the buildings within the interior of the buildings but that the buildings facing the roads would be stone veneer and simulated hardwood siding, with the remaining buildings being constructed with the aluminum siding. Additionally the applicant is requesting an Exception to allow fencing to be black chain-link and steel security fencing.

Laroco stated that the perimeter of the property will be lit twenty-four hours but that the lighting will be designed to not shine outside of the property and that any lighting within the property will be motion activated. Laroco stated that staff appreciates the applicant's attempts to work with staff, but that due to the unique location and circumstance surrounding the location the proposed use is inappropriate for the neighborhood and as such staff recommends that the **Final Planned Development Overlay to allow a mini storage in the General**

Commercial District be denied.

Jeff Fox, 3911 N. Hackbarth Road, Janesville, WI, owner and applicant, said that he has been managing these types of facilities for over 20 years. Fox addressed the reason for the clear fencing which allows for visibility of the property for security and reviewed the discussions and efforts that ensued to meet the requirements and the compromises that were made such as access, fencing, building material and design of the facility. Fox said that he feels that with the number of apartment buildings being built in the southwest portion of Rapid City it makes this a prime location for storage. A video provided by the applicant was viewed at this time.

Rich Huffman, 516 5th Street spoke to the designation of the property being located in an Entry Corridor stating that the property is not in the line of sight to a driver using Highway 16 and also noting that the facility was designed to not be seen from the highway.

In response to a question from Rolinger regarding staff's specific opposition to the facility, Fisher stated that even though this is a Conditional Use in the General Commercial Zoning District that doesn't mean that it an appropriate use for all property zoned General Commercial District. Fisher stated that this is in an area that has been identified as a sensitive area since it is along the Gateway to the City and the Black Hills and that the future planning for the area is geared towards high-intensity commercial activities that should promote employment and businesses that will cater to the neighborhood and a storage facility does not meet those criteria. Fisher stated that it is not the design of the facility but the use of the land as it relates to the Comprehensive Plan that makes this site inappropriate for warehouse use.

Hoogestraat stated that he is in support of this application but had questions regarding the landscaping. The landscaping plan was reviewed at this time.

Scull proposed that the alternative fencing be retained, but that hardy plank siding be extended along all exterior elevations fronting the western and southern property lines in addition to a full landscaping buffer comprised of large coniferous trees. In addition, the combination of hardy plank siding and stone veneer should be utilized along the northern elevation and the northern half of the eastern elevation of building number 3. Scull noted that he agreed with the need to protect the corridor while allowing uses of the property by the current owner."

Brewer addressed the Comprehensive Plan and the use of the property. In response to a question from Brewer if the agreement to not have storage in the eastern portion of the property was enforceable, Fisher confirmed any further development of the property would require review before the Planning Commission.

Bulman spoke to the land use noting that the hope of the Comprehensive Plan was to facilitate future development of shops, restaurants and similar land uses and that this industrial use goes against and deters these types of future development in this area.

Discussion followed, including the proposal of revised stipulations.

Fox stated that he would be agreeable to the proposed improvements.

Scull moved to approve with the addition of the revised building materials as identified and the additional landscaping and stone on the third building, Brewer seconded.

Fisher offered a friendly amendment clarifying the stipulations of approval. Scull agreed as motion maker, Brewer seconded.

Staff recommends that the requested Final Planned Development Overlay to allow ministorage units as a conditional use on the property be approved with the following stipulations:

- 1. The requested Exception to waive the required building materials is hereby granted, contingent upon prior to issuance of a building permit, revised plans shall be submitted showing cement hardboard siding is being provided on all exterior structure elevations facing the western and southern limits of construction. A combination of hardboard cement siding and stone veneer shall be provided on all building elevations facing Moon Meadows Drive and the eastern limits of construction. In addition, revised plans shall show the north elevation and north half of the eastern elevation of building number 3 are being constructed with a combination of cement hardboard siding and stone veneer, and;**
- 2. The requested Exception to waive the required opaque screening fence is hereby granted, contingent upon prior to issuance of a building permit, revised plans shall be submitted showing a continuous landscaping buffer comprised of large coniferous trees is being provided along the western and southern property lines and an irrigation system being provided for all landscaping on the property. All landscaping shall be installed and maintained in compliance with the requirements of the Rapid City Municipal Code. (8 to 1 with Braun, Brewer, Hoogestraat, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting Bulman)**

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.

- *9. No. 15UR023 - Section 32, T2N, R8E
A request by Lamar Advertising to consider an application for a **Conditional Use Permit to convert signage to an electronic message center sign** for Lot B of Lot 1 of the NW1/4 of the SW1/4 less right-of-way and Lot H2 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1254 East North Street.

Scull left the meeting at this time.

Laroco presented the application and reviewed the associated slides. Laroco reviewed that the applicant is requesting to consolidate the two existing static signs and replace with one billboard comprised of one side digital message center and the other side static billboard. Laroco stated that Sign Code allows for the replacement of billboard signage with digital sign board when the sign meets Sign Code with the exception of spacing. Laroco noted that due to the recent reinstatement of the digital ban staff has no alternative than to recommend that the **Conditional Use Permit to convert signage to an electronic message center sign** be denied.

Cushman reviewed the billboard ban noting that the ban had been found to violate state law and as such the attorney's office believes that enforcing the ban would not be the City's best interest and therefore recommends that the ban be set aside and the application be reviewed on its merit. Cushman also stated that they will be bringing forth changes to the Sign Code that will come before the Planning Commission in the near future.

Terry of Olson, 4068 Canyon Drive, of Lamar Advertising, stated that Laroco had explained the situation well and that he was available for questions.

Hoogestraat stated that he is uncomfortable making a decision on this item in regards to the pending litigation, but that he is in favor of the option to replace two signs with one.

Brewer moved to approve with the stipulations that no part of the sign intrude into the right of way, Rolinger seconded.

In response to a question from Bulman on how Lamar plans to ensure this stipulation, Olson stated that Rapid City Municipal Code requires that placement of digital signs meet specifications and that engineered plans be provided prior to issuance of a permit and that those plans will confirm that the sign does not intrude into the right of way.

Staff recommends that the requested Conditional Use Permit to allow conversion of existing signage to an electronic message center be approved with the following stipulation:

- 1. Prior to issuance of a sign permit, a surveyed site plan shall be submitted showing that the location of the proposed sign will comply with all requirements of the Rapid City Sign Code. All signage shall comply with the requirements of the Rapid City Municipal Code. Changes to the proposed sign shall require a Major Amendment to the Planned Development. A sign permit shall be obtained prior to construction or alteration of the sign. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger, Schmidt and Swank voting yes and none voting no)**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning &

Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

*10. No. 15PD041 - Workshop Addition and Ranger Station Subdivision

A request by Upper Deck Architects for Black Hills Works/BH Services, Inc. to consider an application for a **Final Planned Development Overlay to allow greenhouses as an accessory use to a school** for Lot A of Workshop Addition located in the SW1/4 of NE1/4 of Section 4, T1N, R7E and Lot 3 less right-of-way of Ranger Station Subdivision located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3535 Range Road.

Laroco presented the application and reviewed the associated slides. Laroco noted that this is a phased plan to allow for greenhouses, a fruit orchard and raised planting beds for produce. Laroco noted that the application includes an Exception to the setbacks and an Exception to the requirement for a screening fence adjacent to a residential zoning district, both of which staff supports and recommends that the application for a **Final Planned Development Overlay to allow greenhouses as an accessory use to a school** be approved with stipulations.

In response to a question from Brewer regarding the visual screening, Laroco stated that the actual layout and location of the existing buildings and the location of the new structures help to minimize visual impact.

Schmidt stated that she would be abstaining from this item as she has a conflict of interest.

Bulman made a friendly amendment to clarify that the setbacks be stipulated to the existing buildings only.

Brewer moved, Marchand seconded and unanimously carried to approve the requested Major Amendment to the Planned Development with the following stipulations:

- 1. The requested Exception to reduce the required front yard setback for the existing structures from 25 feet to 17 feet is hereby approved.**
- 2. The requested Exception to waive the required screening fence along portions of the southern property line is hereby approved.**
- 3. This requested Final Planned Development shall allow for greenhouses to be developed on the property in a phased project as an accessory use to Black Hills Works. Any change in the operator of the facilities shall require a Major Amendment to the Planned Development. All requirements of the Office Commercial District shall be maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment. All uses permitted in the Office Commercial District shall be permitted. All conditional uses in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 to 1 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger and Swank voting yes and none voting no and Schmidt 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. Discussion Items
None

12. Staff Items

Cushman reviewed the request that she look into remedies the City has when violation of setbacks and encroachments occur. Cushman stated that our ordinances do not include the option to levy civil fines against violations of setbacks. She stated that it may be treated as criminal violation with the option to charge a \$500 fine and that each day could be an additional violation and fine. Cushman stated that the Attorney's office would handle the enforcement and would need instruction from Planning Commission and Council to do so. Cushman also stated that state law does allow the City to file lawsuit to address these issues, but that the courts do not generally support the removal of the structures in many situations because they weigh the cost and effects to the property owners.

Brewer inquired to the instances where buildings are built into the right-of-way when health and safety is in question. Cushman stated that when health and safety are impacted, the situation is one where the City Attorney's Office is motivated to pursue criminal charges or to seek an injunction. Cushman stated that Building Services Division currently issues permits to such structures if the permit does not make the encroachment worse. Cushman stated that lawsuits are often bought against the City rather than the property owner.

In response to a question from Bulman regarding contractors who persist in this behavior or show a repeated action, Cushman noted that the City can revoke or suspend their license.

Discussion followed.

13. Planning Commission Items

14. Committee Reports

- A. City Council Report (November 16, 2015)
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

There being no further business, Marchand moved, Rolinger seconded and unanimously carried to adjourn the meeting at 8:46 a.m. (9 to 0 with Braun,

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**Brewer, Bulman, Hoogestraat, Marchand, Rippentrop, Rolinger and Swank voting
yes and none voting no)**

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