

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 10, 2011

MEMBERS PRESENT: Sandra Beshara, Erik Braun, John Brewer, Patrick Fink, Linda Marchand, Dennis Popp, Kay Rippentrop, Andrew Scull and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Josh Snyder, Steve Rolinger and Len Weimer

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Patsy Horton, Tim Behlings, Ted Johnson, Joel Landeen, and Risë Ficken.

Brewer called the meeting to order at 7:00 a.m.

Brewer welcomed newly appointed Planning Commissioner Sandra Beshara.

Brewer 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 5 and 6 be removed from the Consent Agenda for separate consideration.

Motion by Swank, seconded by Marchand 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 5 and 6. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the October 27, 2011 Planning Commission Meeting Minutes.

2. No. 10OA015 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code.**

Planning Commission continued the Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code to the January 5, 2012 Planning Commission meeting.

3. No. 11VR003 - Feigels Addition
A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of N. Cherry Street right-of-way lying adjacent to Lot 1 of Block 16, a portion of Pine Street right-of-

way lying adjacent to Lot 3 of Block 16, a portion of E. New York Street right-of-way and a portion of E. Chicago Street right-of-way lying adjacent to Lots 1-3 of Block 16 of Feigels Addition located in the SW1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Vacation of Right-of-Way to the November 23, 2011 Planning Commission meeting.

*4. No. 11PD030 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for an **Initial Residential Development Plan** for Lots 1 through 3 of Block 16 of Feigels Addition located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Initial Residential Development Plan to the November 23, 2011 Planning Commission meeting.

7. No. 11PL051 - Harley-Davidson Subdivision

A request by Renner & Associates, LLC for Hog Wild, Inc. to consider an application for a **Preliminary Plat** for proposed Tracts 1-3 of Harley-Davidson Subdivision, legally described as Lots 1-3 of R&L Subdivision and a portion of the SW1/4 of Section 22 and a portion of the N1/2 of Section 27 located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tatanka Road and Harley Drive.

Planning Commission continued the Preliminary Plat to the November 23, 2011 Planning Commission meeting.

8. No. 11SV018 - Harley-Davidson Subdivision

A request by Renner & Associates, LLC for Hog Wild, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, pavement, sidewalk, sewer, water and street light conduit on Tatanka Road and to waive the requirement to install sidewalk, sewer, water and street light conduit for Harley Road and to waive the requirement to install sewer and water on Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tracts 1-3 of Harley-Davidson Subdivision, legally described as Lots 1-3 of R&L Subdivision and a portion of the SW1/4 of Section 22 and a portion of the N1/2 of Section 27 located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tatanka Road and Harley Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, pavement, sidewalk, sewer, water and street light conduit on Tatanka Road and to waive the requirement to install sidewalk, sewer, water and street light

conduit for Harley Road and to waive the requirement to install sewer and water on Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code to the November 23, 2011 Planning Commission meeting.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items 5 and 6 be considered concurrently.

5. No. 11PL035 - Signal Heights Addition
A request by Renner & Associates, LLC for Bob Akers to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Tract 5 Revised of Signal Heights Addition, legally described as Tract 5 Revised of Signal Heights Addition and a portion of vacated South Street located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of East Boulevard and Kellogg Place.

6. No. 11SV020 - Signal Heights Addition
A request by Renner & Associates, LLC for Bob Akers to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along First Street and to waive the requirement to install additional pavement, street light conduit, sewer and water along East Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Tract 5 Revised of Signal Heights Addition, legally described as Tract 5 Revised of Signal Heights Addition and a portion of vacated South Street located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of East Boulevard and Kellogg Place.

Fisher requested that the Planning Commission acknowledge the applicant's withdrawal of the Preliminary Plat and Subdivision Variance applications.

Scull moved, Popp seconded and unanimously carried to acknowledge the applicant's withdrawal of the Preliminary Plat (11PL035) and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along First Street and to waive the requirement to install additional pavement, street light conduit, sewer and water along East Boulevard as per Chapter 16.16 of the Rapid City Municipal Code (11SV020). (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Scull and Swank voting yes and none voting no)

*9. No. 11UR028 - Original Town of Rapid City

A request by Bob Fuchs for Fatter Boy's, Inc. to consider an application for a **Conditional Use Permit to allow a Winery in the Central Business District** for Lots 23 thru 25 of Block 74 of the 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 616 Main Street.

Lacock presented the request and reviewed the slides. He advised that the ordinance amendment allowing wineries as a conditional use in the Central Business District became effective on October 28, 2011. He indicated that staff recommends approval of the request with stipulations.

Swank stated that he would abstain from voting on this item due to a conflict of interest.

Braun requested clarification concerning the loading and unloading plan and whether the wine produced on the site would be offered for sale off-site.

Bob Fuchs described the ramp leading to the basement area and noted that production will occur in the back of the structure in the area currently used for parking. He explained that the loading dock faces into the Firehouse Brewing Company parking lot noting that any product to be shipped off-site will be loaded into a van or pickup truck. Fuchs stated that these vehicles can access the loading dock from the Firehouse Brewing Company parking lot and will not block the alley right-of-way.

Scull moved and Fink seconded to approve the Conditional Use Permit to allow a winery in the Central Business District with the following stipulations:

- 1. The on-off sale of wine shall operate as per state law. Any expansion to the winery shall require a Major Amendment to the Conditional Use Permit. Other permitted uses within the Central Business District shall be allowed, with the exception of conditional uses which shall require the review and approval of a Major Amendment to the Conditional Use Permit;**
- 2. The loading and unloading of wine and accessories shall comply with the applicant's proposed loading plan and shall be in compliance with Chapter 10.40.050 of the Rapid City Municipal Code;**
- 3. The amount of wine the winery is allowed to sell or distribute in one year shall be limited to 150,000 gallons pursuant to Chapter 17.16.030 of the Rapid City Municipal Code;**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. Prior to issuance of a building permit, plans shall be submitted showing fire sprinkler protection and prior to issuance of a Certificate of Occupancy, the structure shall be fire sprinkler protected. In addition, all applicable provisions of the International Fire Code shall be continually met;**

6. Prior to issuance of a building permit, plans shall be submitted showing that the patio trench drain will be vented and have traps in accordance with the plumbing code and will not extend past the covered patio area if connected to sanitary sewer;
7. Prior to issuance of a building permit, an Erosion and Sediment Control Plan shall be submitted with a standard City of Rapid City signature block and signature as per the Stormwater Quality Manual;
8. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
9. All provisions of the Central Business Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment;
10. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit to allow an On-Sale Liquor Establishment. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining the Sign Permit;
11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,
12. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

(8 to 0 to 1 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop and Scull and voting yes, with none voting no and with 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.

10. Discussion Items
None.
11. Staff Items
None.

12. Planning Commission Items
A. Planning Commissioner Appointments

Horton advised that the Future Land Use Committee is a sub-committee of the Planning Commission noting that members serving on the sub-committee are appointed by the Planning Commission. Horton described the function, meeting schedule and membership makeup of the Future Land Use Committee. Discussion followed.

Scull moved, Braun seconded and unanimously carried to appoint Dennis Popp and Patrick Fink to the Future Land Use Committee. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Scull and Swank voting yes and none voting no)

Fisher reminded the Planning Commissioners of the Training Session scheduled for Thursday, November 17, 2011 from 11:30 a.m. to 1:00 p.m. Discussion followed.

Scull volunteered to serve as the Planning Commission – Alternate representative to the Tax Increment Financing Committee. Discussion followed.

Marchand moved, Popp seconded and unanimously carried to forward Scull's name to the Mayor for consideration for appointment as the Planning Commission – Alternate representative to the Tax Increment Financing Committee. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Scull and Swank voting yes and none voting no)

Brewer encouraged the members of the Planning Commission to attend the training session. Discussion followed.

John Roberts stated that the Planning Commission recommendations are of great benefit to the City Council. Roberts reported that the President's Plaza project is moving forward. Roberts invited members of the Planning Commission and staff to attend the Memorial Dedication for the Fallen Police Officers on Sunday, November 12, 2011 at 2:00 p.m.

Brewer reported that the Capital Improvements Committee will review a presentation next Friday regarding provisions for the installation of solar lighting along the bike path. Discussion followed.

There being no further business, Scull moved, Braun seconded and unanimously carried to adjourn the meeting at 7:20 a.m. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Scull and Swank voting yes and none voting no)