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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 23, 2016

MEMBERS PRESENT: John Brewer, Karen Bulman, Mike Golliher, Galen Hoogestraat, Curt Huus, Mike Quasney, Kimberly Schmidt and Gerald Sullivan.

MEMBERS ABSENT: Erik Braun, John Herr and Steve Rolinger. Darla Drew, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Tim Behlings, Dale Tech, Ted Johnson, Carla Cushman and Andrea Wolff.

Bulman called the meeting to order at 7:04 a.m.

Bulman reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Item 5 be removed from the Consent Agenda for separate consideration.

Brewer requested that Items 6 be removed from the Consent Agenda for separate consideration.

Motion by Brewer, seconded by Hoogestraat and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 10 in accordance with the staff recommendations with the exception of Items 5 and 6. (8 to 0 with Brewer, Bulman, Hoogestraat, Huus, Golliher, Quasney, Schmidt and Sullivan voting yes and none voting no)

1. Approval of the November 10, 2016 Planning Commission Meeting Minutes.

2. No. 16CA004 - Amendment to the Comprehensive Plan to revise the Major Street Plan
   Summary of Adoption Action on a request by City of Rapid City for an **Amendment to the Comprehensive Plan to revise the Major Street Plan**.

   Planning Commission approved the summary and authorized publication in the Rapid City Journal.

3. No. 16PL092 - Auburn Hills Subdivision
   A request by Sperlich Consulting, Inc for DOECK, LLC to consider an application for a **Preliminary Subdivision Plan** for Proposed Lot 21 of Block 4 of Auburn Hills Subdivision, legally described as a portion of the SW1/4 of the NW1/4 less Auburn Hills Subdivision, located in the SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Chalkstone Drive.

   Planning Commission recommended that the Preliminary Subdivision be

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approved with the following stipulations:

1. **Prior to submittal of a Development Engineering Plan application, all redline comments shall be addressed. In addition, the red line comments shall be returned with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for Haines Avenue shall be submitted for review and approval showing the construction of 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;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for Chalkstone Drive shall be submitted for review and approval showing the street located in a minimum 50 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, a permanent cul-de-sac bulb shall be provided at the northern terminus of Chalkstone Drive. The construction plans shall show the cul-de-sac bulb located within a minimum 104 foot diameter right-of-way and constructed with a minimum 84 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 application;**
4. **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;**
5. **Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;**
6. **Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for all proposed subdivision improvements. The drainage plan shall review and analyze the existing drainage improvements, confirm street drainage, confirm proposed storm sewer sizing and address storm water quality treatment for the proposed development. In addition, easements shall be provided as needed;**

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7. **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;**
8. **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;**
9. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the correct spelling for "Cobalt Drive";**
10. **Upon submittal of a Final Plat application, all necessary easements, including drainage easements, and utility easements shall be dedicated;**
11. **Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
12. **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,**
13. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

*4. No. 16PD046 - Orchard Meadows

A request by KTM Design Solutions, Inc for Yasmeen Dream LLC to consider an application for an **Initial Planned Development Overlay to allow an apartment complex** for Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Tract H of Orchard Meadows, and the point of beginning. Thence first course: N83°21'59"E, a distance of 544.47 feet; Thence second course: N74°46'00"E, a distance of 65.61 feet; Thence third course: S00°06'17"W, a distance of 146.81 feet; Thence fourth course: S45°06'12"W, a distance of 14.14 feet; Thence fifth course: N89°53'48"W, a distance of 14.67 feet; Thence sixth course: S00°06'12"W, a distance of 52.00 feet; Thence seventh course: S89°53'48"E, a distance of 14.67 feet; Thence eighth course: S44°53'48"E, a distance of 14.14 feet; Thence ninth course: S00°06'12"W, a distance of 604.68 feet; Thence tenth course: N89°54'10"W, a distance of 625.75 feet; Thence eleventh course: N00°00'35"E, a distance of 739.61 feet; Thence twelfth course: N83°22'14"E, a distance of 23.12 feet, to the point of beginning, more generally described as being located south of SD Highway 44 East and east of Elk Vale Road.

Planning Commission continued the Initial Planned Development to allow an apartment complex to the December 8, 2016 Planning Commission meeting at the applicant's request.

The Rapid City Planning Commission's action on this item is final unless

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

7. No. 16PL111 - Ranch at Black Gap

A request by Sperlich Consulting, Inc for Dakota Land and Cattle Company, LLC to consider an application for a **Preliminary Subdivision Plan** for Proposed Tract B1 and Tract B2 of the Ranch at Black Gap, legally described as the balance of Tract B of the Ranch of Black Gap, located in the E1/2 of the SE1/4 of Section 8, T1S, R8E, BHM and the W1/2 of the SW1/4 of Section 9, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of Ambush Road and Wildhorse Court.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

1. **Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. 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;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for S. D. Highway 79 shall be submitted for review and approval showing the construction of curb, gutter, sidewalk, street light conduit, sewer and dual water or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for that portion of the east-west section line highway located in the City's platting jurisdiction shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans shall show the dedication of a 26 foot wide right-of-way, half of the required minimum 52 foot wide right-of-way, or an Exception shall be obtained or the section line highway shall be vacated by Pennington County. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. Vacating the section line highway shall require the signature of the adjacent property owner;**
4. **Upon submittal of a Development Engineering Plan application,**

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construction plans for Ambush Ranch Road located within the City's three mile platting jurisdiction shall be submitted for review and approval showing the street constructed with 4 additional feet of pavement, 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 document shall be submitted with the Development Engineering Plan application;

5. **Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. 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. As an alternative to providing fire flows, 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 and/or commercial structures upon submittal of a Final Plat application;**
6. **Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. If an on-site wastewater system is being proposed, then a note shall be placed on the plat for the design of any future on-site wastewater treatment system(s);**
7. **Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, major drainage easement(s) shall be dedicated to secure the 100 year storm event;**
8. **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;**
9. **Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
10. **Prior to submittal of a Final Plat application, the plat document shall be revised to address redline comments. In addition, the redline comments shall be returned with the Final Plat application;**
11. **Prior to submittal of a Final Plat application, the following note shall be placed on the plat: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest**

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agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required 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 person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations";

12. **Prior to submittal of a Final Plat application, that portion of the proposed plat located outside of the City's three mile platting jurisdiction shall be reviewed and approved by Pennington County;**
13. **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,**
14. **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. <u>No. 16PL112 - Robbinsdale Heights Subdivision</u>

A request by KTM Design Solutions Inc for Legacy Land Company to consider an application for a **Preliminary Subdivision Plan** for Proposed Lots 1 thru 15 of Block 1 and Lots 1 thru 38 of Block 2 of Robbinsdale Heights Subdivision, legally described as Block of Legacy Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Hanover Drive and Kentucky Lane south of E. Minnesota St.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

1. **Upon submittal of a Development Engineering Plan application, the red line plan comments shall be addressed. In addition, the redline plan comments shall be returned with the Development Engineering Plan application;**
2. **Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. 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,**

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construction plans for Hanover Drive and Cul-de-sac A, B, C and D shall be submitted for review and approval as per the preliminary plan sheets for each phase of the development. The construction plans shall be in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;

4. **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;**
5. **Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;**
6. **Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed;**
7. **Upon submittal of a Development Engineering Plan application, street names for proposed Cul-de-sac A, B, C and D shall be submitted for review and approval. In addition, the approved street names shall be shown on the Final Plat document;**
8. **Upon submittal of a Development Engineering Plan application, the proposed phasing plan shall be revised to ensure that Hanover Drive shall be extended through the property providing a second point of access with no more than 40 lots with one point of access;**
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. **Prior to submittal of a Final Plat connecting Hanover Drive with Kentucky Lane, a Road Name change shall be submitted by the applicant changing Kentucky Lane to Hanover Drive;**
11. **Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
12. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be**

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posted and the subdivision inspection fees shall be paid; and,

13. **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).**

*9. No. 16UR023 - SG Interstate Plaza

A request by Leonard and Barbara Geidel to consider an application for a **Conditional Use Permit to allow a caretaker's unit** for Lots 2 and Lot 3 of Tract 1 of SG Interstate Plaza, located in Section 27, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of South Plaza Drive and Fountain Plaza Drive.

Planning Commission approved the requested Conditional Use Permit to allow a caretaker's unit with the following stipulations:

1. **Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional shall be submitted. Plans shall show all parking, circulation, and storage on the property is being paved and installed in compliance with the requirements of the Rapid City Municipal Code. Plans shall include storm water quality treatment for all additional impervious surface. In addition, plans shall show a minimum 5-foot-wide property-line sidewalk is being provided, or an Exception shall be obtained waiving the required sidewalk.**
2. **Prior to issuance of a building permit, revised plans shall also show that an approved residential fire sprinkler system is being installed in compliance with the requirements of the International Fire Code. All requirements of the International Fire Code shall be continually maintained.**
3. **Prior to issuance of a building permit, the applicant shall demonstrate that the sewer service for the existing building on the site is located within an easement, or the sewer service line shall be installed in compliance as required per Rapid City Municipal Code.**
4. **Prior to issuance of a building permit, a Developmental Lot Agreement shall be recorded at the Pennington County Register of Deeds combining the two lots, or a Lot Line Consolidation Plat shall be approved for the property.**
5. **This Conditional Use Permit shall allow for a caretaker's unit on the property. All requirements of the Light Industrial District shall be met. All uses permitted in the Light Industrial District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses in the Light Industrial District shall require a Major Amendment to the Conditional Use Permit.**

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

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day following action by the Planning Commission.

*10. No. 16PD047 - Section 28, T2N, R8E

A request by KTM Design Solutions, Inc for Rapid Center, LLC to consider an application for an **Initial Planned Development Overlay to allow General Commercial and Light Industrial Development** for East Mall Drive Commercial Park, legally described as Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Lot 1 less Lot H-13 of Forefather Flats, and the point of beginning Thence first course: S89°58'03"W, a distance of 1,919.18 feet; Thence second course: S00°08'30"E, a distance of 678.69 feet; Thence third course: S67°14'25"E, a distance of 333.47 feet; Thence fourth course: S67°14'20"E, a distance of 280.68 feet; Thence fifth course: S89°50'05"E, a distance of 298.83 feet; Thence sixth course: S89°50'04"E, a distance of 1,187.54 feet; Thence seventh course: N00°00'00"W, a distance of 457.63 feet; Thence eighth course: N90°00'00"W, a distance of 10.01 feet; Thence ninth course: N00°00'05"E, a distance of 282.04 feet; Thence tenth course: N90°00'00"W, a distance of 125.18 feet; Thence eleventh course: N00°00'00"E, a distance of 182.00 feet, to the point of beginning, more generally described as being located southeast of the intersection of East Mall Drive and Dyess Avenue.

Planning Commission continued the Initial Planned Development Overlay to allow General Commercial and Light Industrial development to the December 8, 2016 Planning Commission meeting at the applicant's request.

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

---END OF CONSENT CALENDAR---

*5. No. 16PD053 - Auburn Hills Subdivision

A request by Select Construction, Inc. to consider an application for a **Planned Development Overlay to construct an apartment building** for Lot 7 of Block 5 of Auburn Hills Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4656 Coal Bank Drive.

Fisher stated that staff pulled this item to answer questions on the item by Planning Commissioners.

Lacock presented the application and reviewed the slides. Lacock stated that the applicant is not requesting any Exceptions and if this was not located in the Planned Development Designation it would only require the submittal of a building permit to build the proposed nine unit apartment building. Lacock stated that staff recommends that the **Planned Development Overlay to construct an apartment building** be approved with stipulations.

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In response to a question from Quansey regarding the building of apartments amongst residential housing, Fisher explained that the Master Plan for the area identified that the development would include a mixture of single family homes and multi-family units.

Hoogestraat moved, Schmidt seconded and unanimously carried to approve the Final Planned Development Overlay to allow an apartment complex with the following stipulations:

1. **Upon submittal of a Building Permit, a revised site plan shall be submitted for review and approval showing a "van accessible" parking space;**
2. **Upon submittal of a Building Permit, the applicant shall demonstrate that the water service line is adequate for domestic and fire services;**
3. **Upon submittal of a Building Permit, the applicant shall submit detail or design information for the proposed storm sewer pipe along the west property line;**
4. **Upon submittal of a Building Permit, the Erosion and Sediment Control Plan shall be revised to provide stabilization within the drainage ditch along the south property line. In addition, the property owner shall sign the Erosion and Sediment Control Plan;**
5. **Upon submittal of a Building Permit, the applicant shall coordinate with the Army Corps of Engineers to determine if there are wetlands located on the property and shall submit any required permits;**
6. **Upon submittal of a Sign Permit, a complete sign package shall be submitted for review and approval which includes dimension, materials, and lighting. In addition, all signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
7. **The Final Planned Development Overlay shall allow for a nine-unit apartment building and a detached storage building. Permitted uses within the Medium Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Brewer, Bulman, Golliher, Hoogestraat, Huus, Quasney, Schmidt and Sullivan 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.

*6. No. 16PD055 - Regional Hospital

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A request by Will Crunk of Crunk Engineering, LLC for Mike Muller of Rapid City Regional Hospital Inc., to consider an application for a **Major Amendment to a Planned Development to construct an addition to the central utility plant** for Tract H of Regional Hospital, located in the SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast corner of the intersection of 5th Street and Elk Street.

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

Hoogestraat moved, Schmidt seconded and unanimously carried to approve the Major Amendment to a Planned Development to construct an addition to the central utility plant with the following stipulations:

1. **The Major Amendment to a Planned Development shall allow the expansion of the Rapid City Regional Hospital central utility plant. Any future expansion shall require a Major Amendment to the Planned Development. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 to 1 with Bulman, Golliher, Hoogestraat, Huus, Quasney, Schmidt and Sullivan voting yes and none voting no and Brewer 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*11. No. 16PD051 - Original Town of Rapid City

A request by Kim Schmidt, Upper Deck Architects for Mike Kuhl Construction Project Manager, Pennington County to consider an application for a **Major Amendment to a Planned Development to expand the boundaries to allow a medical facility and a detox facility** for Lots 1 thru 16, Lots 25 thru 28 and the W1/2 of vacated 3rd Street, Lot 17 thru 18 and the W1/2 of Lot 19, the E1/2 of Lot 19 and all of Lot 20, Lots 21 thru 22, Lots 29 thru 30, the north 60 feet of Lots 31 and 32 and the south 80 feet of Lots 31 and 32, all located in Block 107 of Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 Kansas City Street.

Laroco stated that due to an error by staff in the notification process this item is being continued to the December 8, 2016 Planning Commission meeting.

Schmidt stated that she would be abstaining from this item due to a conflict of interest.

Brewer moved, Hoogestraat seconded to continue the Major Amendment to a Planned Development to expand the boundaries to allow a medical

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facility and a detox facility to the December 8, 2016 Planning Commission meeting. (7 to 0 to 1 with Brewer, Bulman, Golliher, Hoogestraat, Huus, Quasney, and Sullivan 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.

*12. No. 16PD054 - Orchard Meadows

A request by KTM Design Solutions, Inc for Moyle Petroleum Company to consider an application for a **Major Amendment to the Planned Development to allow additional LED signage** for Tract BR of Orchard Meadows, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3501 E. Highway 44.

Laroco presented the application and reviewed the associated slides, noting that a previous application for the Planned Development on this property had been reviewed and approved by the Planning Commission and that this is an amendment to that Planned Development. Laroco reviewed the current signage and the request for the additional LED message center. Laroco reminded the Planning Commission of the discussion about the previous pole and LED signs for this property. Laroco stated that the signs are not supported by the Comprehensive Plan as they are located in an Entrance Corridor but that they are allowed by the Sign Code and presented staff's recommendation that if Planning Commission finds the LED message center appropriate for the neighborhood and meets the development standards for the City, then staff recommends that the **Major Amendment to the Planned Development to allow additional LED signage** be approved.

Fisher reviewed the difference between the Comprehensive Plan verses the Sign Code for the new members, clarifying that the Planning Commission can review the design elements of a Planned Development but must identify a supportable reason to deny or require a change to a proposed element of a Planned Development.

Brewer stated that he had visited the area and discussed his view of the request, noting that until the Zoning Ordinance meshes with the Comprehensive Plan, he believes he has to support the Ordinance.

In response to question from Huus, Fisher reviewed the Comprehensive Plan noting that it does not prohibit pole or LED message boards but was designed to help mitigate what was found to be a high concentration of signs in our entry corridors. Additional discussion regarding what is defined as entry corridor and Sign Code followed.

In response to a question from Quasney, Fisher confirmed that the applicant was

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aware that they were located in an entry corridor and the Comprehensive Plan language regarding LED message board signs.

Brian Newman of Moyle Petroleum, owner of the property, discussed the addition of the LED message sign noting that the property is operated as two separate businesses and that the signs will operate individually with individual promotions. Newman also clarified that the signage requested is within the allotted signage and is within the Sign Code.

Brewer moved, Schmidt seconded to determine that the proposed LED message center is appropriate for the neighborhood and meets the development standards of the City, and approve the Major Amendment to the Planned Development with the following stipulations:

1. **If the Planning Commission should determine that the proposed LED message center is appropriate for the neighborhood and meets the development standards of the City, then the proposed 4 foot, 8 inch by 6 foot 9 inch LED message center shall be approved. The addition of LED signage in the future shall require a Major Amendment to the Planned Development. All signage shall comply with the requirements of the Rapid City Municipal Code. A sign permit shall be obtained for each sign;**
2. **All previous stipulations of approval of the previously approved Final Planned Development are hereby acknowledged, and;**
3. **The requested Major Amendment to the Planned Development shall allow for additional LED signage on the property. All requirements of the General Commercial District shall be continually maintained. All uses permitted in the General Commercial District shall be permit contingent upon provision of sufficient parking and an approved building permit. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (6 to 2 with Brewer, Golliher, Hoogestraat, Huus, Schmidt and Sullivan voting yes and Bulman, Quasney, 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. 16PD056 - Simmons Addition

A request by Sperlich Consulting, Inc for Crescent Electric Supply Company to consider an application for a **Major Amendment to a Planned Development to expand an industrial use** for Lot A of Lots 51 thru 60 of Block 4 of Simmons Addition, located in the NE1/4 of the NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 317 Maple Avenue.

Lacock presented the application noting that in May of 2016, the Planning

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Commission reviewed and approved 16PD023 the Final Planned Development to expand the industrial structure on this property and noted that this Major Amendment is to reduce the size of that expansion. Lacock reviewed the associated slides noting that the proposed development is now located within a single lot rather than expending onto the lot to the west. Lacock reviewed the five Exceptions being requested and the mitigating actions being taken which compels staff to recommend that they be granted. The Exception to increase lot coverage from 75 percent lot coverage to 92 percent lot coverage as the applicant is changing a section of the gravel covered area on the west side of the property to grass, which reduces the current 100 percent lot coverage, the Exception to reduce the minimum required landscaping from 12,912 points to 7,525 points which since currently there is no landscaping and they are adding grass and shrubs to the west side of the property is an improvement to the current non-existing landscaping; the Exception to reduce the minimum required parking from 19 parking spaces to 0 parking spaces as parking is already provided and they have an agreement to use parking leased from the railroad, the Exception to reduce the side yard setback from 25 feet to 16.6 feet along the north lot line to allow the construction of the loading dock as the construction of the loading dock will remove trucks from the alley and the Exception to reduce the rear yard setback from 25 feet to 20 feet since the landscaping being provided should allow the buffer the setback is meant to provide. Lacock stated these Exceptions will allow this long time, established local business to continue to operate in this location and as such staff recommends that the **Major Amendment to a Planned Development to expand an industrial use** be approved with stipulations.

Fisher discussed that the location of this property is located in a difficult area to develop. The Exceptions requested allow the revitalization of this of area of the city.

In response to a question from Quasney regarding parking, Fisher clarified that the reduction is from the required number of parking to what exists. Fisher noted that the existing parking does not comply with parking design standards..

Brewer spoke to his support for the development and rejuvenating of these light industrial areas.

Brewer moved, Hoogestraat seconded and unanimously carried to approve the Major Amendment to a Planned Development to expand an industrial structure with the following stipulations:

1. **An Exception is hereby granted to reduce the minimum required parking from 19 parking spaces to "0" parking spaces;**
2. **An Exception is hereby granted to reduce the minimum required side yard setback from 25 feet to 16.6 feet along the north lot line;**
3. **An Exception is hereby granted to reduce the minimum required rear yard setback from 25 feet to 20 feet along the west lot line;**
4. **An Exception is hereby granted to increase the maximum allowed lot coverage from 75% to 92%;**
5. **An Exception is hereby granted to reduce the minimum required**

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landscaping from 12,912 points to 7,525 points;

6. **Upon submittal of a Building Permit, the site plan shall be revised to show the location of power located in the alley along the north property line;**
7. **The Major Amendment to the Planned Development shall allow for a 2,910 square foot warehouse and loading dock addition. Permitted uses within the Light Industrial District that do not increase the minimum required parking shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Brewer, Bulman, Golliher, Hoogestraat, Huus, Quasney, Schmidt and Sullivan 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.

*14. No. 16UR022 - Gateway Subdivision

A request by Jesse Scheitler for Lost Cabin Beer Co. - LC Beer LLC to consider an application for a **Major Amendment to a Conditional Use Permit to allow expansion of an existing microbrewery and additional outdoor seating** for Lots 1 thru 5 and the adjacent vacated alleys less a 20 foot by 35 foot tract in the NW corner of said Lot 1 of the Gateway Subdivision and the parcel 147 feet square in the SE corner and the 3 feet by 147 feet of vacated Omaha Street abutting the north side of Block 18, of the Gateway Subdivision, all located in Section 35, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 1401 West Omaha Street.

Laroco presented the application and briefly reviewed the history of the property noting that in 2015, Conditional Use Permit #15UR016 was approved to allow the microbrewery and that this a Major Amendment to that Conditional Use Permit to expand the microbrewery. Laroco reviewed the associated slides noting that the expansion of the microbrewery is limited to storage for materials and products and an outdoor seating area. Laroco said that as an existing suite is being eliminated to be used for storage that the overall capacity should not increase and therefore no additional parking is being required. Laroco stated that staff recommends that the **Major Amendment to a Conditional Use Permit to allow expansion of an existing microbrewery and additional outdoor seating** be approved with stipulations.

Huus stated that he supports the application but did make comment on the access and traffic on Omaha Street.

Horton stated that Omaha Street is planned to expand to six lanes in the near future and this may help with the ingress/egress issue.

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Hoogestraat moved, Huus seconded and unanimously carried to approve the Major Amendment to the Conditional Use Permit to allow expansion of the existing microbrewery and to allow an outdoor seating area be approved with the following stipulation:

1. **This Major Amendment to the Conditional Use Permit shall allow for expansion of an existing microbrewery and addition of an outdoor seating area in the General Commercial District. All requirements of the General Commercial District shall be continually maintained. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Conditional Use Permit. (8 to 0 with Brewer, Bulman, Golliher, Hoogestraat, Huus, Quasney, Schmidt and Sullivan 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.

15 No. 16TIF003 – Heartland Retail Center

Appeal Tax Increment Committee's denial of Heartland Retail Center's application to amend Tax Increment District#38 Project Plan by reallocating costs

Bulman stated that she is working for the City as a Tax Increment Planner on a temporary basis and is therefore involved with this item and recused herself. Bulman turned the gavel over to Brewer and left the dais at this time.

Brewer reviewed a few basic of Tax Increment Districts for the new Planning Commissioners.

Horton stated that Tax Increment District 38 was approved in 2003 and reviewed some of the public improvements of this Tax Increment District such as the construction of Eglin Street/Cheyenne Boulevard, sewer and water main and gravity sewer. Horton noted that this is an amendment to this Tax Increment District. Horton reviewed basic structure of Tax Increment Financing. Horton reviewed the Tax Increment District area as it was before the Tax Increment District was created and the Tax Increment District area as it is now noting all the development that has occurred and the public improvements that have been completed as per the original Tax Increment District. She then identified the changes since the initial approval. Horton reviewed how estimates provided at the time of the initial project plan are being requested to be changed as actual costs are now known and these changes require an amendment. Horton noted that the initial payoff date was identified as 2015 and the new payoff date is anticipated to be 2021 but that might be earlier. Horton reviewed the number of current Tax Increment Districts stating that the City is currently at 3% of the taxable base which is well below the allowable 10%. Horton reviewed the Planning Commission's options.

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In response to question from Quasney regarding conflict of interest, Cushman stated that the level of the interest or involvement was dependent on the facts of the situation, but if the Commissioner feels they had a conflict of interest they should abstain. Quasney stated that he would be abstaining from this item due to a conflict of interest.

Scott Sumner, 402 St. Joseph Street, attorney representing the applicant clarified that the request is for reallocation of existing funds and the payoff date. Sumner stated that there are no new requests but that actual costs were more than anticipated costs noting that the construction of the elements were done in the required time. In response to a comment made by Brewer, Sumner confirmed that the Tax Increment District improvements are drainage improvements and streets not the building of the businesses or buildings within the Tax Increment District boundary.

Katherine Johnson, 24054 Palmer Gulch Road, owner of Heartland LLC, reviewed the Tax Increment District history and the amendments noting that the final certification request was submitted to Finance which lead to this request for the reallocation of funds. Johnson reviewed the elements of Tax Increment District including the water main, street construction, signal installation and drainage structures and reiterated that there is no increase in requested funds only transfer of funds between specified line items.

Hani Shafai, 528 Kansas City Street, Dream Design International, Inc., reviewed again that the actual cost were different than estimated costs. Shafai stated that the Tax Increment District improvements have benefited the area in numerous ways including the 16-inch water line, which was not included in the initial project estimates. He stated that the improvements made by the Tax Increment District are not solely for the Tax Increment District but for the region. Shafai reviewed the denial by the Tax Increment Finance Committee.

Huus spoke to his support of the benefit of the Tax Increment District but that he had questions on the fund reallocation. Horton clarified that the changes to the Lift Station and forced main were removed from the plan because of other area impromements.

Brewer reviewed the structure of the Tax Increment Finance Committee and the effect the change to that structure created in the Tax Increment Finance actions.

In response to Schmidt's question, Horton confirmed that the development has been completed, there are no expected additional costs and that this allows the applicant to certify the expenses thus beginning the payoff and subsequent dissolution of the Tax Increment District.

Hoogestraat moved, Sullivan seconded to overturn the denial (6 to 0 to 2 with Brewer, Golliher, Hoogestraat, Huus, Schmidt and Sullivan voting yes and none voting no and Bulman and Quasney abstaining)

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16. Discussion Items

None

17. Staff Items

Bulman returned to the dais at this time. Brewer turned the gavel back to Bulman.

Fisher thanked the exiting Planning Commissioners Andy Scull and Linda Marchand for their years of service to the community and wished them well in their future endeavors.

18. Planning Commission Items

None

19. Committee Reports

A. City Council Report (November 7, 2016)
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, Hoogestraat moved, Quasney seconded and unanimously carried to adjourn the meeting at 8:53 a.m. (8 to 0 with Brewer, Bulman, Golliher, Hoogestraat, Huus, Quasney, Schmidt and Sullivan voting yes and none voting no)