

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 24, 2016

MEMBERS PRESENT: Erik Braun, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand, Kimberly Schmidt and Andrew Scull.

MEMBERS ABSENT: John Brewer, Kay Rippentrop, Steve Rolinger, and Jan Swank. Amanda Scott, Council Liaison was also absent.

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

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

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

Staff requested that Item 4 be removed from the Consent Agenda for separate consideration.

Scull requested that Item 2 be removed from the Consent Agenda for separate consideration.

Motion by Marchand seconded by Hoogestraat and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations with the exception of Items 2 and 4. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Schmidt and Scull voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the March 10, 2016 Planning Commission Meeting Minutes.

3. No. 16PL014 - Eisenbraun Subdivision

A request by Britton Engineering for Troy and Lisa Eisenbraun to consider an application for a **Preliminary Subdivision Plan** for proposed Tract A and Tract B of Eisenbraun Subdivision, the unplatted portion of the NW1/4 of the NE1/4 and the SW1/4 of the NE1/4 less the east 54.4 feet located in Section 20, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road and south of Southside Drive.

Planning Commission recommended 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. In addition, the redlined comments shall be returned 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 Mono Street 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, water and sewer and with a fire apparatus turnaround at the end of the street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
4. **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 address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. The drainage plan shall also address how drainage from the proposed development will be mitigated as to not impact the Hawthorne Ditch. In addition, the plat document shall be revised to provide drainage easements as necessary;**
5. **Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval if applicable;**
6. **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;**
7. **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. In addition, the applicant shall submit documentation that Prairiefire Subdivision Utilities will serve the property and that Green Valley Sanitary District is in concurrence with Prairiefire Subdivision Utilities serving that portion of the property within their service boundary;**
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, "Lana Eisenbraun" shall be added to the Certificate of Ownership on the plat;
 11. Upon submittal of a Final Plat application, a Road Maintenance Agreement shall be submitted for recording for that portion of Mondo Lane located on the property;
 12. Prior to submittal of a Final Plat application, the plat document shall be revised to show the "Tracts" as "Lots";
 13. Prior to submittal of a Final Plat application, proposed Tract B shall be rezoned with Pennington County to allow a 3.2 acre lot or a lot size Variance shall be obtained to allow a 3.2 acre lot in the General Agriculture District;
 14. 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,
 15. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

---END OF CONSENT CALENDAR---

2. No. 16PL013 - Moon Meadows

A request by KTM Design Solutions for Hagg Brothers LLC to consider an application for a **Preliminary Subdivision Plan** for Lots 1 thru 3 of Block 1, Lots 1 thru 3 of Block 2 of Moon Meadows, legally described as that portion of the SW1/4 of the NW1/4 Less Lot H1, Lot H2 and Less right-of-way located in Section 35, T1N, R7E and that portion of the SE1/4 of the NE1/4 east of Highway 16 located in Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Moon Meadows Drive east of Highway 16.

Bulman and Scull stated that they would be abstaining from this item due to a conflict of interest.

Marchand moved, Hoogestraat seconded and carried to recommended 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. In addition, the redlined comments shall be returned with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for U.S. Highway 16 shall be submitted for review and approval showing the construction of curb, gutter,**

- sidewalk, a second water main north of Moon Meadows Drive, dual water mains south of Moon Meadows Drive and sewer south of Moon Meadows Drive 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 Moon Meadows Drive shall be submitted for review and approval showing a second water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, access along Moon Meadows Drive, a principal arterial street, shall be limited based on the Infrastructure Design Criteria Manual. Shared approaches shall be considered and provided where possible;
 4. Upon submittal of a Development Engineering Plan application, construction plans for Sammis Trail shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 5. Upon submittal of a Development Engineering Plan application, construction plans for the access and utility easement located along the east lot line shall be submitted for review and approval showing the easements with a minimum width of 70 feet with 10 additional feet of right-of-way the first 200 feet as it extends south from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the easement shall be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If the utility easement is vacated, written concurrence from all of the affected utility companies shall be submitted with the Development Engineering Plan application;
 6. Upon submittal of a Development Engineering Plan application, construction plans for the 100 foot wide access and utility easement shall be submitted for review and approval showing the easements with a minimum width of 70 feet with 10 additional feet of right-of-way the first 200 feet as it extends south from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the easement shall be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If the utility easement is vacated, written concurrence from all of the affected utility companies shall be submitted with the Development

- Engineering Plan application;**
- 7. Upon submittal of a Development Engineering Plan application, construction plans for Healing Way shall be submitted for review and approval showing the street located in a minimum 68 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from Moon Meadows Drive and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street or 30 foot wide paved surface to allow parking on one side of the street or 24 foot wide paved surface and posted with no parking signs on both sides of the street and with curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
 - 8. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway shall be submitted for review and approval. In particular, the construction plans shall show the dedication of a minimum 70 foot wide right-of-way and the construction of a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the section line highway shall be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If the section line highway is vacated, written concurrence from all of the affected utility companies shall be submitted with the Development Engineering Plan application;**
 - 9. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development;**
 - 10. 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;**
 - 11. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;**

12. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required 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;
 13. 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;
 14. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 15. Prior to submittal of a Final Plat application, the subdivision name shall be changed from "Moon Meadows" to "Moon Meadows Subdivision" or "Moon Meadow Estates";
 16. Upon submittal of a Final Plat application, all necessary easements shall be dedicated including drainage easements, shared access easements and utility easements;
 17. The proposed plat shall be allowed as a phased development with all subdivision improvements needed to support a particular phase included in the construction plans for that phase;
 18. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 19. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (5 to 0 to 2 with Braun, Hoogestraat, Jobman, Marchand and Schmidt voting yes and none voting no and Bulman and Scull abstaining)
- *4. No. 16UR003 - Original Town of Rapid City
A request by Charles T. Walsh to consider an application for a **Conditional Use Permit to allow an on-sale liquor use in conjunction with a tasting bar** for Lot 13 thru 16 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 627 St. Joseph Street.

Laroco presented the application and reviewed the associated slides. Laroco noted that this item was removed from the consent agenda due to the on-sale use aspect of the application. Laroco noted the applicant is not requesting any expansion or remodel of the existing business and that staff recommends approval of the **Conditional Use Permit to allow an on-sale liquor use in conjunction with a tasting bar** with stipulations.

Bulman moved, Marchand seconded and unanimously carried to approve the requested Conditional Use Permit with the following stipulation:

- 1. Prior to issuance of any future building permits, an 11.1 Historic Review shall be completed.**
- 2. The requested Conditional Use Permit shall allow an on-sale liquor establishment for the sale and service of beer and wine as an accessory to the existing artisanal food shop. Any change in use which expands the sale and service of alcohol shall require a Major Amendment to the Conditional Use Permit. Uses permitted in the Central Business District shall be permitted. All conditional uses in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Schmidt and Scull 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

- *5. 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.

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

Lacock presented the application and reviewed the associated slides. Lacock stated that staff supports the Exception requests to allow a 16 foot height and to allow an oversized garage. Lacock reviewed staff's concerns regarding the requested two foot front yard setback. Lacock noted that the applicant is claiming a reasonable accommodation as per the Americans with Disabilities Act and that should the Planning Commission deem that the setback is a reasonable accommodation, that staff recommends that the Final Planned Development be approved.

Kent Hagg, Whiting Hagg, Hagg, Dorsey and Hagg, agent for the applicant, spoke to the circumstances associated with the Americans with Disabilities Act which puts this application outside the Rapid City Municipal Code and other standards of the City and discussed the needs of the applicant.

In response to a question from Schmidt to the number of stalls versus the Americans with Disabilities Act portion of the request, Hagg stated that the number of vehicles and equipment require the high number of stalls and reviewed how the medical condition of the applicant compels the need for both the equipment and the space.

Scull moved, Marchand seconded and unanimously carried to determine that reasonable accommodation as per the Americans with Disabilities Act is being provided, and approved the Final Planned Development Overlay to allow an oversized garage with the following stipulations:

- 1. The Exception request to reduce the minimum required front yard setback from 25 feet to 2 feet is hereby granted;**
- 2. The Exception request to allow an over-sized garage measuring 42 feet by 68 feet is hereby granted for a total of five garage stalls;**
- 3. The Exception request to allow a height of 16 feet in lieu of the maximum allowed height of 15 feet for an accessory structure is hereby granted; and,**
- 4. The Final Planned Development Overlay shall allow for a total of five garage stalls on the property with or without the three stall attached garage. Permitted uses within the Low 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 Final Planned Development Overlay. (6 to 0 with Braun, Hoogestraat, Jobman, Marchand, Schmidt and Scull voting yes and none voting no and Bulman 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.

*6. No. 15PD050 - Overlook South Condominiums

A request by Davis Engineering, Inc. for All Creatures Veterinary Hospital, Dean Falcon to consider an application for Unit 101 and 28.69 percent of Common Interest, Unit 102 and 21.31 percent of Common Interest; Unit 201 and 28.69 percent of Common Interest; Unit 202 and 21.31 percent of Common Interest of Overlook South Condominiums, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1825 Clear View Lane.

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

Laroco presented the application and reviewed the associated slides. Laroco reviewed the history on this property including that a previous Major Amendment to the Planned Development (File #15PD036) to allow a veterinary clinic followed by a Minimal Amendment to allow a carport had been approved but that the

Minimal Amendment to the Planned Development has subsequently been revoked. Laroco noted that with this Major Amendment to allow the oversized garage the applicant is requesting an Exception to reduce the side yard setback from 25 feet to 0 feet. Laroco stated that due to the topographic constraints and unusual lot shape of the property and that the building of the garage will not reduce the existing parking staff recommends that the application for a **Major Amendment to a Planned Development to allow a garage** be approved with stipulations.

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

- 1. The previously approved Final Planned Development (File #15PD036) and all previous stipulations of approval are hereby acknowledged;**
- 2. The requested Exception to reduce the required side yard setback long the northern property line from 25 feet to 0 feet is hereby granted.**
- 3. The use of the proposed garage for the boarding, kenneling, or treatment of any animals is expressly prohibited.**
- 4. This Major Amendment to the Planned Development shall allow for a garage as an accessory to the existing veterinary clinic to be located on the property. The veterinary clinic shall operate in compliance with the submitted operations plan and all requirements of the Rapid City Municipal Code. 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 Planned Development. (6 to 0 to 1 with Braun, Bulman, Hoogestraat, Jobman, Marchand and Schmidt voting yes and none voting no and Scull abstaining)**

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

*7. No. 16PD007 - Original Town of Rapid City

A request by TSP for Matt Ehlman to consider an application for a **Major Amendment to a Planned Development Overlay to allow a mixed use development and to allow an on-sale liquor establishment in conjunction with a restaurant** for Lot 10 thru 16 of Block 87 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 329 Main Street.

Laroco reviewed the application noting that a previous Planned Development had been approved on this property, but that that use did not occur and that the applicant is now proposing this new Planned Development. Laroco noted that the applicant is requesting an Exception to reduce the parking from 62 parking spaces to 20 parking spaces of which 9 of the parking spaces are to be reserved

for residential use and will be gated with limited access. Additionally, to accommodate these changes, the applicant is requesting an Exception to allow the landscaping be reduced from 10,879 points to 5,000 points. Laroco presented staff recommendation that the Exceptions be granted and the application for a **Major Amendment to a Planned Development Overlay to allow a mixed use development and to allow an on-sale liquor establishment in conjunction with a restaurant** be approved with stipulations.

Bulman stated her support for this item noting the changes that have occurred in the Downtown are improving the area and is pleased that the changes are continuing to occur.

Marchand moved, Hoogestraat 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 amount of parking provided on the property from 62 spaces to 20 spaces, including 9 dedicated residential parking spaces, is hereby granted.**
2. **The requested Exception to reduce the required amount of landscaping on the property from 10,879 points to 5,000 points is hereby granted.**
3. **Prior to issuance of a building permit, and 11.1 Historic Review shall be completed for the property.**
4. **Prior to issuance of a sign permit, Historic Review of all signage shall be complete. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment. The addition of LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Schmidt and Scull voting yes and none voting no)**

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

- *8. No. 16PD009 - West Boulevard Subdivision and Flormann Subdivision
A request by Kennedy Design Group Inc for MG Oil Company to consider an application for a **Major Amendment to Planned Development to expand an on-sale liquor establishment in conjunction with a casino** for Lots 1 thru 3 of Block 21 of West Boulevard Subdivision and Lots 14 thru 16 of Flormann Subdivision, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1808 Mount Rushmore Road and 729 Saint Andrew Street.

Lacock stated that the applicant has requested that this application be continued to the April 7, 2016 Planning Commission Meeting at the applicant's request.

Lacock noted that there have been a number of people who have expressed concern regarding the request and the applicant would like to be present to address those concerns. As such, staff is requesting that the **Major Amendment to Planned Development to expand an on-sale liquor establishment in conjunction with a casino** it be continued to the April 7, 2016 Planning Commission meeting at the applicant's request.

Scull moved, Bulman seconded and unanimously carried to continue the Major Amendment to the Planned Development to expand an on-sale liquor establishment in conjunction with a casino to the April 7, 2016 Planning Commission meeting. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Schmidt and Scull 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.

*9. No. 16PD010 - Original Town of Rapid City

A request by AE2S for Michael Brummer to consider an application for a **Final Planned Development Overlay to allow an ice cream shop and restaurant** for Lots 17 thru 19 and the south 1/2 vacated alley adjacent to Block 79 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 130 Main Street.

Laroco presented the application and reviewed the associated slides. Laroco noted that this request is to allow the relocation of a long established business of the Downtown area. Laroco reviewed the proposed lay out of the new facility noting that the applicant is requesting an Exception to the setbacks from 25 feet to 5 feet, additionally they are requesting an Exception to reduce the off-street parking from 70 spaces to 0 and an Exception to allow a 6 foot fence in the front yard setback in lieu of 4 foot fence. Laroco stated that the Rapid City Parks Department has approved the proposed trees to be used for landscaping, but has suggested that the street trees be located along Main Street rather than along 2nd Street. However, the landscaping designed provides a buffer to the proposed building to be located 5 feet from the right-of-way, and provides additional pedestrian open space around the building. Laroco noted that this is an established Downtown business and is the type of use that is desired in the Downtown area and as such staff recommends that the application for a **Final Planned Development Overlay to allow an ice cream shop and restaurant** be approved with stipulations.

Bulman moved, Scull 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 amount of off-street

- parking from 70 spaces to 0 spaces is hereby granted;
2. The requested Exception to reduce the required front yard setback along 2nd Street from 25 feet to 5 feet is hereby granted;
 3. The requested Exception to increase the permitted height of a fence located in the front yard setback from 4 feet to 6 feet is hereby granted;
 4. Prior to issuance of a sign permit, an 11.1 Historic Review shall be completed for all proposed signage located within the Historic Environs;
 5. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Final Planned Development. The inclusion of any LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be required for each sign;
 6. All landscaping located within the right-of-way shall be installed and maintained by the applicant. The applicant shall coordinate with Parks and Recreation to ensure that the planters located within the right-of-way match design standards of planters currently used by the City, and;
 7. This Final Planned Development shall allow for development of the property with an ice cream shop and restaurant. All requirements of the General Commercial District shall be maintained unless specifically stipulated as a part of this Final Planned Development or a future Amendment to the Planned Development. All uses permitted in the General Commercial District which do not increase the required amount of off-street parking shall be permitted contingent upon an approved building permit. All permitted uses in the General Commercial District which do increase the required amount of off-street parking on the property, and all conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Schmidt and Scull 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. Discussion Items

Hanzel reviewed the Downtown Master Plan and invited the Planning Commission to attend the upcoming events being held April 4th and 5th, 2016.

Discussion followed.

11. Staff Items

None

12. Planning Commission Items

None

13. Committee Reports

A. City Council Report (March 7, 2016)

The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

53. [No. 15RZ023](#) - First Reading, Ordinance 6089, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Renner and Associates, LLC for a **Rezoning from General Agricultural District to Heavy Industrial District** for property generally described as being located south of Elgin between East North Street and N. Elk Vale Rd. This item was continued from the February 16, 2016 Council Meeting.

Recommendation: Deny

Ordinance 6089 (No. 15RZ023) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Renner and Associates, LLC for a **Rezoning from General Agricultural District to Heavy Industrial District** for property generally described as being located south of Elgin between East North Street and N. Elk Vale Rd. Motion was made by Scott, second by Laurenti to deny Ordinance 6089. Scott said she could not support the rezone without a PUD designation. In response to a question from Scott, Mr. Huebner said he did not want the item to be continued or denied, he wanted it approved without the PUD designation. Substitute motion by Lewis, second by Weifenbach to approve Ordinance 6089. Lewis thinks the Council should support Mr. Huebner and trusts him as a businessman. Weifenbach feels the rezone is appropriate. He has been to the site and supports Mr. Huebner's plan. Weifenbach said Mr. Huebner still has to meet use on review. Weifenbach said the land is surrounded by mountains and thinks the request is reasonable. Roberts stated this is a unique property and is perfect zoning for this use. Wright stated he has known Mr. Huebner for a long time and trusts him. He has helped Rapid City tremendously with the recycling program. Drew is in favor of the rezone. Estes said he supports the rezone. He stated this company provides a great service for Rapid City. Estes said he's been to the site three times. He hopes the land stays in the Huebner family. He said if they change their mind, heavy industrial allows about 20 different uses and the City hopes they don't sell and allow something else to come in. Upon vote being taken the motion carried (8-1 with a no from Scott) that Ordinance 6089 be placed upon its first reading and the title was fully and distinctly read and second ready set for Monday, March 21, 2016.

- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

There being no further business, Hoogestraat moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:49 a.m. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Schmidt, and Scull voting yes and none voting no)