

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 7, 2016

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

MEMBERS ABSENT: John Brewer, Mark Jobman, Kay Rippentrop

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Kip Harrington, Sandy Smith, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:14 a.m.

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

Staff requested that Items 6 and 7 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 14 in accordance with the staff recommendations with the exception of Items 6 and 7. (8 to 0 with Braun, Bulman, Hoogestraat, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 24, 2016 Planning Commission Meeting Minutes.
2. No. 16CA001 - Summary of Adoption Action Amendment to the Comprehensive Plan to adopt the County Heights Drainage Basin Design Plan
Summary of Adoption Action for a request by City of Rapid City - Public Works to consider an application for an **Amendment to the Comprehensive Plan to adopt the County Heights Drainage Basin Design Plan** for portions of Sections 2, 3, 10, 11, 14, 15 and 23, T1N, R8E and portions of Sections 34 and 35, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Elk Valley Road and Jolly Lane, south of Cheyenne Blvd and North of Green Valley Drive.

Planning Commission approved the Summary of Adoption Action for Amendment to the Comprehensive Plan to adopt the County Heights Drainage Basin Design Plan
3. No. 16RZ010 - Walpole Heights Subdivision
A request by AE2S for Village at Skyline Pines LLC to consider an application for

a Rezoning from Office Commercial District to General Commercial District for Tract A Revised Less Lot H8, Lot AB of the E1/2 of the SE1/4, Tract D of Section 11, T1N, R7E and a parcel of land in Tract 1 of the Skyline Pines Easts Subdivision located in the SE1/4 of Section 11, Township 1 North, Range 7 East of the Black Hills Meridian, Rapid City Pennington County, South Dakota being more particularly described as follows: Beginning at the northeasterly corner of said Tract 1, said point being monumented with a rebar, from which the southwesterly corner of Tract D of Walpole Heights Subdivision bears S 45O 09' 19" W a distance of 732.66 feet. Thence N 89O 46' 43" W along the northerly line of said Tract 1 a distance of 286.83 feet to a point; Thence S 46O 50' 12" W a distance of 419.31 feet to a point; Thence S 01O 49' 05" E a distance of 130.91 feet to a point; Thence S 34O 55' 07" E a distance of 25.40 feet to the northwesterly point of said Tract D of Walpole Heights; Thence N 45O 23' 28" E along the northerly boundary of said Tract D a distance of 73.95 feet to a point; Thence N 45O 43' 28" E along the northerly boundary of said Tract D a distance of 19.83 feet to the northeast corner of said Tract D and the northwest corner of Tract A Revised of Walpole Heights Subdivision; Thence N 45O 11' 25" E along the northerly boundary of said Tract A Revised a distance of 160.62 feet to a point; Thence N 69O 30' 14" E along the northerly boundary of said Tract A Revised a distance of 77.06 feet to a point; Thence N 47O 24' 40" E along the northerly boundary of said Tract A Revised a distance of 95.63 feet to a point; Thence N 54O 10' 49" E along the northerly boundary of said Tract A Revised a distance of 46.20 feet to a point; Thence N 68O 51' 19" E along the northerly boundary of said Tract A Revised a distance of 88.77 feet to a point; Thence N 38O 37' 26" E along the northerly boundary of said Tract A Revised a distance of 62.84 feet to a point; Thence N 57O 15' 41" E along the northerly boundary of said Tract A Revised a distance of 108.33 feet to the Point of Beginning, more generally described as being located at 1050 Fairmont Boulevard.

Planning Commission recommended that the request to rezoning property from Office Commercial District to General Commercial District be approved.

*4. No. 16PD011 - Walpole Heights Subdivision

A request by AE2S, Inc for R & R Realty LLC to consider an application for a **Major Amendment to a Planned Development to establish a new planned development boundary for the construction of a parking lot** for Tract A Revised Less Lot H8, Lot AB of the E1/2 of the SE1/4, Tract D of Section 11, T1N, R7E and a parcel of land in Tract 1 of the Skyline Pines Easts Subdivision located in the SE1/4 of Section 11, Township 1 North, Range 7 East of the Black Hills Meridian, Rapid City Pennington County, South Dakota being more particularly described as follows: Beginning at the northeasterly corner of said Tract 1, said point being monumented with a rebar, from which the southwesterly corner of Tract D of Walpole Heights Subdivision bears S 45O 09' 19" W a distance of 732.66 feet. Thence N 89O 46' 43" W along the northerly line of said Tract 1 a distance of 286.83 feet to a point; Thence S 46O 50' 12" W a distance of 419.31 feet to a point; Thence S 01O 49' 05" E a distance of 130.91 feet to a point; Thence S 34O 55' 07" E a distance of 25.40 feet to the northwesterly point of said Tract D of Walpole Heights; Thence N 45O 23' 28" E along the northerly

boundary of said Tract D a distance of 73.95 feet to a point; Thence N 45O 43' 28" E along the northerly boundary of said Tract D a distance of 19.83 feet to the northeast corner of said Tract D and the northwest corner of Tract A Revised of Walpole Heights Subdivision; Thence N 45O 11' 25" E along the northerly boundary of said Tract A Revised a distance of 160.62 feet to a point; Thence N 69O 30' 14" E along the northerly boundary of said Tract A Revised a distance of 77.06 feet to a point; Thence N 47O 24' 40" E along the northerly boundary of said Tract A Revised a distance of 95.63 feet to a point; Thence N 54O 10' 49" E along the northerly boundary of said Tract A Revised a distance of 46.20 feet to a point; Thence N 68O 51' 19" E along the northerly boundary of said Tract A Revised a distance of 88.77 feet to a point; Thence N 38O 37' 26" E along the northerly boundary of said Tract A Revised a distance of 62.84 feet to a point; Thence N 57O 15' 41" E along the northerly boundary of said Tract A Revised a distance of 108.33 feet to the Point of Beginning, more generally described as being located at 900 and 1050 Fairmont Boulevard.

Planning Commission approved the requested Major Amendment to a Planned Development to establish a new planned development boundary for the construction of a parking lot be approved in conjunction with the associated Rezoning with the following stipulations:

1. **Acknowledge the previously approved electronic message center. The design of the LED sign shall continually comply with the plans submitted. The LED reader board shall be for on premise advertising only with a minimum 8 second static message. The sign shall continually comply with all the requirements of the Rapid City Sign Code;**
2. **The Major Amendment to a Planned Development shall allow for the construction of a parking lot expansion;**
3. **Prior to issuance of a Building Permit, the associated Rezoning of the property shall be approved by City Council; and,**
4. **Any change in use that is a permitted use in the General Commercial District and incompliance with the parking ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development.**

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.

*5. No. 16PD014 - Buffalo Crossing

A request by KTM Design Solutions, Inc for KS West Inc. to consider an application for a **Final Planned Development Overlay to allow a hotel** for that portion located in the S1/2 of the NW1/4, and in the N1/2 of the SW1/4, Section 26, T1N, R7E, BHM Rapid City, Pennington County, South Dakota. More fully

described as follows: Commencing at the northeast most corner of Tract 1 of the Waterslide Addition; Thence, S 09°38'52" W, along the east boundary of said Tract 1, a distance of 300.69'; to the point of beginning,; Thence, first course: S 86°41'38" E, a distance of 324.42';; Thence, second course: S 42°18'27" E, a distance of 19.21';;Thence, third course: S 02°41'33" W, a distance of 25.55';; Thence, fourth course: N 86°41'38" W, a distance of 100.84';; Thence, fifth course: S 03°18'22" W, a distance of 211.01';;Thence, sixth course: N 86°41'38" W, a distance of 400.41';;Thence, seventh course: N 03°18'22" E, a distance of 20 1.99';;Thence, eighth course: curving to the left with an arc length of 37.54', with a radius of 65.00', with a chord bearing of N 41°31'14" E, with a chord length of 37.02';;Thence, ninth course: curving to the right with an arc length of 35.78', with a radius of 30.00', with a chord bearing of N 59°08'29" E, with a chord length of 33.69';;Thence, tenth course: S 86°41'38" E a distance of 112.05', to the said point of beginning, more generally described as being located in the southeast corner of US Highway 16 and Carton Blvd.

Planning Commission approved the requested Final Planned Development be approved with the following stipulations:

- 1. The previously approved Exception to increase the permitted height of the building from 45 feet to 52 feet is hereby acknowledged;**
- 2. Prior to issuance of a building permit, all redlined comments shall be addressed and all redlined plans shall be returned to Community Planning and Development Services;**
- 3. Prior to issuance of a building permit, revised landscaping plans shall be submitted showing compliance with the Rapid City Landscaping Ordinance, or an amendment to the Planned Development shall be obtained. All landscaping shall be installed and maintained in compliance with the requirements of the Rapid City Landscaping Ordinance;**
- 4. Prior to issuance of a sign permit for any ground/pole signs on the property, an amendment to the Planned Development shall be obtained. 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 request. The addition of LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;**
- 5. Prior to issuance of a Certificate of Occupancy for the hotel, the property shall be Final Platted to secure access and utility service for the development.**
- 6. This Final Planned Development shall allow for development of a hotel on the property. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of the Initial Planned Development or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted 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.**

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. 16PL026 - Elvira Gillies Subdivision

A request by Davis Engineering, Inc for Mick Harris, Elvira Gillies and Pacifica Loan Pool, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Tract 1, Tract 2 and Tract 3 of Elvira Gillies Subdivision, legally described as Tract A of Harris Addition; and the unplatted NE1/4 of the SW1/4 of the NW1/4 of the NE1/4; the N1/2 of the SE1/4 of the NW1/4 of the NE1/4; the NW1/4 of the SW1/4 of the NE1/4 of the NE1/4; the E1/2 of the SW1/4 of the NE1/4 of the NE1/4; SE1/4 of the NE1/4 of the NE1/4; the E1/2 of the W1/2 of the SE1/4 of the NE1/4; the NE1/4 of the SE1/4 of the NE1/4; and a portion of the W1/2 of the NW1/4 of the SW1/4; the W1/2 of the E1/2 of the NW1/4 the SW1/4; the east 100 feet of the north 200 feet of the south 365 feet of the NW1/4 of the SW1/4; the S1/2 of the SE1/4 the SE1/4 of the NW1/4 of the SW1/4; the north 200 feet of the south 365 feet of the NE1/4 of the SW1/4; the N1/2 of the SE1/4 Less the W1/2 of the NW1/4 of the NW1/4 of the SE1/4 less the S1/2 of the S1/2 of the S1/2 of the N1/2 of the SE1/4 and Less Harris Addition; the SW1/4 of the SW1/4 Less the 297 feet; all located in Section 16, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 13860, 13898 and 13880 Windmill Road.

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

1. **Upon submittal of a Development Engineering Plan application, water 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 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. If a private well is proposed to be utilized, then well data from an existing well or a nearby well shall be submitted to show that a well in this area can provide flows sufficient for development or documentation shall be submitted identifying that service will be provided by a water district. 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 structures upon submittal of a Final Plat application;**
2. **Upon submittal of a Development Engineering Plan application, documentation shall be provided demonstrating that proposed Tracts 1 and 2 have compliant on-site wastewater treatment systems. In addition, soils data shall be provided for proposed Tract 3**

- demonstrating that the soils are suitable to support an on-site wastewater system;
3. Upon submittal of a Development Engineering Plan application, construction plans for the 66 foot wide private access easement be submitted for review and approval showing the street constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 4. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains or an Exception shall be obtained or the section line highway must be vacated. 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, 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. In addition, the plat document shall be revised to provide drainage easements as necessary;
 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, access across Lot 11 of Kieffer Ranch Estates shall be demonstrated. In addition, a copy of the recorded access easement shall be submitted with the Final Plat application;
 8. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed 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;
 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;

10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 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 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, the plat Certificates shall be revised for a Final Plat in lieu of a Lot Line Adjustment-Consolidation Plat. In addition, the “formerly” portion of the plat title shall be revised to show Tract 3 also as a part of NW1/4SE1/4 of Section 17, T1S, R7E;
 13. Prior to submittal of a Final Plat application, Tract 1 and that portion of Tract 2 zoned General Agriculture District shall be rezoned by Pennington County to meet the minimum lot size requirement or a lot size Variance shall be obtained from the Pennington County Zoning Board of Adjustment to reduce the minimum lot size requirement in the General Agriculture District;
 14. Upon submittal of a Final Plat application, the plat document shall be revised to show the proposed “Tracts” as “Lots”;
 15. Upon submittal of a Final Plat application, a Road Maintenance Agreement for the 66 foot wide private access easement shall be submitted for recording;
 16. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 17. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).
9. No. 16RZ007 - Blake's Addition
A request by Nooney and Solay for David C. Rogers and Patrick R. Keifert, Personal Representatives of the Estate of Erma F. Rogers to consider an application for a **Rezoning from General Commercial District to Office Commercial District** for Lots 21 and 22 of Block 6 of Blake's Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 16 E. Philadelphia Street.

Planning Commission recommended that the request to rezone property from General Commercial District to Office Commercial District be approved.

10. No. 16RZ008 - Schnasse Addition

A request by Elizabeth Hunt for Maverik, Inc. to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** for Lots 15 thru 20 of Block 11 of Schnasse Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 510 E. Denver and 505 N. LaCrosse Street.

Planning Commission recommended that the request to rezone property from Medium Density Residential District to General Commercial District be continued to the April 21, 2016 Planning Commission meeting at the applicant's request.

11. No. 16RZ009 - Robbinsdale Park Addition

A request by Stanley Design Group for Rapid City Parks Department to consider an application for a **Rezoning from Park Forest District to Public District** for Robbinsdale Park Less Lot 1 of Robbinsdale Park Subdivision, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 626 E. Fairmont Blvd.

Planning Commission recommended that the request to rezone property from Park Forest District to Public District be approved.

*12. No. 16UR005 - Dunham Estates

A request by Brad Hammerbeck to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 3 of Block 3 of Dunham Estates, located in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4150 Severson Street.

Planning Commission approved the Conditional Use Permit to allow an over-saized garage be approved with the following stipulation:

1. **An Exception is hereby granted to allow an over-sized garage of 2,218 square feet in lieu of the maximum 1,500 square feet;**
2. **The proposed over-sized attached garage shall be constructed with stone, cedar and steel siding as shown on the applicant's submitted elevation designs; and,**
3. **The Conditional Use Permit shall allow for an over-sized garage for the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the garage shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Low Density Residential**

District shall require the review and approval of 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 day following action by the Planning Commission.

13. 16TP008- 2013-2015 Rapid City Area MPO Socio Economic Report

Planning Commission acknowledged the 2013-2015 Rapid City Area MPO Socio Economic Report

14. 16TP009 - Rapid City Year End 2015 Population Estimates

Planning Commission acknowledged Rapid City Year End 2015 Population Estimates

---END OF CONSENT CALENDAR---

Items # 6 and # 7 were taken together

6. No. 16PL024 - Park Hill Subdivision No. 7

A request by Sperlich Consulting, Inc., for Park Hill Development, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 11 of Block 1 and Lots 1 thru 12 of Block 2 of Park Hill Subdivision No. 7, legally described as a portion of the unplatted balance of the N1/2 of the NE1/4 of the SE1/4 and a portion of the unplatted balance of the SE1/4 of the NE1/4 less right-of-way, located in the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Sydney Drive and Ridge View Drive.

7. No. 16VR001 - Park Hill Subdivision No. 7

A request by Sperlich Consulting, Inc. to consider an application for a **Vacation of Right-of-Way** for a portion of the Wilma Street right-of-way, lying in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4 of Section 7, T1N, R8E and adjoining Lots 1, 2, 3, and 4 of Block 1 in the NE1/4 of Section 7, T1N, R8E and adjoining Lots 1 and 2, and Lot 3B of Lot 3 of Polar Bear Subdivision, all located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Wilma Street north of Sydney Drive.

Fisher recommended that Items 6 and 7 be continued to the April 21, 2016 Planning Commission Meeting at the applicant's request.

Bulman moved, Rolinger seconded unanimously carried to continue the Preliminary Subdivision Plan (16PL024) and the Vacation of Right-of-Way

(16VA001) to the April 21, 2016 Planning Commission meeting. (8 to 0 with Braun, Bulman, Hoogestraat, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*15. 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 presented the application stating that this item had been continued at the previous meeting to allow the applicant to be present to address any concerns. Lacock noted that the parking lot to the east had been built in the last few years, that the south end of the building had previously been a restaurant and that the existing casino is expanding into this section of the building. He reviewed the sign package stating that once the proposed sign package is approved through the Historic Sign Board review, the southern pole sign will be removed. Lacock noted that staff received calls from neighbors regarding drinking in the area and that a report for the Police Department was available on the dais.

Troy Erickson, of M. B. Oil, the applicant, reviewed the proposed plans for the casino stating that they will be expanding to 30 machines from 20 and that as part of this project the license and machines from the Happy Jacks located at 8th and Flormann Street will be relocated to this location.

Rolinger moved, Marchand seconded and unanimously carried to approve the requested Major Amendment to the Planned Development to expand an on-sale liquor establishment in conjunction with a casino be approved with the following stipulation:

- 1. Acknowledge the previously granted Minimal Amendment to reduce the minimum required parking lot setback from a residential district from 12 feet to 8 feet;**
- 2. Prior to issuance of a building permit, a Developmental Lot Agreement shall be signed and recorded and a copy submitted to Community Planning and Development Services;**
- 3. The six-foot high screening fence and eight evergreen trees along the east property shall be maintained at all times. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. The applicant shall coordinate with the Rapid City Fire Department concerning the installation of a fire sprinkler protection system. All**

- applicable provisions of the adopted International Fire Code shall continually be met.
5. Prior to issuance of a sign permit, the southern pole sign shall be removed from the property as per the applicant's sign package. 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 Major Amendment to a Planned Development. 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. The approval of the Historic Sign Board shall be obtained prior to obtaining a Sign Permit; and,
 6. The Major Amendment to a Planned Development shall allow for the expansion of the on-sale liquor establishment use in conjunction with a casino. Any expansion to the on-sale use shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use in the General Commercial District and incompliance with the parking ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Braun, Bulman, Hoogestraat, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)

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

16. No. 16OA002 - Ordinance Amendment to Amend Certain Provision Concerning Digital Signs, Sign Credits, and Spacing Of Off-Premises Signs By Amending Sections 17.50.080 and 17.50.090 Of The Rapid City Municipal Code

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Amend Certain Provision Concerning Digital Signs and Spacing Of Off-Premises Signs By Amending Sections 17.50.080 and 17.50.090 Of The Rapid City Municipal Code.**

Cushman reviewed the ordinance amendment stating that the changes stem from a settlement agreement with a lawsuit with Lamar Outdoor Advertising that had been approved by City Council. In response to a question from Scott, Cushman reviewed the major changes which include the removal of the ban on digital signs, changing the radial and linear distance between signs, and clarifying that the 20 year sunset provision does not apply to credits issued before June 2011. Additionally, the Planning Commission may consider the Comprehensive Plan during review of a Conditional Use Permit and Planned Development for an off-premise sign.

Scott reviewed how the City Council came to these changes.

Bulman commented that she is disappointed that the choices voiced and voted on by the community are over turned by other laws.

In response to a question from Bulman regarding off-premise signs, Cushman confirmed that the Planning Commission or City Council has the option to deny a Conditional Use Permit based on the Comprehensive Plan along with the other criteria used to approve or deny.

Rolinger moved, Scull seconded and unanimously carried to approve the Amendment to Amend Certain Provision Concerning Digital Signs and Spacing Of Off-Premises Signs By Amending Sections 17.50.080 and 17.50.090 Of The Rapid City Municipal Code (8 to 0 with Braun, Bulman, Hoogestraat, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)

- *17. No. 16PD012 - Robbinsdale Addition No. 7 and Robbinsdale Addition No.10
A request by Upper Deck Architects for Westhills Village Retirement Community to consider an application for an **Initial Planned Development Overlay to expand an assisted living facility** for Lots 4, 5, 6, 7, Lots 15, 16, 17, 18 of Block 23 and Block 24A of Robbinsdale Addition No. 7; Lots 1, 2, 3, 7 and 8 of Block 1 of Robbinsdale Addition No. 10, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5th and Texas Street.

Schmidt and Scull stated that they would be abstaining due to a conflict of interest.

Lacock presented the application and reviewed that this property had recently been before the Planning Commission to be rezoned from Low Density Residential to Medium Density Residential to allow an expansion of West Hills Village. Lacock stated that this will be a phased plan with Phase I will be the construction of the assisted living facility on the east side with 35 to 50 residents and underground parking that will be accessed on the east side, Phase II will be the construction of parking on the northwest and south side of the current facility, and Phase III will be the construction of three twin homes along 5th Street and Nebraska Street. Lacock reviewed some of the aspects of the proposed conceptual plans for the expansion noting that the setbacks shown are generous and the design is residential in nature with a proposed height of 35 feet. Lacock noted that the Initial Planned Development is a conceptual plan that allows the issues to be defined and that staff is aware that drainage, traffic and landscaping can be further addressed as the development moves forward. Lacock discussed some of the concerns staff has heard from the neighbors including the lighting of the parking lot, the landscaping to screen the property from the neighbors and traffic. Lacock stated that staff is recommending that the **Initial Planned Development Overlay to expand an assisted living facility** be approved with stipulations.

Dawn Madge, 37 Centennial Street, spoke to the continued growth of the West

Hills facility and her concerns regarding the effect this has on the neighborhood.

Susan Pasternik, 106 Texas Street, spoke to the neighborhood concerns including the parking for the residents of the facility and drainage in the area, which she believes is already overloaded and that additional run off would create additional issues. She also noted that the curb cuts requested for the facility would have an impact on traffic flow and ingress and egress for both residents of the facility and the neighborhood. Additionally, she questioned the water pressure and the sewer capacity of the current services and the neighborhood.

Rolinger left the dais at this time.

Kim Schmidt, Upper Deck Architects, agent for the project, stated that they appreciate the discussion with the neighborhood and that are willing to work with them as they move forward with the project. She noted that they are looking to continue the residential feel of the development including the screening to work with the existing design. She stated that they are aware of the parking issues and of the drainage and utility issues which they anticipate to be included in the stipulations of approval.

In response to question from Braun regarding parking, Schmidt noted that they are aware of the loss of the parking and are working on how to address and replace some of this parking.

In response to a question from Braun on access from Freedom Court, Schmidt stated that the only access on Freedom Court will be for staff and not for the residents.

Bulman moved, Hoogestraat seconded and unanimously carried to approve the requested Initial Planned Development Overlay to expand an assisted living facility with the following stipulations:

- 1. Prior to issuance of a Building Permit, all conflicting utility and drainage easements shall be vacated;**
- 2. Upon submittal of a Final Planned Development Overlay application, a Landscape Plan and calculations in compliance with Chapter 17.50.300 of the Rapid City Municipal Code shall be submitted for review and approval;**
- 3. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted identifying all existing and proposed signage. 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 Initial Planned Development Overlay. The addition of electronic or LED signage shall require a Final Planned Development Overlay. A sign permit is required for any new signs;**
- 4. Upon submittal of a Final Planned Development Overlay application, elevations of the proposed assisted living facility demonstrating that the residential character of the neighborhood is being maintained**

- shall be submitted for review;
5. Upon submittal of a Final Planned Development Overlay application, a lighting plan shall be submitted demonstrating that there is sufficient buffering between the proposed Texas Street parking addition and adjacent residential properties;
 6. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to remove the approach location from 5th Street and to remove one of the proposed approach locations from Texas Street or an Exception shall be obtained;
 7. Upon submittal of a Final Planned Development Overlay application, the applicant shall submit a fire flows analysis demonstrating that adequate fire flows are available to serve the project;
 8. Upon submittal of a Final Planned Development Overlay application, the applicant shall submit a sewer report that demonstrates that adequate sewer capacity exists to serve the project;
 9. Upon submittal of a Final Planned Development Overlay application, a master utility plan showing water and sewer service connections shall be submitted for review and approval;
 10. Upon submittal of a Final Planned Development Overlay application, a master drainage plan and analysis signed and sealed by a Professional Engineer shall be submitted for review and approval;
 11. The Initial Planned Development Overlay shall allow for an assisted living facility and single-family dwellings on the same property until the site is redeveloped expanding the assisted living facility and removing the single-family dwellings; and,
 12. Prior to issuance of a Building Permit, the associated Rezoning application shall be approved by the City Council at second reading and a Final Planned Development Overlay shall be approved. (5 to 0 to 2 with Braun, Hoogestraat, Marchand, Schmidt and Swank voting yes and none voting no and Bulman 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.

*18. No. 16PD013 - North 80 Subdivision

A request by Planforce for Marvin Development of South Dakota, LLC to consider an application for a **Final Planned Development Overlay to construct a fast food restaurant** for Lot A of Lot 5 of North 80 Subdivision, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, more generally described as being located in the southwest corner of Stumer Road and Shelby Avenue.

Lacock presented the application and reviewed the associated slides. Lacock stated that staff supports granting the Exception to reduce the parking from 30 parking spaces to 28 parking spaces and the Exception to reduce the minimum

required parking aisle width from 26 feet to 24 feet. Staff recommends that the application for a **Final Planned Development Overlay to construct a fast food restaurant** be approved with stipulations..

Barbara Schneider, of Marvin Development, agent for the applicant said that she was available to answer any questions.

Hoogestraat moved, Swank seconded and unanimously carried to approve the requested Final Planned Development to construct a fast food restaurant with the following stipulations:

1. **An Exception is hereby granted to reduce the minimum required parking from 30 parking spaces to 28 parking spaces;**
2. **An Exception is hereby granted to reduce the minimum required parking aisle width from 26 feet to 24 feet;**
3. **Upon submittal of a Building Permit, a revised site plan shall be submitted for review and approval addressing redlined comments. The redlined plans shall be returned to Community Planning;**
4. **Upon submittal of a Building Permit, a revised landscape plan and calculations shall be submitted for review and approval showing that the landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code;**
5. **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,**
6. **The Major Amendment to a Planned Development shall allow for a fast food restaurant. Permitted uses within the General Commercial 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. (7 to 0 with Braun, Bulman, Hoogestraat, Marchand, Schmidt, Scull, and Swank voting yes and none voting no)**

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

19. Discussion Items

- A. Request for Planning Commission to sponsor Comprehensive Plan Amendment for the 2015 Cultural Plan Update

Horton stated that she is requesting on behalf of the Rapid City Arts Council that the Planning Commission support the amendment of the Comprehensive Plan to update to the Cultural Plan as identified in the

Comprehensive Plan. Horton stated that she is requesting the Planning Commission to direct staff to bring forward the update to the Cultural Plan.

In response to question from Braun, Horton identified the sections of the Comprehensive Plan that that are included or impacted by these changes.

In response to a question from Scott when this would be back before the Planning Commission, Horton said they anticipate it being at the May 5, 2016 Planning Commission meeting.

Bulman moved, Marchand seconded and unanimously carried to direct staff to bring forward a Comprehensive Plan Amendment to update to the Cultural Plan. (7 to 0 with Braun, Bulman, Hoogestraat, Marchand, Schmidt, Scull, and Swank voting yes and none voting no)

20. Staff Items

Horton discussed the Tax Increment Finance update noting that the ordinance change reduced the Planning Commission membership on the Tax Increment Finance Committee from two to one. She also mentioned that recently the alternate member had resigned.

Scull stated that he is the member who had resigned from the Tax Increment District Review Committee and noted that he has not been able to vote on items due to his involvement and felt that his resignation would allow another member to be appointed and participate more fully.

Horton announced that Sandy Smith, Long Range Planner, has resigned and that staff thanks her for her hard work and wishes her the best in her future endeavors.

21. Planning Commission Items

In response to question from Bulman regarding the referenced difference in actions by City Council to Planning Commission actions, Fisher identified that it was due to a change to a stipulation to the plat as it proceeded through City Council.

In response to a question regarding staff changes, Fisher stated that the staff positions will be refilled as efficiently as possible and that they have authority to hire as needed and do not require Council authorization prior to filling these positions.

22. Committee Reports

A. City Council Report (March 21, 2016)

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

1. **APPROVE AS AMENDED** No. 15PL105 - A request by Sperlch Consulting, Inc for Dakota Heartland Inc. for a Preliminary

Subdivision Plan for proposed Lots 2 thru 3 of Block 2 of Big Sky Business Park, generally described as being located south of existing intersection of Homestead Street and Timmons Boulevard.

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

There being no further business, Swank moved, Marchand seconded and unanimously carried to adjourn the meeting at 8:10 a.m. (7 to 0 with Braun, Bulman, Hoogestraat, Marchand, Schmidt, Scull, and Swank voting yes and none voting no)