

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
October 10, 2019

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, Eirik Heikes, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: John Herr, Galen Hoogestraat, Eric Ottenbacher John Roberts, Council Liaison

STAFF PRESENT: Vicki Fisher, Brad Solon, Fletcher Lacock, John Green, Patsy Horton, Sarah Todd Peckosh, Ted Johnson, Kinsley Groote and Andrea Wolff.

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

Braun explained that due the nature of the Zoning Board of Adjustment that action on a Zoning Board of Adjustment item required a 2/3 majority or no less than 6 yay votes. Braun noted that there was currently only 7 Zoning Board of Adjustment members present and offered the applicants the option to continue any item they wished due to the special circumstances. No continuations were requested.

1. Approval of the September 26, 2019 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Caesar seconded and the Zoning Board of Adjustment approved to approve the September 26, 2019 Zoning Board of Adjustment Meeting Minutes. . (8 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Heikes, Quasney and Vidal voting yes and none voting no)

2. No. 19VA010 - Boulevard Addition

A request by Daniel S. Palmer and Thomas E. Chase to consider an application for a **Variance to reduce the rear yard setback from 5 feet to 1 foot, to reduce the side yard setback from 5 feet to 1 foot, to reduce the front yard setback from 35 feet to 28 feet, and to increase lot coverage from 30 percent to 33 percent** for Lots 11 thru 12 of Block 28 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1121 West Boulevard.

Lacock presented the application noting that the applicants have worked with staff and have submitted a revised site plan that reduces the requested setbacks from the original request to reduce the rear yard setback from 5 feet to 1-foot, the side yard setback from 5 feet to 1-foot, the front yard setback from 35 feet to 28 feet and to increase the lot coverage from 30 percent to 33 percent. This revised site plan moves the proposed garage back off of the alley and extending to the south so the back and side yard setbacks are no longer needed, and changing the Variance request to allow 23 feet in lieu of 35 feet setback for a side yard abutting a street and changes the Variance to lot coverage to 32 percent in lieu of 30 percent, which addresses the majority of the concerns addressed by the Zoning Board of Adjustment at the September 5, 2019 meeting. Staff feels this revised plan is an acceptable modification and as such recommends that the revised Variance request to allow 23 feet in lieu of 35 feet setback for a side yard

abutting a street and the Variance to lot coverage to 32 percent in lieu of 30 percent be approved on the criteria that it is the minimal adjustment for reasonable use of the land and is not injurious to the neighborhood or detrimental to the public welfare.

In response to a question from Quasney on drainage, Lacock confirmed that the new plan did address the drainage concerns.

Tom Chase, thanked the Zoning Board for offering to work with them on their project and staff for working with them to reach a viable alternative.

In response to Bulman's question on Historic review, Chase stated that it has already received approval.

Heikes noted that he would be abstaining from this item due to conflict of interest.

Caesar moved, Quasney seconded and Zoning Board of Adjustment approved the Variance request to reduce the side yard setback that abuts a street from 35 feet to 23 feet and to increase the maximum allowed lot coverage from 30% to 32%. The criteria would be that the request is the minimum adjustment for reasonable use of the land and that the proposed request will not be injurious to the neighborhood or detrimental to the public welfare. (7 to 0 to 1 with Arguello, Braun, Bulman, Caesar, Gollhofer, Quasney and Vidal voting yes and none voting no and Heikes abstaining)

3. No. 19VAp01 - Section 14, T1N, R7E

A request by Stagecoach West LLC to consider an application for a **Appeal by Stagecoach West Signs LLC to overturn the decision of the Building Official declaring the Stagecoach West Signs located at 4110 Mount Rushmore Rd as unlawful** for property more generally described as being located 4110 Mt. Rushmore Road.

Solon stated that Building Services had received valid complaints on the two signs in early spring of 2019. Solon briefly reviewed the history of the signs noting that they are off-premise signs and had been built prior to the enactment of the current Sign Code. Solon noted that records show that changes were made to the signs since that placed them in violation of the Sign Code of which include the lighting of the sign and overhead service laterals and the questionable construction to the south sign in regards to the timing to the Sign Code requiring Conditional Use Permits. Solon noted that the second sign was denied by both Sign Code Board of Appeals which heard such requests at the time and denied by City Council. Solon stated that following the denial of the Variance request for the north sign and the subsequent appeals, Stagecoach requested an identical sign permit request for an on-premise sign which was granted for the north side sign. Solon stated that this sign has been used for off-premise advertising and that there are self-issued permits in the file for an electrical service to the sign. Solon stated that due to these and other issues the Building Services have identified these signs illegal and ordered them removed.

Chuck Jasper, representing Herman Jones and Stagecoach Signs, stated he believes there is a 2019 sign license for the sign and paid fees and that the signs are not abandoned. Jasper noted that the land owner has changed since the signs were built and that the ownership of the easement and the signs are in question and he believes this should be decided by the courts before it is addressed by the Zoning Board of Adjustment.

Discussion regarding the sign licenses, land ownership and on-premise and off-premise sign requirements followed.

Fisher reviewed the Sign Code for on-site signs versus off-premise signs, stating that signs must meet Sign Code regardless of being on or off premise and these signs have been identified, by the Building Division, as not meeting those requirements.

Caesar asked about the potential court action regarding the landownership, Jasper stated that there is currently no action on schedule.

Talbot Wieczorek, representing TNS Holdings who is the land owner stated that he agrees that the signs are in violation and need to be taken down. Wieczorek stated that the permit does not allow the signage it just allows the use of the sign, but it must be used within compliance. Wieczorek noted that one of the signs has been unused for years. Wieczorek said that land owner believes the signs are illegal and need to come down.

Bulman noted that the issue is the signs themselves noting that they have been unused for years. Bulman discussed the Sign Code which changed billboard signage, noting these sign have never been brought into compliance and she supports them being removed.

In response to questions on self-issued permits, Solon stated that self-issued permits are applied for on-line and are not reviewed by staff.

Quasney moved, Heikes seconded and Zoning Board of Adjustment approved the Board upheld the decision of the Building Official that the signs are unlawful, and order the signs removed. (8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney and Vidal voting yes and none voting no)

Green requested that Items # 4 and 5 be taken together but acted on separately.

4. No. 19VA013 - North Rapid Addition No. 2
A request by Longbranch Civil Engineering, Inc for Sara Hyde to consider an application for a **Variance to reduce a front yard setback from 20 feet to 17.2 feet and a reduce a side yard setback from 8 feet to 1.3 feet for a single family dwelling** for Lot 17 and 18 of Block 60 of North Rapid Addition No. 2, located in the NE1/4 of the NW1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1006 Farlow Avenue.

Green reviewed the application and associated slides noting that along with the Variance requests there is an associated Rezoning (File#19RZ029) request from Neighborhood Commercial District to Medium Density Residential District to allow the residential use. Green noted this request is to bring the existing property into compliance. Green stated that staff recommends that the Variance be approved based on the Criteria that it is the minimal adjustment necessary for reasonable use of the land and that it is in harmony with the neighborhood.

Buman moved, Golliher seconded and Zoning Board of Adjustment approved the Variance request to reduce the required front yard setback from 20 feet to 17.2 feet and to reduce the required side yard setback from 8 feet to 1.3 feet for the existing single-family dwelling in conjunction with the associated Rezoning request (File# 19RZ029) based on Criteria #3 and #4. (8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney and Vidal voting yes and none voting no)

5. No. 19VA014 - North Rapid Addition No. 2

A request by Longbranch Civil Engineering, Inc for Sara Hyde to consider an application for a **Variance to reduce a front yard setback from 20 feet to 16.8 feet for a single family dwelling** for Lot 19, 20 and 21 of Block 60 of North Rapid Addition No. 2, located in the NE1/4 of the NW1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1012 Farlow Avenue.

Green presented the application and reviewed the associated slides noting that this property is also being brought into compliance for the existing structure and not for current or future expansion. Green stated that staff recommends approval of the Variance based on the Criteria that it is the minimal adjustment necessary for reasonable use of the land and that it is in harmony with the neighborhood.

Heikes moved, Golliher seconded and Zoning Board of Adjustment approved the Variance request to reduce the required front yard setback from 20 feet to 16.8 feet for the existing single-family dwelling in conjunction with approval of the associated Rezoning request (File# 19RZ029) based on Criteria #3 and #4. (8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney and Vidal voting yes and none voting no)

6. Discussion Items

None

7. Staff Items

None

8. Zoning Board of Adjustment Items

None

There being no further business, Bulman moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:49 a.m. (8 to 0 with Arguello,

Zoning Board of Adjustment Minutes
October 10, 2019

Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 10, 2019

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Eirik Heikes, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: John Herr, Galen Hoogestraat and Eric Ottenbacher. John Roberts, Council Liaison.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, Todd Peckosh, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:49 a.m.

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

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

Motion by Vidal seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations with the exception of Item 4. (8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 26, 2019 Planning Commission Meeting Minutes.
2. No. 19PL063 - Hillsview Estates Subdivision
A request by Longbranch Civic Engineering, Inc for Broker Dividend Fund, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 10 of Block 1, Lots 1 thru 14 of Block 2, Lots 1 thru 27 of Block 3, Lots 1 thru 19 of Block 4, Lots 1 thru 18 of Block 5, Lots 1 thru 2 of Block 6, and Lots 1 thru 3 of Block 7 of Hillsview Estates Subdivision, legally described as a portion of Government Lot 1, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Haakon Street.

Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:

1. **Prior to submittal of a Development Engineering Plan application, street names shall be submitted to the Emergency Services Communication Center for review and approval for Streets A, B, C and D. In addition, the plat document and construction plans shall show the approved street names;**
2. **Prior to submittal of a Development Engineering Plan application for Phase 3 or 4, the applicant shall demonstrate that the 55 lots located**

- north of the intersection of Haakon Street and Street C shall be provided with more than one point of access by either including the construction of E. Anamosa Street as it abuts the north lot line to Reservoir Road or extending one of the proposed cul-de-sac streets (Street A or B) to provide a connection to Reservoir Road or shall meet criteria for obtaining an Exception to allow 55 dwelling units with one point of access pursuant to Section 2.6 of the Infrastructure Design Criteria Manual. 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 E. Anamosa Street shall be submitted for review and approval showing the dedication of 50 feet of right-of-way, half of the 100 feet of right-of-way required for a principal arterial street, and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). 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, construction plans for Ziebach Street, Haakon Street and Streets A, B, C and D, all local streets, shall be submitted for review and approval showing the streets located in a minimum 52-foot wide right-of-way with an additional 10 feet of right-of-way for Street C the first 200 feet as it extends from Reservoir Road and an additional 10 feet of right-of-way for Haakon Street the first 200 feet as it extends from E. Anamosa Street. In addition, the construction plans shall show the streets constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with the cul-de-sac bulb(s) for Streets A and B located in a minimum 118-foot diameter right-of-way and constructed with a minimum 96-foot diameter pavement or shall meet criteria for obtaining an Exception or Variance (sidewalk). 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, the plat document shall show the dedication of 50 feet of right-of-way, half of the 100 feet of right-of-way required for a principal arterial street, for Reservoir Road. In addition, a profile for any future construction of Reservoir Road shall be submitted to ensure that the subdivision grades match the future right-of-way elevations;
 6. Upon submittal of a Development Engineering Plan application, the intersection of Haakon Street and Street D shall be analyzed and adjusted, if possible, to minimize the skewed alignment;
 7. 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. In addition, easements shall be provided as needed;
 8. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer in accordance with 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. In addition, easements shall be provided as needed;
9. 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. The drainage report shall address storm water quantity control to pre-developed, historic rates and provide storm water quality treatment. In addition, easements shall be dedicated as needed;
 10. 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 shall be submitted for review and approval if subdivision improvements are required
 11. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
 12. 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;
 13. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 14. Prior to submittal of a Final Plat application, the plat document shall show the proposed "10-foot wide right-of-way" located between Lots 2 and 3 of Block 5 as a "10-foot wide Pedestrian Access Easement". In addition, an agreement shall be submitted for recording securing maintenance of the proposed easement. The sidewalk shall be constructed as a part of the subdivision improvements for this phase of the development;
 15. Prior to submittal of a Final Plat application, that portion of the property zoned Office Commercial District and Neighborhood Commercial District shall be rezoned to Medium Density Residential District in compliance with the City's Future Land Use Plan;
 16. Prior to submittal of a Final Plat application for Phase Three or prior to submittal of a Rezoning application to change the zoning designation for this area from Office Commercial District to Medium Density Residential District, whichever occurs first, the existing mobile home shall be removed;
 17. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of proposed Lot 6 of Block 5 and Lot 3 of Block 6, Major Drainage Easement(s). In addition, any proposed drainage elements shall be

secured within a Major Drainage Easement and the agreement shall include these elements to secure ownership and maintenance;

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.

3. No. 19RZ029 - North Rapid Addition No. 2

A request by Longbranch Civil Engineering, Inc for Sara Hyde to consider an application for a **Rezoning from Neighborhood Commercial District to Medium Density Residential District** for Lots 17 thru 21 of Block 60 of North Rapid Addition No.2, located in the NE1/4 of the NW1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1006 and 1012 Farlow Avenue.

Planning Commission recommended approving the Rezoning request from Neighborhood Commercial District to Medium Density Residential District in conjunction with the associated Variance requests (19VA013 and 19VA014).

---END OF CONSENT CALENDAR---

*4. No. 19UR021 - Menard Subdivision

A request by Renner Associates, LLC and North Creek Land Company, LLC to consider an application for a **Conditional Use Permit to provide an indoor play area for existing childcare centers** for Lot 2A and Lot 2B of Block 2 of Menard Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 621 North Creek Drive.

Lacock reviewed the application and associated slides noting that the applicant had submitted revised plans which had been attached to the on-line agenda item, but he wanted to address the changes for the Planning Commissioners noting that the applicant had increased the separation between the proposed buildings and had included a landscape plan, noting that the application remains in compliance with setbacks and meets landscaping requirements. Lacock presented staff's recommendation to approve the Conditional Use Permit to provide an indoor play area for existing childcare centers with stipulations as outlined in the Project Report.

Bulman moved, Caesar seconded and the Planning Commission approved the Major Amendment to a Conditional Use Permit with the following stipulation(s):

1. Upon submittal of a Building Permit, a landscape plan shall be submitted for review and approval;
2. Prior to issuance of a Building Permit, a copy of a recorded Minor Drainage Easement shall be submitted for review and approval;
3. Prior to issuance of a Building Permit, a Shared Parking and Access Agreement shall be entered into and a copy submitted for review and approval;
4. **No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message**

centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;

5. The proposed childcare centers shall operate in compliance with their submitted operations plan and all approved plans. Changes in the operators of the facilities shall require a Major Amendment to the Conditional Use Permit; and,
6. The Major Amendment to a Conditional Use Permit shall allow an indoor play area to be constructed. Any further expansion of the childcare centers shall comply with Chapter 17.50.050 of the Rapid City Municipal Code. 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 Conditional Use Permit. (8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

---BEGINNING OF REGULAR AGENDA ITEMS---

- *5. No. 19PD039 - Section 5, T1N, R8E
A request by KTM Design Solutions, Inc for Western Housing Enterprises LLC to consider an application for an **Initial and Final Planned Development Overlay to allow an apartment development** for Lot 1 of Lot A of the SE1/4 of the NW1/4 of Section 5, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of E. Highway 44 and Mickelson Drive.

Green presented the application and reviewed the associated slides noting that the applicant is proposing to construct a 24 unit apartment complex to be completed in two phases. Green stated that the housing is intended to serve both the general public and Western Dakota Technical Institute students. Green indicated that the applicant is requesting Exceptions to reduce the required front yard setback from 25 feet to 21 feet and to reduce the required rear yard setback from 25 feet to 24.2 feet which staff supports. Green explained that one of the reasons for the Exception to setbacks is due to the encroachment of the mechanical room, which is being built to the back of the building at the request of the Rapid City Fire Department. Green further noted that the applicant is providing landscaping that will assist with the reduction of the impact of the encroachment. Green stated that staff recommends approval of the Initial and Final Planned Development Overlay to allow an apartment development with stipulations as outlined in the Project Report.

In response to a question from Heikes regarding zoning of this and surrounding properties, Green reviewed the current zoning and future land use designations confirming that the use is compatible.

Golliher moved, Bulman seconded and the Planning Commission approved the Initial and Final Planned Development Overlay to allow an apartment complex with the following stipulations:

- 1. An Exception is hereby granted to reduce the required front yard setback from 25 feet to 21 feet;**
- 2. An Exception is hereby granted to reduce the required rear yard setback from 25 feet to 24.2 feet;**
- 3. Prior to submittal of a Building Permit, the applicant shall coordinate with West River Electric Association, Inc. to dedicate all utility easements as necessary;**
- 4. Upon submittal of a Building Permit, the site plan shall be revised to show one ADA Van Accessible space designed with a minimum 96 inch wide access aisle located on the passenger side of the parking space;**
- 5. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,**
- 6. The Initial and Final Planned Development Overlay shall allow an apartment complex in the Medium Density Residential District. All requirements of the Medium Density Residential District shall be maintained unless specifically authorized as a stipulation of this Initial and Final Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the Medium Density Residential District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the Medium Density Residential District or uses which increase the required amount of parking on the site shall require a Major Amendment to the Planned Development. (8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney and Vidal 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

***6. No. 19UR019 - Rushmore Mall Addition**

A request by Artech for Golden Ticket Cinemas, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a movie theatre** for Parcel 1 of Track A of Lot 14 of Rushmore Mall Addition, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 350 East Disk

Drive.

Lacock presented the application and reviewed the associated slides noting the applicant is remodeling the existing theater to include amenities such as luxury seating, food service and the sale of beer and wine for theater customers. Lacock stated that the parking, signage and landscaping are in compliance. Lacock indicated that the applicant has provided a plan of operations and that operated in accordance to this plan this use should create a minimal impact. Lacock stated that staff recommends approval of the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a movie theatre with stipulations as outlined in the Project Report.

Vidal moved, Bulman seconded Planning Commission approved the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a movie theater with the following stipulations:

- 1. 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 Conditional Use Permit. The addition of electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for any new signs; and,**
- 2. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a movie theater operated in compliance with the applicant's operations plan. The applicant shall be in compliance with the operations plan at all times. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Community Shopping Center 2 District in compliance 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 Community Shopping Center 2 District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

*7. No. 19UR020 - Original Town of Rapid City

A request by Brian Dadah to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** for Lot 8 of Block 84 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 615 Main Street.

Lacock presented the application and reviewed the associated slides noting the applicant is looking to provide on-tap service for beers and ciders though a card operated system. Lacock indicated that the operation plan shows that customers would pay for and receive their card upon entering the establishment then proceed to the taps that will be located along either wall. Seating will be provided on the

main floor with additional seating available on the second floor. Lacock stated that appetizers from the on-site kitchen would be available and could be ordered from staff and there will be staff on site. Lacock stated that staff recommends approval of the Conditional Use Permit to allow an on-sale liquor establishment with stipulations.

In response to questions from Caesar regarding the self-serve nature of the business and how it would be ensured that customers would be of age, business operator, Brian Dadah stated that all customers will have to be 21 years or older.

Caesar moved, Golliher seconded Planning Commission approved the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:

1. **Prior to issuance of a sign permit, all signs shall obtain review and approval through the Historic Sign Review Board. 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 Conditional Use Permit. The inclusion of any LED message centers shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign; and,**
2. **The Conditional Use Permit shall allow an on-sale liquor establishment operated in compliance with the applicant's operations plan. The applicant shall be in compliance with the operations plan at all times. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Central Business District shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Quasney and Vidal 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

8. **No. 19OA007 - Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts by Amending Title 17 of the Rapid City Municipal**
A request by City of Rapid City to consider an application for an **Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts by Amending Title 17 of the Rapid City Municipal.**

Fisher explained that due to schedule conflicts for Ken Young, who has been working on this item, is unable to be here and requested the item be continued to the November 7, 2019 Planning Commission Meeting.

Bulman moved, Quasney seconded Planning Commission continued the Ordinance Amendment to Allow for Accessory Dwelling Units in Residential

Districts by Amending Title 17 of the Rapid City Municipal the November 7, 2019 Planning Commission meeting. (8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal voting yes and none voting no)

9. No. 19TI002 - Section 9, T1N, R8E

A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for a **Resolution to approve TID #78 Amendment #1** for Tracts A, B, C, D, E and H, Tract 1, Lots 2 thru 8 of Block 1, Lots 10 thru 13 of Block 1, Lots 1 thru 4 of Block 2, Lot 6 of Block 2, Lots 9 thru 10 of Block 2, Lots 11A and 11B, 12A and 12B, 13A and 13B, 14A and 14B, 15A and 15B, 16A and 16B of Block 2, Lots 1 thru 2 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Lots 1A and 1B of Block 6, all of Orchard Meadows; Lot 1 less Tract A and Tract B of Orchard Meadows of the Wally Byam Addition; Lot 1 less Lot H1 and less dedicated right-of-way of the Well Addition; Lot 2 of Tract A of the NE1/4 of the SW1/4; the N1/2 of the SW1/4 of the NE1/4 less the Stekl Subdivision, less Orchard Meadows, less right-of-way, less Lot H1 and Lot H2; the Balance of Tract A of the E1/2 of the SW1/4 and of the W1/2 of the SE1/4 less Lot H1; and the S1/2 of the SW1/4 of the NE1/4 less Lot 1 of the Wally Byam Addition, less the railroad right-of-way, less Orchard Meadows, less Lot H1 and H2, less right-of-way, the S1/2 of the SE1/4 of the NW1/4 less Lot H1; the unplatted Balance of NE1/4 of the SW1/4 Less Lot H1, the unplatted Balance of W1/2 of the SE1/4 less Lot H1; and Lot C of the NE1/4 of the NW1/4 and Lot X of Lot B of the NE1/4 of the NW1/4; and the dedicated public right of way and dedicated railroad right-of-way adjacent to said lots, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Elk Vale Road between E. Highway 44 and the current terminus of East Fairmont Street.

Horton reviewed the application to amend an existing Tax Increment District by changing an improvement originally supported by the TIF Committee for a lift station to a gravity sewer main and to reallocate costs. Horton reviewed the Tax Increment District history, improvements and the reallocation of funds.

Arquello asked if the proposed sewer main disrupted any proposed residential development. Horton stated that it would not. Horton confirmed that the sewer system will be managed by the Rapid Valley Sanitary District once that final section is completed and that there is sufficient capacity for the anticipated interim period.

Heikes complemented the open space to development ratio and asked if it was locked in or if it could be changed as the development progresses. Horton noted that much of the open space is associated with the flood plain and the drainage channel and will thus remain unchanged.

Vidal moved, Caesar seconded Planning Commission recommended adding approximately 1320 +/- feet of dry gravity sewer main to the TID Project Plan, creating a two-phased Project Plan and reallocating costs as proposed. (8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal voting yes and none voting no)

10. Discussion Items

Kent Hagg, of Whiting, Hagg, Hagg, Dorsey and Hagg, spoke to his

personal actions regarding the proposed TIF Policy.

11. Staff Items

12. Planning Commission Items

A. Election of Officers

Fisher noted that the Offices of the Chair, Vice Chair and Secretary were up for election and asked for nominations and that the elected officers would take office at the October 24, 2019 meeting.

Bulman nominated Braun for re-election to the office of Chairman Caesar seconded. **(8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal voting yes and none voting no)**

Bulman nominated Caesar as Vice Chair, seconded by Vidal. **(8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal voting yes and none voting no)**

Quasney nominated Bulman as Secretary, seconded by Vidal. **(8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal voting yes and none voting no)**

There being no further business, Quasney moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:23 a.m. (8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Quasney and Vidal voting yes and none voting no)