

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 21, 2016

MEMBERS PRESENT: Erik Braun, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand, Steve Rolinger, Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: John Brewer, Kay Rippentrop, Andrew Scull and Kimberly Schmidt

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Tim Behlings, Dale Tech, Ted Johnson, Joel Landeen, 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 Items 4, 5, 6, 7, 8, 9 and 13 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 13 in accordance with the staff recommendations with the exception of Items 4, 5, 6, 7, 8, 9 and 13. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rolinger and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved of the April 7, 2016 Planning Commission Meeting Minutes.

2. 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 Tract 1 and 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.

Planning Commission continued the Preliminary Subdivision Plan be to the May 5, 2016 Planning Commission meeting at the applicant's request.

3. 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-f-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 on Wilma Street north of Sydney Drive.

Planning Commission continued the Vacation of Right-of-Way request to the May 5, 2016 Planning Commission meeting at the applicant's request.

- *10. No. 16UR007 - Rushmore Regional Industrial Park
A request by Fisk Land Surveying and Consulting Engineers, Inc. for Sang Yi for Via Stat, Inc. to consider an application for a **Conditional Use Permit to allow a telecommunications dish antenna in the Light Industrial District** for Lot 2 of Block 1 of Rushmore Regional Industrial Park, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1401 Concourse Drive.

Planning Commission approved the Conditional Use Permit to allow a telecommunications dish antenna with the following stipulation:

- 1. Upon submittal of a Building Permit, the parking plan shall be revised to provide a handicap van accessible parking space and the second parking space shall be a minimum of nine feet wide;**
- 2. Upon submittal of a Building Permit, the site plan shall be revised to show a five foot wide property line sidewalk; and,**
- 3. The Conditional Use Permit shall allow a 20 foot high telecommunications dish antenna, a back-up generator and an equipment cabinet. Any expansion of the use shall require a Major Amendment. Permitted uses within the Light Industrial 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.**

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.

11. No. 16VR003 - Canyon Lake Heights
A request by Fisk Land Surveying and Consulting Engineers, Inc., for Roger and Heidi Hanzlik to consider an application for a **Vacation of Right-of-Way** for the right-of-way adjoining Lots 1, 2, 3, 4, and 8 Revised of Block 2 of Canyon Lake Heights Subdivision, located in the NE1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4018 Calle Baja Drive.

Planning Commission recommended that the Vacation of Right-of-Way be

approved with the following stipulations:

1. **Prior to City Council approval, the location of the existing water service lines for 4018 and 4022 Calle Baja Street shall be confirmed and an easement submitted for recording to secure access to the water service lines;**
 2. **Prior to City Council approval, the applicant shall enter into a Hold Harmless Agreement indemnifying the City from all claims related to the non-conforming service lines and providing consent to a future assessed project to construct public mains to the property to provide conforming services.**
12. No. 16RZ012 - Wises Addition
A request by City of Rapid City to consider an application for a **Rezone from Neighborhood Commercial District to Office Commercial District** for a portion of Lot 3 of Block 21, Wise's Addition, located in the SW ¼ of the NW ¼ of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and more fully described as follows: Commencing at the southeasterly corner of Lot 2R of Block 21 of Wise's Addition, common to a corner on the westerly boundary of Lot 3 of Block 21 of Wise's Addition, and the Point of Beginning. Thence, first course: N00°03'44"E", along the westerly boundary of said Lot 3, common to the easterly boundary of said Lot 2R, a distance of 74.64'; Thence, second course: S89°44'13"E, a distance of 26.00'; Thence, third course: S00°08'23"W", a distance of 74.51'; Thence, fourth course: S89°58'51"W, a distance of 25.90' to the Point of Beginning, more generally described as being located at 720 N. Maple Avenue.

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

---END OF CONSENT CALENDAR---

Laroco requested that items 4, 5 and 6 be heard concurrently

4. 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.
5. No. 16VR002 - Schnasse Addition
A request by Maverik Inc to consider an application for a **Vacation of Right-of-Way** for part of the NE1/4 of the SW/14 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly describes as follows: Beginning at the southeast corner of Lot 1 of Block 11, Schnasse Addition to Rapid City; Thence south 16.00 feet to the Northeast corner of Lot 20 of Block

11, Schnasse Addition to Rapid City; Thence West 264.00 feet; Thence North 16.00 feet; Thence East 264.00 feet to the Point of Beginning, more generally described as being located southwest corner of East North Street and Lacrosse Street.

*6. No. 16PD015 - Schnasse Addition

A request by Maverik Inc. to consider an application for a **Final Planned Development Overlay to allow a convenience store with gas sales** for all of Lots 1-7 and the east 19 feet of Lot 8 and all of Lots 15-20 of Block 11, Schnasse Addition to Rapid City, Pennington County, South Dakota together with the adjacent alley way, all located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More Particularly Described As Follows: Beginning At The Northeast Corner Of Lot 1 Of Block 11, Schnasse Addition To Rapid City; Thence South 250.00 Feet To The Southeast Corner Of Lot 20 Of Block 11, Schnasse Addition To Rapid City; Thence West 264.00 Feet To The Southwest Corner Of Lot 15 Of Block 11, Schnasse Addition To Rapid City; Thence North 133.00 Feet To The Southwest Corner Of Lot 6 Of Block 11, Schnasse Addition To Rapid City; Thence West 63.00 Feet; Thence North 117.00 Feet; Thence East 327.00 Feet To The Point Of Beginning, more generally described as being located in the southwest corner of East North and LaCrosse Street.

Laroco presented the requests identifying that the applications are part of a Final Planned Development to redevelop the property with a new convenience store with gas sales. Laroco noted that the property sits along two Revitalization Corridors as identified by the City's Comprehensive Plan. Laroco reviewed the layout of the proposed convenience store and gas pumps, noting that the vacation of right-of-way of the alley on the eastern portion of the block will allow access through the block while maintaining public and utility access and that the required setbacks are being maintained. Laroco reviewed the landscaping plans which include a screening fence to the west of the property. Lacoock said that staff had received a letter of opposition from the adjacent property owner regarding safety and concerns about the cliental of the type of business that is proposed. Laroco stated that as part of the review process the Rapid City Police Department had reviewed this application and indicated that they believe that this new development this could potentially reduce the number of calls for this location. Laroco reviewed the proposed sign package and stated that staff believes that the proposed use and development will improve the area and as such staff recommends that the **Rezoning from Medium Density Residential District to General Commercial Distict**, the **Vacation of Right-of-Way** and the **Final Planned Development Overlay to allow a convenience store with gas sales** be approved with stipulations.

Rolinger moved, Swank seconded and unanimously carried to recommend that the request to rezone property from Medium Density Residential District to General Commercial District be approved in conjunction with the associated Final Planned Development, and that;

The Vacation of Right-of-Way be approved with the following stipulation:

- 1. Prior to City Council approval, revised Exhibits for the proposed alley**

vacation and public access and utility easement shall be submitted for recording, and;

Approved the Final Planned Development in conjunction with the associated rezone and with the following stipulations:

- 1. The requested Exception to allow parking to back into an easement is hereby granted;**
- 2. Prior to issuance of a building permit, the alleyway shall be vacated and a public access and utility easement shall be dedicated in its place;**
- 3. Prior to issuance of a building permit, a Developmental Lot Agreement shall be secured to allow building across multiple lots, or a Lot Line Consolidation Plat shall be approved consolidating the lots;**
- 4. Prior to issuance of a building permit, all portions of property currently zoned Medium Density Residential District shall be rezoned to General Commercial District;**
- 5. 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;**
- 6. Prior to issuance of a building permit, revised plans shall be submitted showing that a minimum 12-foot setback is being provided from the parking to the residential property west of the subject property. In addition, plans shall be revised to reflect that a 6-foot privacy fence is being provided along the residential property to the west;**
- 7. 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 or addition of any LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be obtained on each sign, and;**
- 8. This Final Planned Development shall allow for development of a convenience store with gas sales on the property. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of this Final 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. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rolinger 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.

*7. No. 16PD016 - Section 29, T2N, R7E

A request by Upper Deck Architects, Inc for the Evangelical Lutheran Good Samaritan Society to consider an application for a **Major Amendment to a Planned Development Overlay to expand an assisted living facility** for the SE1/4 of the SW1/4; the SW1/4 of the SE1/4 Less Lot A, Less Lot H1 and Less right-of-way; the NE1/4 of the SE1/4; the NW1/4 of the SE1/4 Less Lot A and Less Lot H1; the SW1/4 of the NE1/4 less right-of-way, more generally described as being located on City Springs Road south of Saint Martins Drive.

Fisher presented the application and reviewed the associated slides. Fisher stated that staff had received a letter of concern from the Kirkwood Homeowners Association regarding the drainage in the area and how the additional construction could create additional concerns going forward. Fisher reviewed the history of the Good Samaritan Society, which is a multi-phase development. Fisher stated that the engineer for the applicant and the City Engineering Division are available to answer questions. Fisher stated that staff recommends that the application be approved with stipulations noting that all drainage and erosion and sediment control must be addressed as part of the Building Permit.

Lyle Grubl, 4909 Mountain Springs Court, President of the Kirkwood Meadow Homeowner's Association, presented photos that show a drainage area prior to the start of the development and currently reflecting how the drainage has affected the area. Grubl requested that improvements be made by the City to return the status to where it was prior to the development. Grubl asked when the drainage would be addressed and who would be responsible stating that he does not feel the homeowners association should be responsible.

In response to a request from Bulman, Johnson stated that the city is working to correct the drainage issues. Johnson stated that the intent is to try to make the area in question work as best it can while making it look as good as it can but noted that the area is the confluence of a large drainage area and a functioning hydraulic area. He was not able to give a specific timeline.

Johnson did state that the white landscaping rock is not suitable for the drainage channel so they are looking to find more suitable material for drainage in the channel.

In response to a question from Braun regarding the designing of the drainage for the area, Jerry Foster of FMG, engineer for the applicant, discussed the drainage basin plan that was included with the Planned Development and presented to FEMA with the original Planned Development. He stated that a more viable ascetic material can be used for drainage and design but agreed that the landscaping rocks are not conducive for this type of location. Foster stated that they are not asking for anything more than was originally requested.

Bulman, Marchand approved that the Major Amendment to a Planned Development to expand an assisted living facility in conjunction with the following stipulations:

1. **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;
2. Upon submittal of a Building Permit, the applicant shall demonstrate that the proposed approach on Saint Martins Drive is in compliance with the Infrastructure Design Criteria Manual or the approach location shall be moved to meet separation requirements;
 3. Upon submittal of a Building Permit, the applicant shall demonstrate that sufficient fire flows are available for the proposed expansion;
 4. 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 the Planned Development. The addition of electronic or LED signage shall require a Major Amendment. A sign permit is required for any new signs; and,
 5. The Major Amendment to the Planned Development shall allow for a 30 bed nursing care facility in addition to the 100 townhome units and the assisted living facility. Expansion of the use shall require a Major Amendment to the Planned Development. Any permitted use in compliance with the Parking Ordinance shall require a Minimal Amendment to the Planned Development. Any conditional use shall require a Major Amendment to the Planned Development. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rolinger 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.

*8. No. 16PD017 - Kateland Subdivision

A request by Muth Holdings LLC to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Lot 1 of Block 1 of Kateland Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest corner of Haines and Country Road.

Fisher presented the application and reviewed the associated slides, noting that staff had placed this item on non-consent application due to concerns from neighbors. Fisher reviewed the history of the subdivision noting that the Master Plan had always identified this area as a multi-family lot. Fisher noted that the reason for this Planned Development is that the change from a single apartment building to two buildings requires a Planned Development to allow the two primary residential structures on a single lot. Fisher stated that no Exceptions are being requested with this application as the height and set back requirements are being met. Fisher stated that the concerns of the neighborhood that the addition of apartments to the area will reduce the value of their property are not supported by past valuations of properties near such structures. Fisher presented staff's recommendation to approve the **Final Planned Development**

Overlay to allow an apartment complex with stipulations.

James Sautter, 4220 Roberta Street, stated that he is strongly against the development of the apartments saying that he feels that they will change the feel and view of neighborhood. He spoke of how the small neighborhood look of the area was what had drawn him to purchase his home in the area and he believes that this will hurt the property value of the neighborhood properties and requested that the application be denied.

Alanna Turnbaugh, 4211 Katleland Street, spoke to her concerns regarding the construction of the multi-family apartments including the congestion and lack of parking and play area. She pointed to the existing traffic congestion and that this will only increase those problems.

In response to a question from Rolinger regarding access and traffic flow, Fisher stated that the road sections were built to allow for 26 apartment units and that this will only have 24 and that although she acknowledges that traffic may be an issue that no traffic study was triggered by this project.

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

- 1. 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;**
- 2. Upon submittal of a Sign Permit, a complete sign package shall be submitted for review and approval which includes dimension, materials, and lighting. In addition, all signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
- 3. The Final Planned Development Overlay shall allow for an apartment complex consisting of two apartment buildings with 24 units and a detached storage building. Permitted uses within the Medium Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rolinger 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.

9. No. 16RZ011 - Original Town of Rapid City

A request by Renner Associates LLC for Ham Investments LLC to consider an application for a **Rezoning from Central Business District to General Commercial District** for Lots 10 thru 16 of Block 123 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 902 Mount Rushmore Road.

Laroco presented that application and reviewed the associated slides. Laroco noted that this property is located on the fringe of the downtown area and along the Revitalization Corridor of Mount Rushmore Road. Laroco noted that although this is a rezone, the applicant has provided conceptual plans to develop a coffee shop with a drive through and as a drive through is not allowed in the Central Business District they are requesting to rezone to General Commercial District. Staff has reviewed the request with South Dakota Department of Transportation and based on the proposed site plan which shows no access being taken from Mount Rushmore Road, as well as circulation and truck-turning data provided by the applicant, there is no traffic study required. Laroco noted that staff had learned of concerns regarding the disruption the drive through may have to the neighborhood and placed this item on the non-consent agenda to allow discussion. Laroco stated that staff recommends that the **Rezoning from Central Business District to General Commercial District** be approved.

Reverend Chris Roussell, 717 South Street, Rector of Emmanuel Episcopal Church located on Quincy Street, spoke to his concerns to the potential noise pollution that the drive through window may create for the area. He said he understands the culture of living adjacent to the Downtown Area and welcomes the coffee shop, but worries that the decibel level associated with the drive through may be disruptive.

In response to question from Bulman, Fisher stated that the review of the development of the property would proceed through a Building Permit and not additional review by the Planning Commission, as no Planned Development or Exceptions are needed. Fisher reviewed the proposed development and the pros and cons to the drive through.

Hoogestraat moved, Jobman seconded and unanimously carried to recommend that the request to rezone property from Central Business District to General Commercial District be approved.

13. 16TIF002 – Appeal of Tax Increment Review Committee’s decision to amend Tax Increment District #70 Project Plan

Horton reviewed the history of the Tax Increment District including the public improvements that have been completed to date on the Tax Increment District. and indicated that the proposed amendment is twofold: 1) to adjust project plan costs to more closely align with the actual construction costs, and 2) to add the construction costs for two regional detention ponds. She noted that State law requires that the base valuation of an existing Tax Increment District is

redetermined if a new project is added to the Project Plan. Horton reviewed the associated financials and stated that current payoff anticipated for Tax Increment District #70 is approximately four years, noting that the redetermination of the base value would create a reduction in incremental revenue of approximately \$35,000. Horton reviewed the process moving forward noting that if approved as presented, the revised Project Plan will be considered at a public hearing before the Planning Commission.

Horton reviewed State law regarding the Tax Increment District blighted criteria and noted the law changed in 2011 to allow consideration of economic benefits of a project.

Kent Hagg, Alta Terra Development Corporation, reviewed the history of the Tax Increment District including the changes that have incurred in the development since inception. In the review Hagg discussed the reason they were requesting the reallocation of funds to allow the creation of the drainage ponds rather than previously designed drainage on individual lots. Hagg spoke to the benefits that this request will provide.

Hoogestraat stated that he could not support overriding the Tax Increment Financing Committee's decision.

Rolinger stated that he agrees with the request and discussed the reasons this realignment of funds should be approved.

In response to a question from Marchand about the land on which the second drainage pond is located, Hagg stated that Alta Terra and the Orthopedic Clinic own the property. He also said that both parties plan to donate the land for the development of the ponds.

Scott reviewed the Tax Increment Financing Committee meeting stating that the City representatives and the County representatives also both voted no on the request. Scott stated that the original plan for individual drainage plan verses drainage basins with ponds that either is acceptable and viable saying that the only reason the City would be required to go back and create the regional drainage was if the drainage became a problem due to over building or the drainage not being designed and or installed correctly. Scott also stated that she is uncomfortable with changes to Tax Increment Districts as old as this one because it opens up the options for additional improvements and expenses late in the process. Scott stated that she had not heard where the regional drainage was better than what had already been designed.

Kyle Treloar, KTM Design, reviewed the design and need for the drainage ponds noting that a majority of improvements had already been installed in association with the sewer construction. They are requesting the realignment of funds to more closely match the existing expenditures and to complete the regional drainage ponds. Treloar reviewed using individual drainage ponds verses regional drainage ponds uses.

Scott left the meeting at this time.

Rolinger expressed his support for the realignment of funds and benefits to the City.

Rolinger moved to overturn the Tax Increment Financing Committee's denial and to direct staff to amend the Project Plan to include the realignment of funds and add the two regional detention ponds costs. Swank seconded.

Bulman abstained from the item due to a conflict of interest.

Rolinger moved, Swank seconded to overturn the Tax Increment Financing Committee's Denial of the amendment to Tax Increment District #70 Project Plan and to direct staff to amend the Project Plan. (4 to 2 to 1 with Braun, Marchand, Rolinger and Swank voting yes and Hoogestraat, Jobman voting no and Bulman abstaining)

---BEGINNING OF REGULAR AGENDA ITEMS---

*14. No. 16UR006 - Original Town of Rapid City

A request by Jillian Steen for Love Struck Bridal to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a bridal boutique** for legally described as the south 75 feet of Lot 31 and 32 of Block 82 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 804 St. Joseph Street.

Fisher presented the application and reviewed the associated slides. Fisher reviewed the business plan which identified the hours of operation during which the wine and beer would be offered to patrons during scheduled appointments only. Fisher stated that staff recommends that **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a bridal boutique** be approved with stipulations.

Rolinger moved, Marchand seconded and unanimously approved the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a bridal boutique with the following stipulation:

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 shall be obtained for the proposed signs; and,**
2. **The Conditional Use Permit shall allow for an on-sale liquor establishment in conjunction with a bridal boutique. Any expansion to the on-sale 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. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rolinger 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.

*15. No. 16UR008 - Original Town of Rapid City

A request by Caroline B. Sharp to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a cigar bar** for Lot 17 and 18 and the north 55 feet of Lot 19 thru 21 of Block 84 of Original Township of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 520 and 518 7th Street.

Laroco presented the application and reviewed the associated slides. Laroco stated that the applicant is not proposing any expansion of the structures, and they are only requesting the Conditional Use Permit to bring the existing non-conforming use into compliance with City Ordinance and staff is recommending that the **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a cigar bar** be approved with stipulations.

Rolinger moved, Hoogestraat 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 to be operated in conjunction with a cigar bar and a package wine store. 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, Rolinger 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. Discussion Items

17. Staff Items

Tim Behlings introduced Chief Deputy Fire Marshall Tammy Stadel, who was recently joined the Fire and Life Safety Division of the Rapid City Fire Department. Tammy replaces Rich Broderick, who has moved on to new opportunities.

18. Planning Commission Items

19. Committee Reports

- A. City Council Report (April 4, 2016)
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

There being no further business, Braun moved, Marchand seconded and unanimously carried to adjourn the meeting at 8:45 a.m. (7 to 0 with Braun, Bulman, Hoogestraat, Jobman, Marchand, Rolinger and Swank voting yes and none voting no)