

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 5, 2019

MEMBERS PRESENT: Kelly Arguello, Karen Bulman, Racheal Caesar, Mike Gollither, Eirik Heikes, Galen Hoogestraat, Mike Quasney, and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, John Herr and Eric Ottenbacher.

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Sarah Hanzel, Tim Behlings, Todd Peckosh, Ted Johnson, Wade Nyberg and Andrea Wolff.

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

Caesar 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.

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

---CONSENT CALENDAR---

1. Approval of the November 21, 2019 Planning Commission Meeting Minutes.
2. No. 19AN001 - W-Y Addition
A request by Paul Bradsky for Atlantis, LLC to consider an application for a **De-Annexation** for Lot 3 of Tract D of W-Y Addition, located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 450 S. Interstate 90 Service Road.

Planning Commission recommended approval of the petition for De-Annexation.

3. No. 19PL090 - Morris Ranch Estates
A request by Fisk Land Surveying & Consulting Engineers, Inc for Pat Hall to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 22 of Morris Ranch Estates, legally described as Lot 2 of the SW1/4 of the NW1/4 and Lot 2 of the W1/2 of the SW1/4 of Section 34 and the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 33, all located in T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on the east side of Old Folsom Road 1/4 mile south of Lamb Road.

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

1. **Upon submittal of a Development Engineering Plan application, construction plans for Old Folsom Road, a principal arterial street, shall be submitted for review and approval showing the street located in a minimum**

83-foot wide right-of-way (the existing 66-foot wide right-of-way with an additional 17 feet of right-of-way) and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual and with a dry sewer main designed and constructed pursuant to Figure 3-1 or criteria shall be met to obtain an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

- 2. Upon submittal of a Development Engineering Plan application, construction plans for 235th Street, a collector street, shall be submitted for review and approval showing the street located in a minimum 67-foot wide right-of-way (the existing 66-foot wide section line highway with one additional foot of right-of-way) and with an additional 5 feet of right-of-way the first 200 feet as the street extends west from Old Folsom Road and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual and with a dry sewer main designed and constructed pursuant to Figure 3-1 or criteria shall be met to obtain an Exception. 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 Chase Street, a local street, shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way with an additional 10 feet of right-of-way the first 200 feet as the street extends west from Old Folsom Road and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual and with a dry sewer main designed and constructed pursuant to Figure 3-1 or criteria shall be met to obtain an Exception. 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 Page Street, a local street, shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual and with a dry sewer main designed and constructed pursuant to Figure 3-1 or criteria shall be met to obtain an Exception. In addition, the cul-de-sac bulb shall be constructed pursuant to Figure 2.13 of the Infrastructure Design Criteria Manual and with an intermediate turnaround designed pursuant to Section 2.13.2 or criteria shall be met to obtain an Exception. 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, construction plans for the section line highway, a local street, located adjacent to Page Street shall be submitted for review and approval showing the section line highway as a 66-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with a dry sewer main designed and constructed pursuant to Figure 3-1 or criteria shall be met to obtain an Exception or the section line highway shall be vacated. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
- 6. Prior to submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval showing the**

construction of sidewalk along each of the streets in compliance with the Infrastructure Design Criteria Manual and Chapter 12.08 of the Rapid City Municipal Code as a subdivision improvement or criteria shall be met to obtain a Variance from City Council;

7. 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;
8. 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. If determined that domestic flows and required fire flows cannot be provided, then a Covenant Agreement shall be submitted for recording with the Final Plat application stating that fire sprinkler protection shall be provided in all new residential structures or criteria shall be met to obtain an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
9. Upon submittal of a Development Engineering Plan application, soils data for the proposed lots demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval;
10. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall demonstrate that stormwater is being detained to pre-developed, historic rates and provide stormwater quality. In addition, easements shall be provided as needed;
11. 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;
12. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
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 identify a non-access easement along Old Folsom Road;
15. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal;

16. Prior to submittal of a Final Plat application, a miscellaneous document shall be recorded at the Register of Deed's Office securing an easement for the proposed community well and water distribution corridor located outside the boundaries of the plat. In addition, a copy of the recorded easement shall be submitted with the Final Plat application;
17. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the proposed community well and water system;
18. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements;
19. 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,
20. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

*4. No. 19PD046 - Orchard Meadows Subdivision

A request by Dream Design International, Inc for Yasmineen Dream LLC to consider an application for an **Initial Planned Development to allow a townhome development** for Tract L of Orchard Meadows Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elderberry Boulevard, north of Jim Street.

Planning Commission approved the Initial Planned Development Overlay to allow a townhome development with the following stipulations:

1. Prior to submittal of a Final Planned Development Overlay application, agreements between the developer, Rapid Valley Sanitary District, and the City for sanitary sewer infrastructure shall be executed
2. Upon submittal of a Final Planned Development Overlay application, a landscape plan shall be submitted for review and approval;
3. Upon submittal of a Final Planned Development Overlay application, a parking plan shall be submitted in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. The plan shall demonstrate compliance with the American's with Disabilities Act;
4. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to include street names approved by Pennington County Emergency Services Communications Center;
5. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval showing the size and location of all proposed signage;
6. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be reviewed and approved;
7. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
8. The proposed apartment development shall be fire sprinkler protected;
9. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be reviewed and approved if applicable; and,
10. This Planned Development Overlay shall allow for a 102-unit apartment development on the subject property. Other permitted uses within the

Medium Density Residential District in compliance with Rapid City Municipal Code shall be allowed with the approval of a Building Permit. Any conditional use within the Medium Density Residential District shall require the review and approval of a Final Planned Development Overlay.

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.

5. No. 19PL097 - Sunset Meadows Subdivision

A request by FMG Engineering for Harold Bies to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 4 of Sunset Meadows Subdivision, legally described as the SW1/4 of the NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Highway 44 and east of Anderson Road.

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

1. **Upon submittal of a Development Engineering Plan application, construction plans for Anderson Road 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 Minor Arterial Street, and constructed pursuant to Figure 2-1 of the Infrastructure Criteria Design Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application;**
2. **Upon submittal of a Development Engineering Plan application, soils data shall be provided demonstrating that the soils are suitable for on-site wastewater treatment systems;**
3. **Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;**
4. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements if subdivision improvements are required;**
5. **Prior to submittal of a Final Plat application, a Variance from the Pennington County Planning Commission shall be approved to allow reduced lot sizes in the Limited Agricultural District for the proposed development. A copy of the minutes of the approval shall be submitted with the Final Plat application;**
6. **Upon submittal of a Final Plat application, an agreement securing ownership and maintenance of proposed drainage elements shall be submitted for recording;**
7. **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,**
8. **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).

6. No. 19PL098 - Orchard Meadows Subdivision

A request by Dream Design International, Inc for Yasmeen Dream, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 3 of Orchard Meadows Subdivision, legally described as the S1/2 of the SW1/4 of the NE1/4 less Lot 1 of Wally Byam Addition, Less RR 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 Orchard Meadows Less Lot H1, Less right-of-way; the unplatted balance of the NE1/4 of the SW1/4, less Lot H1, Less right-of-way; the unplatted balance of the W1/2 of the SE1/4 Less Lot H1 and Less right-of-way all located Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road between Orchard Lane and Garden Lane.

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

1. **Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed on the site plan. In addition, the redline comments shall be returned with the Development Engineering Plan application;**
2. **Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for the proposed turnaround shall be submitted for review and approval showing the turnaround constructed per Section 2.13 and Figure 2-8 of the Infrastructure Design Criteria Manual within the dedicated right-of-way as shown on the site plan or criteria for obtaining an Exception shall be met. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
4. **Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. The plans shall also show water services constructed per City Standards. In addition, easements shall be provided as needed;**
5. **Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system**

capacity in conformance with the Infrastructure Design Criteria Manual. In addition, the plans shall show sewer services constructed per City Standards. Easements shall also be provided as needed

6. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall demonstrate that stormwater is being detained to pre-developed, historic rates and provide stormwater quality. In addition, easements shall be provided as needed;
7. 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;
8. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
9. Prior to submittal of a Final Plat application, the plat document shall show "Garden Way" as "Garden Lane";
10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
11. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements;
12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

7. No. 19PL099 - Feigel Subdivision #3

A request by Dream Design International, Inc for Community Enhancement LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 6 of Feigel Subdivision #3, legally described as Lots 2 and 3 of Feigel Subdivision #2, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1001 and 1111 E. North Street.

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

1. Prior to submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, a site plan demonstrating that sufficient parking and access is being provided on each lot for the existing and proposed commercial development of each lot shall be submitted for review and approval or a Covenant Agreement creating

shared parking and access shall be submitted for recording with the Final Plat application. In addition, the site plan shall show existing signage to ensure that off-premise signage is not being created as a result of platting the property as proposed and to demonstrate compliance with Chapter 17.50080 of the Rapid City Municipal Code;

3. Upon submittal of a Development Engineering Plan application, construction plans for the installation of sewer along E. Philadelphia Street and a portion of E. North Street and N. Cherry Avenue shall be submitted for review and approval showing the construction of sewer main(s) along the entire right(s)-of-way abutting the property or shall meet criteria for obtaining an Exception. A Master Plan for providing new sanitary sewer mains shall be submitted as a part of the Exception request. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
4. If new sanitary sewer mains are required, then upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The report shall also identify any existing sanitary sewer services that shall not be used and show the abandonment of such services. In addition, easements shall be provided as needed;
5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The report shall also identify any existing water services that shall not be used and show the abandonment of such services. In addition, easements shall be provided as needed;
6. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval. The drainage report shall address current conditions, detention requirements and water quality. In addition, easements shall be dedicated as needed;
7. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted for review and approval showing the dedication of 10 feet of additional right-of-way along E. North Street with an additional 10 feet of right-of-way the first 200 feet extending west from the intersection of N. Cambell Street to accommodate the right turn lane or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
8. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted for review and approval showing the dedication of additional right-of-way along N. Cambell Street to ensure that 50 feet of right-of-way shall be dedicated for the west half of the minimum 100-foot wide right-of-way required for a principal arterial street with an additional 5 feet of right-of-way the first 200 feet extending south from the intersection of E. North Street or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
9. 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;

10. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
12. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Owner's Certificate with the appropriate acknowledgment for the entity signing, not an individual acknowledgment;
13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

*8. No. 19UR022 - Johnson Ranch Subdivision

A request by Dream Design International, Inc for Yasmeen Dream, LLC to consider an application for a **Conditional Use Permit to allow a group home** for Lot 25 of Block 1 of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Hutt Court and Provider Boulevard.

Planning Commission approved the Conditional Use Permit to allow a group home with the following stipulation(s):

1. Prior to issuance of a Building Permit, the existing City water main shall be relocated or abandoned;
2. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. 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 Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Major Amendment to the Conditional Use Permit. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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,
3. The Conditional Use Permit shall allow for a group home. The proposed group home shall operate in compliance with the submitted operations plan. Any expansion of the group home shall require a Major Amendment to the Conditional Use Permit. All permitted uses in the Medium Density Residential District shall require review and approval of a Building Permit. Any change in use that is a Conditional Use in the Medium 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*9. No. 19PD045 - Rushmore Mall Subdivision

A request by Jared Batman to consider an application for a **Major Amendment to a Planned Development Overlay to allow an indoor dog park with on-sale liquor** for Tract A and B of Lot 2 (also in T2N, R8E, Section 30) of Rushmore Mall Subdivision, located in Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North Maple Avenue, Suite 508.

Green presented the application noting that this item had been before the Planning Commission previously as a Determination of Use to allow the type of use and that this Planned Development is specific to the operation of the business and to allow the on-sale liquor use. Green reviewed the proposed operation plan noting that the business will offer beer and wine in a designated bar area, provide leashed and unleashed areas, and that access will be from an external door and not from the mall proper. Green further noted that the area will be required to provide sound proofing. Green presented staff's recommendation to approve the Major Amendment to a Planned Development Overlay to allow an indoor dog park with on-sale liquor with stipulations.

In response to a question from Heikes regarding the use, Green confirmed that the Determination of Use was to approve the use in the zoning district, but that the Major Amendment to the Planned Development was required for the on-sale liquor use.

In response to a question from Quasney regarding the handling of pet refuse, Jared Batman stated that pads will be available and that although the customers are responsible for their pets, staff will also ensure that messes are cleaned promptly. Batman also noted that there will be a designated outside area for the dogs use and that it too will be maintained.

Bulman moved, Vidal seconded and the Planning Commission approved the Major Amendment to the Planned Development Overlay to allow an indoor dog park with on-sale liquor with the following stipulations:

- 1. Upon submittal of a Building Permit, the site plan shall be revised to show installation plans for soundproofing materials to mitigate the impact of noise to surrounding businesses.**
- 2. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the 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,

- 3. The Major Amendment to the Planned Development Overlay shall allow for an indoor dog park with on-sale liquor operated in compliance with the applicant's operational plan. Any change in use or expansion of use that is permitted in the Community Shopping Center-2 District shall require review and approval of a Minimal Amendment to the Planned Development Overlay. Any change in use or expansion of use that is a Conditional Use in the Community Shopping Center-2 District shall require review and approval of a Major Amendment to the Final Planned Development Overlay. (8 to 0 with Arguello, Bulman, Caesar, Golliher, Heikes, Hoogestraat, 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.

*10. No. 19UR023 - Original Town of Rapid City

A request by Brian Dadah to consider an application for a **Major Amendment to a Conditional Use Permit to expand 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 615 Main Street.

Lacock presented the application and reviewed the associated slides noting that this is an expansion to a previously approved Conditional Use Permit (19UR020) for this property which was for the 1st and 2nd floor. Lacock stated that the applicant decided after starting the remodel that the available area was not as large as they had projected and as such are requesting to expand the use to the 3rd floor of the property.

In response to a question from Bulman regarding staffing, Dadah stated that staff will be available on the larger floors.

Hoogestraat moved, Golliher seconded and the Planning Commission approved the Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment with the following stipulation(s):

- 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 Major Amendment to a 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, Bulman, Caesar, Gollhofer, Heikes, Hoogestraat, 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.

11. Discussion Items

Fisher thanked the Planning Commission for their service over the past year and reminded them that this is the last meeting of the year.

12. Staff Items

None

13. Planning Commission Items

None

There being no further business, Hoogestraat moved, Gollhofer seconded and unanimously carried to adjourn the meeting at 7:16 a.m. (8 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Hoogestraat, Quasney and Vidal voting yes and none voting no)