

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
May 26, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand, and Jan Swank

MEMBERS ABSENT: Steve Rolinger, Kim Schmidt, Andrew Scull and Amanda Scott, Council Liaison was also absent

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Tim Behlings, Ted Johnson, Wade Nyberg, Rebel VanLoh and Andrea Wolff.

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

1. Approval of the April 7, 2016 Zoning Board of Adjustment Meeting Minutes.

Marchand moved, Brewer seconded to unanimously carried to approve the April 7, 2016 Zoning Board of Adjustment Minutes. (7 to 0 with Braun, Brewer, Bulman, Hoogestraat, Jobman, Marchand, and Swank voting yes and none voting no)

2. No. 16VA003 - Robbinsdale Terrace Addition #2

A request by Jason Krebsbach to consider an application for a **Variance from Chapter 17.10.50(B)1 to reduce the minimum required side yard setback from 8 foot to 3.3 foot** for Lot 7 of Block 8 of Robbinsdale Terrace #2, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 125 E. Nevada Drive.

Lacock presented the application and reviewed the slides. Lacock stated that staff recommends that the **Variance from Chapter 17.10.50(B)1 to reduce the minimum required side yard setback from 8 foot to 3.3 foot** be denied; however, staff recommends that the existing 7.3 foot setback be approved to bring the existing building into conformity. Lacock drew attention to the stipulation that should the Zoning Board of Adjustment approve the variance that the fire suppression requirement be met.

Jason Krebsbach, 125 E. Nevada Drive, stated due to the condition of his current attached garage which is separating and pulling away from the house, he would like to repair and enlarge it. It is currently an oversized single car garage and he would like to add approximately 4 feet to make it a double car garage.

Bulman stated that she believes the property has reasonable use with the current setbacks and therefore feels the variance is not necessary to allow reasonable use of the property.

In response to a question from Hoogestraat, Krebsbach stated that his neighbors

were in support. And that he had considered building a detached garage but noted he would still have to obtain a variance. He stated that another house in the neighborhood had similar setbacks.

Bulman moved, Marchand seconded to deny the request for a Variance from Chapter 17.10.50(B)1 to reduce the minimum required side yard setback from 8 foot to 3.3 foot but to approve a 7.3 foot side yard setback for the existing structure. (5 to 2 with Braun, Brewer, Bulman, Marchand and Swank voting yes and Hoogestraat, Jobman voting no)

3. Discussion Items

None

4. Staff Items

None

5. Zoning Board of Adjustment Items

None

There being no further business, Marchand moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:11 a.m. (7 to 0 with Braun, Brewer, Bulman, Hoogestraat, Jobman, Marchand, and Swank voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 26, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand and Jan Swank.

MEMBERS ABSENT: Steve Rolinger, Kim Schmidt, Andrew Scull. Amanda Scott, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Tim Behlings, Ted Johnson, Wade Nyberg, Rebel VanLoh 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.

Brewer requested that Item 9 be removed from the Consent Agenda for separate consideration.

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

---CONSENT CALENDAR---

1. Planning Commission approved the May 5, 2016 Planning Commission Meeting Minutes.
2. No. 16PL023 - Pine View Terrace
A request by Fisk Land Surveying and Consulting Engineers, Inc for Andrew J. Severson to consider an application for a **Preliminary Subdivision Plan** for Lots 1 through 22 of Block 1 of Pine View Terrace, legally described as Tract 2 and Tract 4 Less Lot H1 of Pine View Terrace, located in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Park Drive.

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

1. **Prior to submittal of a Development Engineering Plan application, the construction drawings shall be revised to address redlined comments or an Exception shall be obtained to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment. A copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the Development Engineering Plan application;**

2. **Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for Park Drive shall be submitted for review and approval showing the extension of the existing sewer main to the southern boundary of Phase One and sidewalk on unbuildable lot(s). In addition, additional right-of-way shall be dedicated as needed to provide one-half of the minimum required 68 foot wide right-of-way from the property or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering 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;**
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;**
6. **Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;**
7. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;**
8. **Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
9. **Upon submittal of a Final Plat application, a Covenant Agreement**

shall be submitted for recording identifying maintenance and ownership of any proposed major drainage elements if needed. In addition, the plat document shall be revised to show all major drainage improvements located within a Major Drainage Easement;

10. Upon submittal of a Final Plat application, the plat document shall be revised to show utility easements as needed and securing the proposed shared approaches within a shared approach easement;
11. Upon submittal of a Final Plat application, the property owner shall pay an assessment as provided in the agreement between Andrew J. Severson and Jane Cary and the City of Rapid City dated August 9, 1993 or as provided in any subsequent agreement between the property owner and the City;
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. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

*3. No. 16UR010 - East Mall Business Center Subdivision

A request by Gustafson Builders for Arm Land LLC to consider an application for a **Conditional Use Permit to allow a car wash** for Lot 2 of Block 6 of East Mall Business Center Subdivision, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2330 East Mall Drive.

Planning Commission approved the Conditional Use Permit to allow a car wash with the following stipulation:

1. Upon submittal of a Building Permit, the construction plans shall be revised to show a 15 foot wide public water and sewer easement along the west property line;
2. Prior to issuance of a Building Permit, the plans shall be submitted to Water Reclamation for review and approval of the industrial pre-treatment compliance for waste water; and,
3. The Conditional Use Permit shall allow a car wash. Any expansion of the use shall require a Major Amendment. 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.

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.

*4. No. 16PD024 - Marlin Industrial Park

A request by KTM Design Solutions, Inc for Pro-Mark Services, Inc. to consider an application for a **Final Planned Development Overlay to allow a commercial structure** for Lot 23 of Marlin Industrial Park, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4624 Creek Drive.

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

1. **Prior to issuance of a building permit, revised plans shall be submitted showing that the proposed access has been relocated to the existing shared access easement, or the existing non-access easement shall be vacated. In addition, the proposed water valve shall be relocated as necessary based on the revised location of the driveway;**
2. **Prior to issuance of a building permit, all redline comments shall be addressed and all plans returned to Community Planning and Development Services;**
3. **Prior to issuance of a building permit, a water shutoff valve access easement shall be dedicated for the property**
4. **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 or each sign, and;**
5. **This Final Planned Development shall allow for the construction of a commercial structure. All requirements of the General Commercial District shall be met unless specifically stipulated in a future 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 shall require a Major Amendment to the Planned Development.**

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

5. No. 16PL038 - Volt Subdivision

A request by Travis Swift for Volt Properties to consider an application for a **Preliminary Subdivision Plan** for Lot 1 and Lot 2 of Volt Subdivision, legally described as Lot G of Lot 2 of the SE1/4 of the SW1/4, located in the SE1/4 of the SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1714 Creek Drive.

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

- 1. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Creek Drive shall be submitted for review and approval showing the dedication of 17 additional feet of right-of-way and the street constructed with a minimum pavement width of 36 feet, curb, gutter, a second water main and a sewer main north of the intersection of E. Saint Charles Street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering application;**
- 3. 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;**
- 4. 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;**
- 5. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval if subdivision improvements are required. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;**
- 6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;**
- 7. Upon submittal of a Development Engineering Plan application, a**

- cost estimate of the required subdivision improvements shall be submitted for review and approval;
 8. Prior to submittal of the Final Plat application, the structure located on the proposed common lot line between Lot 1 and Lot 2 shall be removed from the property or relocated to meet the minimum setback requirements or surety posted to ensure that the structure shall be removed in a timely manner;
 9. Prior to submittal of a Final Plat application, the plat document shall be revised to read “(formerly Lot G of Lot 2 of the SE1/4 of the SW1/4 of Section 5, T1N, R8E) located in ...”. In addition, an “Approval” line shall be added to the Director of Equalization Certificate;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show drainage easements, shared access easements and utility easements as needed;
 11. 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,
 12. 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. 16PL041 - Dyess Avenue Industrial Park
A request by Bill Freytag to consider an application for a **Preliminary Subdivision Plan** for Lot 1 of Block 1; Lots 1 thru 5 of Block 2 : Lots 1 thru 6 of Block 3 of Dyess Ave. Industrial Park, legally described as the S1/2 of the NE1/4 less Lot 1 of Blue Marlin Estates and less dedicated right-of-way, located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Country Road and west of Dyess Avenue.

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

1. Prior to submittal of a Development Engineering Plan application, the redlined comments on the Preliminary Subdivision Plan Layout shall be addressed. In addition, the redlined comments shall be returned with the Development Engineering Plan application;
2. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;
3. Upon submittal of a Development Engineering Plan application, construction plans for Dyess Avenue shall be submitted for review

and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, a dual water main and the extension of the sewer main to the north lot line of the property or an Exception shall be obtained. The plat document shall also show the dedication of 17 additional feet of right-of-way for Dyess Avenue as it abuts the property or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering application;

4. Upon submittal of a Development Engineering Plan application, construction plans for the northern east-west street shall be submitted for review and approval showing the street located within a minimum 60 foot wide right-of-way with 10 additional feet of right-of-way for the first 200 feet as it extends west from Dyess Avenue and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering application;
5. Upon submittal of a Development Engineering Plan application, construction plans for the southern east-west street shall be submitted for review and approval showing the street located within a minimum 68 foot wide right-of-way with 10 additional feet of right-of-way for the first 200 feet as it extends west from Dyess Avenue and constructed with a minimum 24 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering application;
6. 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;
7. Upon submittal of a Development Engineering Plan application, a sewer design report 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 sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;
8. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm

water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;

- 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;**
- 10. Prior to submittal of a Final Plat application, the property shall be annexed pursuant to Section 16.040.090 of the Rapid City Municipal Code;**
- 11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
- 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. In addition, any utilities and drainage improvements proposed outside of the dedicated right-of-way shall be secured within easement(s).**

7. No. 16RZ013 - Copper Ridge Subdivision

A request by Bob Brandt to consider an application for a **Rezoning from General Agricultural District to Office Commercial District** for a parcel of land being a part of Lot 2 of Copper Ridge Subdivision according to Plat Document Number A201604056 As Recorded In The Pennington County Register Of Deeds Office, Said Plat Document being the Basis Of Bearing for the following Metes And Bounds Description: Commencing at the SE 1/16 corner of Section 22, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, said corner being a found pin and cap stamped "LS1019"; Thence N89°05'44"E a distance of 594.59' to the northwesterly corner of the herein described tract, said corner being the true point of beginning of the herein described Tract, and from which bears the northwesterly corner of aforesaid Lot 2 of Copper Ridge Subdivision N01 033'47"E a distance of 30.95', said northwesterly corner of Lot 2 being a pin and Cap stamped "RLS3977; Thence S88°19'38"E a distance of 190.03'; Thence S01 042'02"W a distance of 229.38'; Thence N88°18'29"W a distance of 189.97' to a found pin and cap stamped "LS1019", said pin and cap being the southwesterly corner of the herein described Tract and being a common corner with aforesaid Lot 2 of Copper Ridge Subdivision; Thence following the western line of said Lot 2 N01 041 '12"E a distance of 229.32' to the point of beginning, more generally described as being located at 2000 Promise Road.

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

*8. No. 16UR011 - SZ Estates

A request by Sperlich Consulting, Inc for Scott Zandstra to consider an

application for a **Conditional Use Permit to allow an oversized garage** for Lot A Revised of the N1/2 of Government Lot 4 Less Lot H1 and Less Lot H2, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4310 Parkview Drive.

Planning Commission approved the requested Conditional Use Permit with the following stipulation:

1. **Use of the garage and shop space on the property for commercial purposes is prohibited;**
2. **The requested Conditional Use Permit shall allow an oversized garage to be located on the property. All requirements of the Low Density Residential II District shall be met. Increases in the square footage of garage and storage space on the property shall require a Major Amendment to the Conditional Use Permit. All uses permitted in the Low Density Residential II District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses in the Low Density Residential II District shall require 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.

---END OF CONSENT CALENDAR---

9. No. 16VR005 - Pinedale Heights Subdivision
A request by Fisk Land Surveying and Consulting Engineers, Inc for Joel and Renee Landeen to consider an application for a **Vacation of Right-of-Way** for Lot 50 Revised in Pinedale Heights Subdivision, located in Government Lot 3 and Government Lot 4, Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5280 Pinedale Circle.

Brewer motion, Marchand seconded and unanimously carried to recommend that the Vacation of Right-of-Way be approved with the following stipulations:

1. **Prior to City Council approval, the Exhibit shall be revised to show the vacation of 7 feet of right-of-way in lieu of 10 feet; and,**
2. **Prior to City Council approval, the applicant shall enter into an agreement with the City to dedicate the area being vacated as an H Lot if determined by the City that it is needed for street improvements.**

---BEGINNING OF REGULAR AGENDA ITEMS---

*10. No. 16PD022 - LaGrand Subdivision

A request by FourFront Design, Inc for Jon Gillam to consider an application for a **Final Planned Development Overlay to allow truck sales and repair** for Lot 2 of Block 2 of LaGrand Subdivision, located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southw of the intersection of North Turbine Drive and Eglin Street.

Lacock presented the application and reviewed the associated slides. Lacock noted that the applicant is requesting a height Exception of 60 feet in lieu of the maximum allowed height of 45 feet for a pole sign. Lacock stated that staff recommends the height Exception be denied but to allow a 45 foot pole sign because although the adopted Comprehensive Plan recommends the use of monument signs in an entrance corridor, the current Zoning Ordinance allows for a 45 foot high pole sign. Lacock then noted that the applicant has also requested a parking Exception to reduce the minimum required parking from 228 to 188 spaces. Lacock stated that staff recommends to approve this parking Exception as there will be sufficient parking for this type of business and the clientele that will be using the facility. Lacock also noted that the applicant has a third Exception request to waive the requirement to provide five landscaped parking islands within the parking lot. Lacock stated that staff recommends this Exception be approved due to the types of vehicles such as trucks needing a large turning radius in the parking lot and because there will also be sufficient landscaping on the perimeter of the property and in front of the building to negate the need for parking islands located in the parking lot. Lacock then stated that staff recommends the Final Planned Development Overlay to allow truck sales and repair be approved with stipulations.

John Gillam, 1002 E. Omaha Street, spoke in support of the height Exception request for a 60 foot high sign in lieu of a 45 foot high sign as he believes it will be easier for tractor trailers and large recreational vehicles to see the sign as they are exiting Interstate 90.

Eric Heikes, 115 West Blvd, spoke in support of the height Exception request for a 60 foot high sign in lieu of a 45 foot high sign for the same reasons as previously noted by John Gillam. Heikes also wanted to note that this new business will be employing 44 full time employees.

Brewer asked if there were pictures he could review pertaining to the sign and asked staff for more information regarding the height Exception request.

Fisher responded to the question from Brewer regarding the height Exception request and reviewed the photos showing the potential visibility of the 45 foot high sign if approved. Fisher then explained that allowing the 45 foot high sign would be an acceptable compromise as having a pole sign of any height is not in compliance with the adopted Comprehensive Plan which would only allow for monument signs in an Entrance Corridor, but that allowing a 60 foot high sign would only encourage other property owners to attempt to submit similar

requests.

Bulman spoke in favor of the 45 foot high sign as a compromise to the 60 foot high sign.

Bulman motioned, Swank seconded and unanimously carried to recommend that the Final Planned Development Overlay to allow truck sales and repair be approved with the following stipulations:

- 1. The Exception to allow a pole sign height of 60 feet in lieu of the maximum allowed height of 45 feet is hereby denied;**
- 2. The Exception to reduce the minimum required parking from 228 to 188 parking spaces is hereby granted;**
- 3. The Exception to waive the requirement to provide five landscaped parking islands is hereby granted. The proposed landscaping shall be planted and continually maintained;**
- 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 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 all signs; and,**
- 5. The Final Planned Development Overlay shall allow for new and used truck sales and repair facility. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development.**

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. 16PD023 – Simmons

A request by Schlimgen Design Consultants, Inc for Crescent Electric Supply Company to consider an application for a **Final Planned Development Overlay to expand an industrial structure** for Lot A of Block 4 and Lots 43 thru 50 of Block 4 of Simmons, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 317 Maple Avenue.

Lacock presented the application and reviewed the associated slides. Lacock noted that the applicant is requesting an Exception to waive the screening requirement for outdoor storage. Lacock stated that staff recommends to grant the Exception waiving the screening requirement as there is already a chain link security fence in place and the surrounding properties are light industrial. Lacock then noted the applicant is requesting an Exception to reduce the minimum

required parking from 26 parking spaces to six parking spaces. Lacock stated that staff recommends approval of the parking reduction contingent upon the lease agreement with Rapid City Pierre Eastern Railroad that allows use of the right-of-way that will provide sufficient parking and additional landscaping. Lacock also noted the applicant has requested an Exception to increase the maximum allowed lot coverage from 75% to 96%. Lacock stated that staff recommends to approve this Exception request as there will be increased landscaping on the property. Lacock noted that the applicant has requested an Exception to reduce the minimum required landscaping from 35,507 points to 14,500 points. Lacock stated that currently, there is no landscaping present and that adding any landscaping to the property would be an improvement. As such, staff recommends granting this Exception request to reduce the required landscaping points. Lacock reviewed the final request for an Exception to reduce the minimum required side yard setback from 25 feet to 17 feet. Lacock stated that staff recommends to approve the Exception requested as it will provide room for a truck dock and prevent trucks from blocking the alley which will be an improvement to the use of the property. Lacock stated that staff recommends approval of a Final Planned Development Overlay to expand an industrial structure with stipulations.

Rob Schlimgen, 324 St. Joe Street, stated that he did not have anything further to add as the planning staff had thoroughly covered the subject but wanted to note that Crescent Electric has been in business since 1948 at this location and this is the first renovation that has been done in that time.

Brewer motioned, Marchand seconded and unanimously carried to recommend that the Final Planned Development Overlay to expand an industrial structure be approved with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required parking from 26 parking spaces to six parking spaces contingent upon a copy of the lease agreement with Rapid City Pierre Eastern Railroad that allows use of the right-of-way shall be submitted prior to issuance of a Building Permit;**
- 2. An Exception is hereby granted to reduce the minimum required side yard setback from 25 feet to 17 feet along the north lot line;**
- 3. An Exception is hereby granted to increase the maximum allowed lot coverage from 75% to 96%;**
- 4. An Exception is hereby granted to reduce the minimum required landscaping from 35,507 points to 14,500 points;**
- 5. An Exception is hereby granted to waive the screening requirement for outdoor storage;**
- 6. Upon submittal of a Building Permit, a copy of the lease agreement with Rapid City Pierre Eastern Railroad that allows use of the right-of-way shall be submitted;**
- 7. Upon submittal of a Building Permit, a Covenant Agreement shall be submitted for recording indicating that non-conforming sewer and water services will connect to sewer and water main in Maple Avenue should they fail;**

8. **Upon submittal of a Building Permit, the site plan shall be revised to show the location of power located in the alley along the north property line;**
9. **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;**
10. **Prior to issuance of a Building Permit, a Developmental Lot Agreement shall be signed and submitted for recording; and,**
11. **The Final Planned Development Overlay shall allow for an industrial structure. With uses permitted in the Light Industrial District. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development.**

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

*12. No. 16UR013 - Original Town of Rapid City

A request by Sam Papendick for Hay Camp Brewing Co to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment to operate in conjunction with a microbrewery** for Lot 1 thru 7 of Block 104 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 601 Kansas City Street.

Laroco presented the application and reviewed the associated slides. Laroco noted that Hay Camp Brewing Co. has outgrown their current location and is looking to relocate to a larger facility. Laroco noted that earlier this year staff brought forward an Ordinance Amendment to allow microbreweries as a conditional use in the Central Business District and was done so in anticipation of this project. He noted that the Ordinance was effective April 29, 2016. Laroco also noted that the proposed sidewalk café mentioned in the project report would need to be a separate application process in the future. Laroco noted that while the proposed building would revitalize and reuse an existing, vacated building in the Downtown, the proposed on-sale use may have an impact on neighboring properties. Laroco stated that staff recommends approval for a Conditional Use Permit to allow an on-sale liquor establishment to operate in conjunction with a microbrewery with the approved stipulations.

Greg Croger, 3507 Westridge Road, spoke on behalf of the First United Methodist Church as the Lead Pastor. He did not wish to speak in opposition nor in favor of this application, but to express concerns of such an establishment being located in such close proximity to the church and The Hope Center. He

mentioned being concerned of parking issues on certain nights of the week, but he wanted to express his hopes for everyone to make an effort to be conscientious of one another in the process of going forward with this project in a positive way.

Brewer spoke in favor of the repurposing of the building and the continued revitalization of downtown spaces. Due to an interest involving the project, Brewer then recused himself from the vote.

Marchand commented on the issue of parking in the area.

Bulman spoke in favor of the building being repurposed and is in support of the application but has concerns about an establishment that serves alcohol being located next to The Hope Center. Bulman expressed hope that everyone will be able to work together on the project.

Swank spoke in favor of the addition of more quality microbreweries and theaters in the downtown area.

Swank motioned, Bulman seconded with Brewer abstaining and unanimously carried to recommend that the requested Conditional Use Permit be approved with the following stipulations:

- 1. Prior to issuance of a building permit, revised operation plan shall be submitted showing the location of all access points and fencing for outdoor events to be located in the parking lot. Access to the microbrewery shall be limited to patrons 21 years of age or older. Access to alcohol service area associated with all outdoor events shall be through the interior of the structure only.**
- 2. Prior to issuance of a certificate of completion, all necessary municipal and state licensing for operation of a microbrewery and an on-sale liquor establishment shall be obtained;**
- 3. All proposed signage located within the Historic Environs shall obtain 11.1 Historic review and approval. All signage shall comply with the requirements of the Rapid City Municipal Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for each sign, and;**
- 4. The requested Conditional Use Permit shall allow an on-sale liquor establishment to be operated in conjunction with a microbrewery. 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.**

The Rapid City Planning Commission's action on this item is final unless

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

13. No. 16TI003 - Highway 16 Sewer

A request by Kent Hagg for Alta Terra Development to consider an application to **Amend Project Plan for Tax Increment District No. 70 - Highway 16 Sewer** for Utility Lot 1 Par Subdivision; Tract 2 and Tract 3 of Par Subdivision; all located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Portion of NE1/4 SW1/4 Lying N of Hwy Right-of-Way; Unplatted Portion of NW1/4 SW1/4 Lying N of Hwy Less Lot H1; Unplatted Portion of NW1/4 SW1/4 Lying South of Hwy, Right-of-Way Less Lot H1; Unplatted SW1/4 SW1/4, Less Lot H2 & Less Right-of-Way; all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract A of Meadow View Subdivision; Lot A Tucker Subdivision; Lot 1 Shipman Heights Subdivision; Unplatted Portion of SE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Right-of-Way; Lot A Ranch Subdivision; Tract 1 of W1/2 NW1/4 Less Lot A of Ranch Subdivision, Less Connector Subdivision, Less Lots H1, H2, H3 & Right-of-Way; Tract AR2 Needles Subdivision; Tract B Needles Subdivision; Tract 1 Waterslide Addition; Unplatted Balance of S1/2 SE1/4 NW1/4; Unplatted Balance of NE1/4 SW1/4; Lot 4R and Lot 5 of Old Rodeo Subdivision; Lot 2 and Vacated Physician Drive Adjacent of Said Lot 2 Old Rodeo Subdivision; Lot 3 and Vacated Physician Drive Adjacent to Said Lot 3 Old Rodeo Subdivision; Lot 1 Less Lots 2, 3, 4R, 5 and ROW Old Rodeo Subdivision; Unplatted Lot B of SW1/4 SW1/4 Less RTY; Lot 9R, South Hill Subdivision; Right-of-Way of Tucker Street; Right-of-Way of Promise Road; Right-of-Way of Jordan Drive; Right-of-Way of Addison Avenue; all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Connector Subdivision, all located in Sections 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Platted Tract 1 of SE1/4 NE1/4 Less Connector Sub & Less Lot H1 & Less TLC Subdivision; Lot 1 and Lot 2 of TLC Subdivision; all located in Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted NW1/4NW1/4 less Lot H1 and less right-of-way; Unplatted SE1/4NW1/4; Unplatted W1/2SE1/4 and SE1/4SE1/4; Unplatted NE1/4SW1/4; Unplatted SW1/4NW1/4 less Lot H1 and less right-of-way; all located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of Catron Boulevard located in Sections 23, 24, 26, and the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Right-of-Way of U.S. Highway 16 located in Section 26, 27, NE1/4 of Section 34, and NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Catron Boulevard from 5th Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to the proposed Hyland Crossing Subdivision

Horton presented the application and associated materials. Horton mentioned that the requests presented are to re-align some of the existing project costs so they will more closely align with the actual expenses that occurred and also to

construct two regional detention ponds. Horton then listed the options for recommendation.

Marchand recused herself from the vote and left the meeting at 7:59.

Karen Bulman recused herself from the vote and left the dais at 7:59.

Brewer spoke in favor of the amendment and commented on drainage issues that he felt would be sufficiently addressed by the engineers working on the project.

Horton verified that the Public Works Department has looked at the project and concluded that it does fall within the drainage plan.

Horton responded to a question from Hoogestraat regarding the differences between the last request and the current one. Horton verified that the previous consideration was an appeal of the TIF Committee decision and the item before the Commission today was the revised project plan

In response to Braun's question on revenues, Horton confirmed that the all of the revenues were still being received by the taxing entities, but that they are increasing based on adjusted valuations.

Bulman returned to the dais following the vote.

Brewer moved, Swank seconded with Bulman and Marchand abstaining and unanimously carried to recommend approving the Amendment to Project Plan for Tax Increment District No. 70 - Highway 16 Sewer Project Plan as presented.

14. Discussion Items
None

15. Staff Items
None

16. Planning Commission Items
None

17. Committee Reports
A. City Council Report (May 2, 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, Bulman moved, Swank seconded and unanimously carried to adjourn the meeting at 8:15 a.m. (6 to 0 with Braun,

Planning Commission Minutes

May 26, 2016

Page 17

Brewer, Bulman, Hoogestraat, Jobman, and Swank voting yes and none voting no)