

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 9, 2016

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

MEMBERS ABSENT: Steve Rollinger, Mark Jobman

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Sara Hanzel, Tim Behlings, Ted Johnson, Wade Nyberg, Andrea Wolff and Rebel VanLoh.

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 Item 6 be removed from the Consent Agenda for separate consideration.

Planning Commission requested that Items 4, 5, and 9 be removed from the Consent Agenda for separate consideration.

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

---CONSENT CALENDAR---

1. Planning Commission approved the May 26, 2016 Planning Commission Meeting Minutes.
2. No. 16RZ015 - Fountain Springs Square
A request by Advanced Engineering for Mark Simpson to consider an application for a **Rezoning from General Agricultural District to Light Industrial District** for that portion of the North Half of the Southeast Quarter (N1/2 SE1/4) of Section 27, Township 2 North, Range 7 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, said 5.20 acres of land being more particularly described by metes and bounds as follows: Commencing, for location purposes only, at an iron rod with cap marked "L.S. 4224" found marking the intersection of the North right-of-way line of South Plaza Drive, a 66 foot wide dedicated public street, with the East right-of-way line of Fountain Plaza Drive, a 66 foot wide dedicated public street; Thence, Northerly, following said East right-of-way line of Fountain Plaza Drive in a curve to the left for which the center of curvature bears North 89° 55' 39" West, a distance of 612.05 feet, with a central angle of 12° 32' 15", and an arc distance of 133.93 feet to an iron rod with cap marked "L.S. 4224" found marking a point of tangency; Thence, North 12° 27' 53"

West, continuing along said East right-of-way line of Fountain Plaza Drive, a distance of 328.81 feet to an iron rod with cap marked "L.S. 1771" found for corner; Thence, Northerly, continuing along said East right-of-way line of Fountain Plaza Drive in a curve to the right, non-tangent to the previous course, for which the center of curvature bears North 77° 33' 55" East, a distance of 539.46 feet, with a central angle of 11° 58' 13", and an arc distance of 112.70 feet to a 5/8-inch iron rod found marking a point of tangency; Thence, North 00° 27' 52" West, continuing along said East right-of-way line of Fountain Plaza Drive, a distance of 88.52 feet to the POINT OF BEGINNING of the herein described tract; Thence, North 00° 27' 52" West, continuing along said East right-of-way line of Fountain Plaza Drive, a distance of 175.00 feet to an iron rod with cap marked "L.S. 4725" found marking the Southwest corner of Tract P of Fountain Springs Business Park, as shown on plat filed in Plat Book 34, Page 70, in the office of the Pennington County Register of Deeds; Thence, North 89° 32' 00" East, following the Southern boundary of said Tract P, a distance of 216.99 feet to a 5/8-inch iron rod found for corner; Thence, North 48° 43' 47" East, continuing along said Southern boundary of Tract P, a distance of 190.18 feet to a Southeast corner of said Tract P and Southwest corner of Tract S of Fountain Springs Business Park, as shown on plat filed as Document No. A201319428 in the office of the Pennington County Register of Deeds; Thence, South 52° 44' 56" East, following the Southern boundary of said Tract S, a distance of 138.98 feet to an iron rod with cap marked "L.S. 4224" found marking the Southeast corner of said Tract S and West corner of Tract R of Fountain Springs Business Park, as shown on plat filed as Document No. A201312634 in the office of the Pennington County Register of Deeds; Thence, South 60° 47' 32" East, following the Southwestern boundary of said Tract R, a distance of 254.87 feet to an iron rod with cap marked "L.S. 4224" found for corner; Thence, North 41° 14' 10" East, following the Southeastern boundary of said Tract R, a distance of 100.10 feet to a point for corner at the intersection of two tangent lines defining the center of a 50-foot wide major drainage easement as shown on plat filed in Plat Book 16, Page 79, in the office of the Pennington County Register of Deeds, from which a 5/8-inch iron rod found marking the East corner of said Tract R bears North 41° 14' 10" East, a distance of 499.71 feet; Thence, South 17° 19' 43" East, following a tangent line defining the center of said 50-foot wide major drainage easement, a distance of 175.00 feet to a point for corner; Thence, South 42° 35' 30" West, following a tangent line defining the center of said 50-foot wide major drainage easement, a distance of 263.79 feet to a point for corner from which an iron rod with cap marked "L.S. 9218" found marking the intersection of two tangent lines defining the center of said 50-foot wide major drainage easement bears South 42° 35' 30" West, a distance of 75.24 feet; Thence, North 73° 03' 30" West, a distance of 659.82 feet to the Point Of Beginning, more generally described as being located north of Fountain Plaza and South Plaza Drive intersection.

Planning Commission recommended that the Rezoning from General Agricultural District to Light Industrial District be approved.

3. No. 16RZ016 - Fountain Springs Square
A request by Advanced Engineering for Mark Simpson to consider an application

for a **Rezoning from General Agricultural District to General Commercial District** for that portion of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 27, Township 2 North, Range 7 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, said 0.49 acre of land being more particularly described by metes and bounds as follows: Commencing, for location purposes only, at the intersection of the North right-of-way line of South Plaza Drive, a 66 foot wide dedicated public street, with the East right-of-way line of Fountain Plaza Drive, a 66 foot wide dedicated public street; Thence, Northerly, following said East right-of-way line of Fountain Plaza Drive in a curve to the left for which the record calls the center of curvature to bear North 89° 57' 39" West a distance of 613.02 feet, with a central angle of 12° 32' 39" and a record arc distance of 134.21 feet to an iron rod with cap marked "L.S. 4224" found marking a point of tangency on the West boundary of Lot A of Tract C Revised of S. G. Interstate Plaza, as shown on plat filed in Plat Book 21, Page 96, in the office of the Pennington County Register of Deeds; Thence, North 12° 27' 53" West, continuing along said East right-of-way line of Fountain Plaza Drive and following the West boundary of Lot A, a record distance of 143.51 feet to the Northwest corner of said Lot A and POINT OF BEGINNING of the herein described tract; Thence, North 12° 27' 53" West, continuing along said East right-of-way line of Fountain Plaza Drive, a distance of 95.03 feet, more or less, to a point for corner from which an iron rod with cap marked "L.S. 1771" bears North 12° 27' 53" West, a distance of 90.27 feet; Thence, North 77° 30' 00" East, a distance of 98.93 feet to a point for corner; Thence, South 18° 20' 00" East, a distance of 83.13 feet to a point for corner; Thence, East, a distance of 173.84 feet to a point for corner; Thence, South, a distance of 151.49 feet to a point for the Southeast corner of said Lot A on a tangent line defining the center of a 50-foot wide major drainage easement as shown on plat filed in Plat Book 16, Page 79, in the office of the Pennington County Register of Deeds; Thence, North 30° 28' 30" West, a record distance of 134.18 feet to o a point for the Northeast corner of said Lot A; Thence, West, a record distance of 208.13 feet to the point of beginning, more generally described as being located at 1750 Fountain Springs Drive.

Planning Commission recommended that the Rezoning from General Agricultural District to General Commercial District be approved.

*7. No. 16UR015 - Section 19, T1N, R8E

A request by Alex Novak of Novation Group for SBA Communications to consider an application for a **Conditional Use Permit to allow a 100 foot monopole tower and associated Verizon Wireless outdoor equipment cabinets** for the NE1/4 Less part of MJK Subdivision, less Lots H3, H5 and right-of-way; the E1/2 of the NW1/4 less part of MJK Subdivision less Lot H2 and less right-of-way, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Catron Boulevard and west of Cambell Street.

Planning Commission approved the Conditional Use Permit to allow a 100 foot monopole tower and associated Verizon Wireless outdoor equipment cabinets with the following stipulations:

1. Upon submittal of a Building Permit, plans signed and sealed by a

- Professional Engineer shall be submitted for review and approval for all retaining walls over four feet in height;
2. Upon submittal of a Building Permit, a revised grading plan shall be submitted to allow for a maximum 2% slope in the area of the handicap accessible parking space;
 3. Upon submittal of a Building Permit, a revised erosion and sediment control plan shall be submitted to include temporary vehicle tracking control/rock construction entrance; and,
 4. The Conditional Use Permit shall allow a 100 foot high monopole cellular communication tower with an additional 5 foot lightning rod and an associated equipment pad. The tower shall be designed for co-location. Changes to the proposed tower or equipment pad(s) that do not meet the criteria of Chapter 17.54.030(l) of the Rapid City Municipal Code shall require a Major Amendment. Permitted uses within the Public 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.

8. 16TP014 - 2016-2019 Transportation Improvement Program Amendment 16-003

Planning Commission recommended approval of the 2016-2019 Transportation Improvement Program Amendment 16-003

---END OF CONSENT CALENDAR---

4. No. 16PL050 - Holiday Subdivision
A request by FMG, Inc., for Holiday Companies to consider an application for a **Preliminary Subdivision Plan** for Lot 1 of Holiday Subdivision, legally described as Lots 1 thru 6 of Wood Subdivision and Lot C of NE1/4 of the NW1/4 in Johnson School Subdivision, and Lot X of Lot B of the NE1/4 of the NW1/4 in Johnson School Subdivision and the east 88 feet of Lot D of the NE1/4 of the NW1/4 less Lot H1, all located in the NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest corner of Elk Vale Road and East S. D. Highway 44.

Scull stated that he would be abstaining from items number 4, 5 and 6.

Swank motioned, Marchand seconded, with Scull abstaining and unanimously carried to recommend 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. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to address redline comments from Rapid Valley Sanitary District. In addition, utility easements shall be created and/or retained until the proposed water and sewer relocation is completed and located within new utility easements;
 4. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the construction of 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, 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;
 6. 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;
 7. 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;
 8. Upon submittal of a Development Engineering Plan application, letters from all of the affected utility companies shall be submitted indicating concurrence with the vacation of utility easement(s) as shown on the

plat document;

9. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;**
10. **Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
11. **Prior to submittal of a Final Plat application, School Drive shall be vacated as proposed and the plat document shall be revised to show the recording information;**
13. **Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the building setback requirement note from the document;**
14. **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,**
15. **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).**

5. No. 16VR006 - Johnson School Subdivision

A request by FMG, Inc., for Holiday Companies to consider an application for a **Vacation of Right-of-Way** for the right-of-way adjacent to Lots 1 thru 6 of Wood Subdivision and Lot C of NE1/4 of the NW1/4 in Johnson School Subdivision, and Lot X of Lot B of the NE1/4 of the NW1/4 in Johnson School Subdivision and the east 88 feet of Lot D of the NE1/4 of the NW1/4 less Lot H1, all located in the NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northwest corner of the intersection of Elk Vale Road and SD Highway 44.

Swank motioned, Marchand seconded, with Scull abstaining and unanimously carried to recommend 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 as needed.**

*6. No. 16UR014 - Westview Estates

A request by Adam Wegner for Scull Construction to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 8 of Block 2 of Westview Estates, located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4120 Corral Place.

Laroco presented the application and reviewed the associated slides. Laroco stated that a letter in opposition of the request had been submitted. He noted that the letter asserts the property is being used for an excessive number of garage sales in excess of what is allowed by Rapid City ordinance. Laroco stated there is also concern conveyed in the letter that the garage sales would expand in size

if the request were granted. Laroco pointed out that the first stipulation of approval on this item is that any commercial use on this site is strictly prohibited. He noted there were members in the audience present to speak in opposition and in favor of the request. Laroco stated that staff recommends that the application for a Conditional Use Permit to allow an oversized garage be approved with the stipulations noted in the project report.

Fisher clarified that Rapid City ordinance allows garage sales to be held up to 10 days per calendar year and that the merchandise sold must be personal property. It cannot be merchandise that was purchased elsewhere for the purpose of resale as this is called consignment and is considered a commercial use which is prohibited on this property.

The applicant Dennis Studer, 4120 Corral Place, spoke in regards to the letter of opposition from the neighbors. He apologized to the neighbors regarding the excess number of garage sales and stated that he believes his wife did not understand the regulations regarding garage sales. Studer then stated that the garage would never be used for rummage sales in the future. He discussed his need for a larger garage for his wood working tools, hunting equipment and boat that he is keeping in a separate storage space that he would like to bring home to store at his own house. Studer noted that the garage would be built from the same materials as the house and that aesthetically it would look like part of the house.

Hoogestraat spoke in favor of the application and believes that the garage sale situation had been resolved and moved to approve the application. Swank seconded the motion.

Bulman asked Studer what he would be putting into the garage and if he believed he would have enough items to fill the garage and asked him if he understood the garage sale situation. Studer responded that he believes he will have plenty of items to fill the garage and verified that he does understand the situation with the garage sales and again apologized to the neighbors for the excessive amount of garage sales. Bulman then asked about the landscaping around the structure. Studer responded that there would be a retaining wall and landscaping around the structure.

Laroco made the Site Plan available for viewing on the overhead and noted that the current plan did not show any landscaping between the garage and Corral Drive.

Bulman noted that she would prefer if there were more landscaping in the area between the garage and Corral Drive and wondered if it would be a possibility for that to be included into the plans. Studer verified that it would be possible.

Braun inquired as to what the actual height of the garage would be. The applicant's contractor, Adam Wegner, 937 Sycamore Street, responded that the maximum height of the garage would be seventeen feet.

Braun then asked Fisher to verify the stipulation prohibiting commercial uses on the property and that if there were any further issue that it would be a Code Enforcement issue and a not a Planning issue. Fisher agreed and noted that while the ordinance would allow them to have garage sales 10 calendar days per year, it is important to note the sale is to be only for the homeowner's personal property and that consignment of other property from elsewhere would make it a commercial use and is not allowed.

Fisher then noted that Bulman had suggested the possibility of adding trees to the landscaping around the garage and wondered if the motion maker and the seconder would like to add the addition of trees as a stipulation in the recommendation. Hoogestraat answered that because of the size of the lot, he did not feel there was a need to add trees to the landscaping plan and did not want to add it as a stipulation.

Bulman asked if the neighbors in the audience felt it would benefit the area and stated that if the neighbors did agree that it would be beneficial then she would like to add it as a stipulation.

Wegner added that if the Planning Commission did choose to make the addition of trees to the landscaping as a stipulation that it would not be a problem at all and they would be willing to do it.

Kay Strissel, 4160 Corral Drive, spoke about the concerns that she and nine other residents of the neighborhood feel about the large size of the garage. She stated that they are not only concerned with the look and size of the garage along with intended uses, but also if it will set a precedence for building other garages and how it will impact their property values.

Brewer asked if there are covenants on the property. Laroco stated that to his understanding there is a homeowners association but the covenants are not known. Brewer asked if these covenants would need to be a part of the discussion. Fisher spoke to verify to the Commission that the City does not enforce covenants and that it is a civil matter between property owners and the homeowners association.

Bulman spoke concerning the size of garage and asked if the neighbors were aware of any covenants.

Fisher stated that the City has its own criteria to review for a Conditional Use Permit application and cautioned that the City should be careful not to include covenants as part of that process. Fisher asked if the Commission would like to consider adding a stipulation stating that a row of trees be planted in between the proposed garage and Corral Drive in hopes that it would provide sufficient screening and soften the look of the structure in the neighborhood and still allow the homeowner an opportunity to select the type of trees and placement of the trees.

Hoogestraat agreed to add a stipulation for planting a row of trees along the southern edge of the property, Swank seconded.

Hoogestraat motioned, Swank seconded, with Scull abstaining and unanimously carried to recommend the requested Conditional Use Permit to allow an oversized garage be approved with the following stipulations:

- 1. Use of the existing and proposed garages on the property for commercial activities is strictly prohibited;**
- 2. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional shall be submitted showing that all land area regulations are being met. In particular, plans shall be scaled and dimensioned and shall show that the proposed driveway to the second garage does not exceed 40 feet in width at the property line.**
- 3. Pursuant to the revisions recommended by the Planning Commission and agreed upon by the applicant, prior to issuance of a building permit, plans shall be revised to show a row of trees are being installed along the southern property line between the proposed garage and Corral Drive which provide a visual buffer between the garage and neighboring properties and the roadway.**
- 4. The requested Conditional Use Permit shall allow an oversized garage to be located on the property. All requirements of the Low Density Residential District shall be continually maintained. Changes in the use of the garage which do not increase the size of the structure and are permitted in the Low Density Residential District shall be permitted. Conditional uses or uses which increase the size of the garage 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.

9. 16TP015 - 2017-2020 Transportation Improvement Program – Draft

Harrington presented the map and gave a summary of upcoming transportation projects within Rapid City and the surrounding area.

Bulman spoke in appreciation of getting this summary and asked a question regarding Catron Boulevard. Harrington responded to Bulman's question and stated that Catron Boulevard would be a City project that would make it a 5 lane road from Highway 16 west to Sheridan Lake Road. Harrington also noted that the Final Transportation Improvement Program will come through in July or August.

Scott mentioned that this was an excellent presentation and thanked Harrington for making it and asked him if he would be willing to do the same presentation at City Council. Harrington agreed.

Bulman motioned, Marchand seconded and unanimously carried to recommend approval of the 2017-2020 Transportation Improvement Program – Draft

---BEGINNING OF REGULAR AGENDA ITEMS---

*10. No. 16PD025 - Buffalo Crossing Subdivision

A request by KTM Design Solutions, Inc for Holiday Companies, Inc. to consider an application for a **Final Planned Development Overlay to allow construction of a convenience store with gas sales and a carwash** for property located in the SW1/4 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Point of Beginning at the northeast corner of Tract 1 Less Lot H1 of the Waterslide Addition located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: curving to the left with an arc length of 274.31', with a radius of 893.17', with a chord bearing of N 74°34'24" E, with a chord length of 273.24';; Thence, second course: S 17°00'08" E, a distance of 25.26';; Thence, third course: curving to the right with an arc length of 67.03', with a radius of 474.82', with a chord bearing of S 11°41'22" E, with a chord length of 66.98';; Thence, fourth course: curving to the right with an arc length of 9.30', with a radius of 36.00', with a chord bearing of S 00°14'37" E, with a chord length of 9.28';; Thence, fifth course: S 07°09'28" W, a distance of 53.88';; Thence, sixth course: curving to the left with an arc length of 30.72', with a radius of 164.00', with a chord bearing of S 01°47'33" W, with a chord length of 30.67';; Thence, seventh course: S 03°34'23" E, a distance of 106.20';; Thence, eighth course: S 03°08'09" E, a distance of 7.51';; Thence, ninth course: S 41°25'37" W, a distance of 27.51';; Thence, tenth course: N 86°41'38" W, a distance of 448.03';; Thence, eleventh course: N 03°18'12" E, a distance of 215.32';; Thence, twelfth course: curving to the left with an arc length of 169.63', with a radius of 887.89', with a chord bearing of N 88°43'31" E, with a chord length of 169.38', to the said point of beginning, more generally described as being located in the southeast corner of US Highway 16 and Catron Boulevard.

Scull stated that he would be abstaining from item number 10.

Laroco presented the application and reviewed the associated slides. Laroco stated that the applicant is not requesting any exceptions as a part of the development but that they are requesting an LED message center to be located on a pole sign on the north east corner of the property. He stated that the City's Comprehensive Plan does not encourage pole signs or electric signs along an Entrance Corridor. Laroco discussed the oversized parking spaces that will be provided to accommodate larger vehicles and noted there is a proposed dump station but pointed out that as a stipulation of approval, no overnight parking will be allowed. Laroco reviewed the dimensions of the LED message center and the height of the proposed sign and noted it would meet all municipal code requirements. Laroco stated that the Commission would need to determine if the proposed sign and LED message center is appropriate for the neighborhood and if they do find it appropriate, then staff recommends approval for the Final Planned Development Overlay to allow construction of a convenience store with

gas sales and a carwash with stipulations noted in the project report.

Brewer had questions about the traffic flow on the site plan and the signage for the adjacent hotel project. Laroco verified that the approved Planned Development for a hotel on the adjacent property did not include any plans for a sign and that if they were to propose a sign in the future, it would have to be an amendment to the Planned Development. Laroco reviewed the site plan and showed how traffic would access and exit the property.

Braun asked Laroco to circle the proposed sign location on the overhead site plan.

Bulman spoke regarding the proposed sign. She mentioned her discussion with neighbors and how they are not in opposition to the gas station or carwash, but are concerned with the proposed LED sign and if the location is appropriate.

Kyle Treloar, KTM Designs, spoke in regards to the proposed sign. Treloar pointed out that the sign meets all municipal code requirements and that it is the same sign other Holiday Station Stores have in other locations within Entrance Corridors. He mentioned how this type of sign is needed for this type of business and explained how the location of this store in particular warrants the need for such a sign because of the oversized right-of-way in between the property and Catron Boulevard. He also addressed the Planned Development for the Holiday Inn on the adjacent property and noted that the hotel is going to be a four story hotel and the signage on the building itself is sufficient for the hotel.

Hoogestraat had a question regarding which part of the proposed sign is the LED message center. Laroco reviewed the sign elevation slide and pointed out the LED portion of the proposed sign. Hoogestraat stated that he believes the impact will be minimal but that it will be for those who live there to ultimately decide.

Brewer asked about the height of the proposed sign and LED message center. Laroco verified that the total height of the sign would be 45 feet and the LED message center would be 22 feet high.

Brewer stated that although the proposed sign does meet Municipal Code requirements, he would like to encourage the Commission to more closely follow the Comprehensive Plan which does not encourage the use of pole signs in an area such as this.

Brewer motioned to approve, Hoogestraat seconded

Scott spoke with questions regarding the location of the residential neighborhood and if it would be possible to move the proposed sign to a different location on the site and if there are any reasons that the proposed sign could not be moved. Laroco reviewed the map and verified the location of the residential neighborhood and stated that the Sign Code does not require the sign to be located in the proposed location. Scott asked Treloar if there was a reason that the applicant wanted the proposed sign in this specific location. Treloar responded that the sign needs to be in this location because of the oversized

right-of-way in between the property and Catron Boulevard and noted that due to the topography of the lot, when approaching from the west on Catron Boulevard the hill would make it hard to see the sign if it were in a different location further west, in turn possibly making it more difficult to find the turn onto Healing Way.

Bulman spoke in opposition of the height of the proposed sign and stated that she will not support approving a sign of this height.

Swank commented on the location of the proposed sign and stated that because of the location of the entrance he understood the reason for placing the sign at this location.

Brewer motioned, Hoogestraat seconded with Scull abstaining and carried to approve the requested Final Planned Development Overlay to allow construction of a convenience store with gas sales and a carwash with the following stipulations: (6 to 1 with Braun, Brewer, Marchand, Swank, Schmidt and Hoogestraat voting yes and Bulman voting no)

- 1. If the Planning Commission should determine that the proposed 45-foot-tall pole sign and 2-sided, 38.5 square foot per side LED message center is appropriate for the neighborhood, then the proposed signage is hereby approved. All signage shall comply with the requirements of the Rapid City Sign Code. The addition of future LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be obtained or each sign;**
- 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, final construction plans signed and sealed by a registered professional shall be submitted which include plan and profile construction drawings for the water and sewer mains and service. In addition, plans shall show a sand/oil separator and wastewater system. Plans shall be submitted to the Public Works Water Reclamation Division for review and permitting as necessary;**
- 4. Prior to issuance of a building permit, the applicant shall enter into a Water Shut Off Easement Agreement with the City in order to allow access to the on-site domestic water valve.**
- 5. This Final Planned Development shall allow for development of a convenience store with gas sales and a car wash. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of 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 in the General Commercial District shall require a Major Amendment to the Planned Development.**

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

day following action by the Planning Commission.

*11. No. 16PD026 - Broadmoor Subdivision Phase 1

A request by Paul J and Patricia L. Barber to consider an application for a **Major Amendment to a Planned Development to reduce the rear yard setback** for Lot 25 of Broadmoor Subdivision Phase I, located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3209 Broadmoor Drive.

Scull returned to the dais 8:06.

Lacock presented the application and reviewed the associated slides. Lacock noted that the applicant intended to build a roof over an existing deck in an attempt to provide additional buffering from traffic noise from Sheridan Lake Road. Lacock stated staff recommends approval of the Major Amendment to a Planned Development to reduce the rear yard setback with the stipulations noted in the project report.

Bulman motioned, Brewer seconded and unanimously carried to approve the Major Amendment to a Planned Development to reduce the minimum required rear yard setback with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required rear yard setback from 25 feet to 14.7 feet; and,**
- 2. The Major Amendment to a Planned Development shall allow a townhome with a reduced rear yard setback of 14.7 feet. Permitted uses within the Low 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.**

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. 16PD027 - Blue Marlin Estates

A request by KTM Design Solutions Inc., for Richard M. Kincaid to consider an application for an **Initial Planned Development Overlay to allow an auto body and mechanic shop in the Light Industrial District** for that portion of Lot 1, Blue Marlin Estates, located in Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the northeast corner of Lot 1 of Blue Marlin Estates located in Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence, first course: S 89°52'14" W, a distance of 203.79';; Thence, second course: S 00°10'00" W, a distance of 220.13';; Thence, third course: S 89°54'30" E, a distance of 204.39';; Thence, fourth course: N 00°00'37" E a distance of 220.27', to the said point of beginning, more generally described as being located at 3775 Dyess Avenue.

13. No. 16RZ014 - Blue Marlin Estates

A request by KTM Design Solutions Inc., for Richard M. Kincaid to consider an application for a **Rezoning from Low Density Residential District to Light Industrial District** for that part of Lot 1, Blue Marlin Estates located in, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the northeast corner of Lot 1 of Blue Marlin Estates located in Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence, first course: S 89°52'14" W, a distance of 203.79';; Thence, second course: S 00°10'00" W, a distance of 220.13';; Thence, third course: S 89°54'30" E, a distance of 204.39';; Thence, fourth course: N 00°00'37" E a distance of 220.27', to the said point of beginning, more generally described as being located at 3775 Dyess Avenue.

Laroco requested items 12 and 13 to be heard concurrently. Laroco presented the applications and reviewed the associated slides. Laroco explained the need for the property to be rezoned from Low Density Residential District to Light Industrial District for the continued use of an existing car repair shop. Laroco noted the applicant is requesting one Exception, to waive the screening requirement for the outdoor storage and parking area. Laroco stated staff recommends to approve the request for the Exception and to approve the application for an Initial Planned Development Overlay to allow an auto body and mechanic shop in conjunction with the associated Rezoning from Low Density Residential District to Light Industrial District with the stipulations noted in the project report.

Hoogestraat motioned, Swank seconded and unanimously carried to recommend approval of the requested Initial Planned Development Overlay to allow an auto body and mechanic shop in the Light Industrial District with the following stipulations:

1. **The Exception to waive the required screening fence for the outdoor storage and parking area is hereby approved;**
2. **A building permit shall be obtained for the previous change in use of the facility to an auto repair shop;**
3. **Prior to issuance of a building permit, the property shall be rezoned to Light Industrial District, a Final Planned Development shall be approved for the property, and a Final Plat shall be recorded creating the two lots as proposed;**
4. **Prior to issuance of a building permit, the on-site wastewater treatment system shall be brought into compliance with all requirements of the South Dakota Department of Natural Resources and the City of Rapid City standards;**
5. **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 Initial 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;**
6. **This Initial Planned Development shall allow for use of the property as an auto repair shop. All requirements of the Light Industrial District shall be continually maintained unless specifically stipulated as a part**

of this Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment to the Planned Development,; and

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.

Recommended that the request to rezone property from Low Density Residential District to Light Industrial District be approved in conjunction with the associated Planned Development.

14. No. 16CA002 - Amendment to the Comprehensive Plan by adopting the Experience Rapid City Cultural Plan.

A request by City of Rapid City for Rapid City Arts Council to consider an application for an **Amendment to the Comprehensive Plan by adopting the Experience Rapid City Cultural Plan (Draft).**

Hanzel present the Amendment to the Comprehensive Plan and reviewed the associated slides.

Mallory Schwan, 410 44th Street, spoke on behalf of the Rapid City Cultural Plan Steering Committee in favor of adopting the plan as an Amendment to the Comprehensive Plan and offered to answer any questions that may come up during the review of the Cultural Plan.

Brewer spoke in favor of the addition of the Cultural Plan to the Comprehensive Plan and wanted to commend the creators of the Cultural Plan on the excellent work that was done in the process of its creation. Brewer requested that consideration be given as to other words, or a definition, of the word "creative" since it is used so frequently throughout the plan.

Marchand spoke in favor of Cultural Plan and want to thank the creators for the effort that went into creating such a detailed picture of the cultural part of the community.

Brewer motioned, Swank seconded and unanimously carried to recommend that the Amendment to the adopted Rapid City Comprehensive Plan be approved.

15. Discussion Items

16. Staff Items

17. Planning Commission Items

18. Committee Reports

A. City Council Report (May 16, 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, Hoogestraat seconded and unanimously carried to adjourn the meeting at 8:24 a.m. (8 to 0 with Braun, Brewer, Bulman, Hoogestraat, Marchand, Schmidt, Scull, and Swank voting yes and none voting no)