

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 27, 2011

MEMBERS PRESENT: John Brewer, Erik Braun, Patrick Fink, Linda Marchand, Dennis Popp, Steve Rolinger, Jan Swank, Andrew Scull and Len Weimer. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Kay Rippentrop and Josh Snyder.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Kip Harrington, Karen Bulman, Dale Tech, Ted Johnson, Tim Behlings, Allison Marsland and Andrea Wolff.

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

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

Staff requested that Items 8 and 13 be removed from the Consent Agenda for separate consideration.

Motion by Scull, Seconded by Popp and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 21 in accordance with the staff recommendations with the exception of Items 8 and 13. (9 to 0 with Brewer, Braun, Fink, Marchand, Popp, Rolinger, Scull, Swank and Weimer voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 6, 2011 Planning Commission Meeting Minutes.
2. No. 11AN002 - Section 20, T2N, R8E
A request by Bruce A. Nerison to consider an application for a **Petition for Annexation** for the W1/2W1/2SE1/4SW1/4 less the North 8/10ths of the W1/2W1/2SE1/4SW1/4 also recorded as the W1/4SE1/4SW1/4 less the North 8/10ths of the W1/4SE1/4SW1/4 located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1700 Seger Drive.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the North Elk Fire Protection District being made by the City of Rapid City.

3. No. 11CA010 - Needles Subdivision
Summary of Adoption Action for an Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to General Commercial for Tract AR2 of Needles Subdivision located in Section

26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less a portion of Tract AR2 described as follows: Commencing at northwesterly corner of Tract AR2 of Needles Subdivision, common to the northeasterly corner of Tract B of Needles Subdivision, and common to the southwesterly corner of Tract A of Tucker Subdivision, and the point of beginning; Thence, first course: N89°56'00"E, along the northerly boundary of said Tract AR2, common to the southerly boundary of said Tract A, a distance of 331.61 feet, to the southeasterly corner of said Tract A; Thence, second course: S62°44'53"E, a distance of 593.67 feet, to a point on the southerly boundary of said Tract AR2, common to a point on the northerly edge of Catron Boulevard right-of-way; Thence, third course: southwesterly, curving to the right, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, on a curve with a radius of 743.51 feet, a delta angle of 74°57'16", a length of 972.66 feet, a chord bearing of S59°59'16"W, and chord distance of 904.77 feet; Thence, fourth course: N82°32'06"W, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, a distance of 79.87 feet, to the southwesterly corner of said Tract AR2, common to the southeasterly corner of said Tract B; Thence, fifth course: N00°15'46"E, along the westerly boundary of said Tract AR2, common to the easterly boundary of said Tract B, a distance of 713.64 feet, to the northwesterly corner of said Tract AR2, common to the northeasterly corner of said Tract B, and common to the southwesterly corner of said Tract A, and the point of beginning, less H Lots, more generally described as being located northwest of the intersection of Catron Boulevard and Wellington Drive.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

4. No. 11CA013 - Stoney Creek South Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial** for a portion of Lot 4 of Block 3 of Stoney Creek South Subdivision Located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at a point on the southerly boundary of Lot 4, Block 3 of Stoney Creek South Subdivision, common to the northeasterly corner of Lot 3, Block 3 of Stoney Creek South Subdivision; Thence, first course: N19°11'19"E, a distance of 116.69 feet, to a point on the northerly boundary of said Lot 4, common to a point on the southerly boundary of Lot 5, Block 3 of Stoney Creek South Subdivision; Thence, second course: S70°48'41"E, along the northerly boundary of said Lot 4, common to the southerly boundary of said Lot 5, a distance of 180.16 feet, common to a corner on the northerly boundary of said Lot 4, common to the southeasterly corner of said Lot5; Thence, third course: N25°51'53"E, along the northerly boundary of said Lot 4, common to the easterly boundary of said Lot 5, a distance of 193.96 feet, to the northeasterly corner of said Lot 5, common to a corner on the northerly boundary of said Lot 4, common to a point on the southerly edge of Catron Boulevard right-of-way; Thence, fourth course: S63°36'24"E, along the northerly boundary of said Lot 4, common to the southerly edge of said Catron Boulevard right-of-way, a distance of 183.28 feet; Thence fifth course: S26°23'36"W, a distance of 338.51 feet, to a point on the

southerly edge of said Lot 4; Thence, sixth course: N62°34'47"W, along the southerly boundary of said Lot 4, a distance of 345.65 feet, to the point of beginning, more generally described as being located southeast of the intersection of Catron Boulevard and Bendt Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial be approved.

5. No. 11RZ022 - Stoney Creek South Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** for a portion of Lot 4 of Block 3 of Stoney Creek South Subdivision Located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 4, Block 3 of Stoney Creek South Subdivision, and the point of beginning; Thence, first course: S26°23'14"W, along the easterly boundary of said Lot 4, common to the westerly edge of Nugget Gulch Road right-of-way, a distance of 296.95 feet; Thence, second course: N00°06'46"W, a distance of 331.83 feet, to a point on the northerly boundary of said Lot 4, common to a point on the southerly edge of Catron Boulevard right-of-way; Thence, third course: S63°36'24"E, along the northerly boundary of said Lot 4, common to the southerly edge of said Catron Boulevard right-of-way, a distance of 148.06 feet, to the point of beginning, more generally described as being located southeast of the intersection of Catron Boulevard and Bendt Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment.

6. No. 11RZ023 - Stoney Creek South Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** for a portion of Lot 4 of Block 3 of Stoney Creek South Subdivision located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 4, Block 3 of Stoney Creek South Subdivision, and the point of beginning; Thence, first course: N62°34'47"W, along the southerly boundary of said Lot 4, a distance of 600.53 feet, to the northeasterly corner of Lot 3, Block 3 of Stoney Creek South Subdivision; Thence, second course: N19°11'19"E, a distance of 116.69 feet, to a point on the northerly boundary of said Lot 4, common to a point on the southerly boundary of Lot 5, Block 3 of Stoney Creek South Subdivision; Thence, third course: S70°48'41"E, along the northerly boundary of said Lot 4, common to the southerly boundary of said Lot 5, a distance of 180.16 feet, common to a corner on the northerly boundary of said Lot 4, common to the southeasterly corner of said Lot5; Thence, fourth course: N25°51'53"E, along the northerly boundary of said Lot 4, common to the easterly boundary of said Lot 5, a distance of 193.96 feet, to the northeasterly corner of said Lot 5, common to a corner on the northerly boundary of said Lot 4, common to a point on the southerly edge of Catron Boulevard right-of-way;

Thence, fifth course: S63°36'24"E, along the northerly boundary of said Lot 4, common to the southerly edge of said Catron Boulevard right-of-way, a distance of 290.02 feet; Thence sixth course: S00°06'46"E, a distance of 331.83 feet, to a point on the easterly edge of said Lot 4, common to a point on the westerly edge of Nugget Gulch Road right-of-way; Thence, seventh course: S26°23'14"W, along the easterly boundary of said Lot 4, common to the westerly edge of said Nugget Gulch Road, a distance of 46.12 feet, to the point of beginning, more generally described as being located southeast of the intersection of Catron Boulevard and Bendt Drive.

Planning Commission recommended that the Rezoning from Low Density Residential District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment.

7. No. 11RZ024 - Stoney Creek South Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Office Commercial District to General Commercial District** for a portion of Lot 4 of Block 3 of Stoney Creek South Subdivision Located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 4, Block 3 of Stoney Creek South Subdivision, common to the northwesterly corner of Lot 3 of Block 3 of Stoney Creek South Subdivision, common to a point on the easterly edge of Bendt Drive right-of-way, and the point of beginning; Thence, first course: N01°34'53"E, along the westerly boundary of said Lot 4, common to the easterly edge of said Bendt Drive right-of-way, a distance of 40.08 feet; Thence, second course: along the westerly boundary of said Lot 4, common to the easterly edge of said Bendt Drive right-of-way, curving to the right, on a curve with a radius of 174.00 feet, a delta angle of 40°47'10", a length of 123.86 feet, a chord bearing of N21°58'28"E, and chord distance of 121.26 feet, to the northwesterly corner of said Lot 4, common to the southwesterly corner of Lot 5, Block 3 of Stoney Creek South Subdivision; Thence, third course: S70°48'41"E, along the northerly boundary of said Lot 4, common to the southerly boundary of said Lot 5, a distance of 124.48 feet; Thence, fourth course: S19°11'19"W, a distance of 116.69 feet, to the northeasterly corner of said Lot 3, common to a point on the southerly boundary of said Lot 4; Thence, fifth course: S89°21'43"W, along the southerly boundary of said Lot 4, common to the northerly boundary of said Lot 3, a distance of 125.70 feet, to the point of beginning, more generally described as being located southeast of the intersection of Catron Boulevard and Bendt Drive.

Planning Commission recommended that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment.

*9. No. 11PD030 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for an **Initial Residential Development Plan** for Lots 1 through 3 of Block 16 of Feigels Addition located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Initial Residential Development Plan to the November 10, 2011 Planning Commission meeting.

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.

10. No. 11VR003 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of N. Cherry Street right-of-way lying adjacent to Lot 1 of Block 16, a portion of Pine Street right-of-way lying adjacent to Lot 3 of Block 16, a portion of E. New York Street right-of-way and a portion of E. Chicago Street right-of-way lying adjacent to Lots 1-3 of Block 16 of Feigels Addition located in the SW1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission recommended that the Vacation of Right-of-Way be continued to the November 10, 2011 Planning Commission meeting.

*11. No. 11PD038 - Terracita Highlights Subdivision

A request by Jay W. White to consider an application for a **Major Amendment to a Planned Residential Development to allow an Oversized Garage** for Lot 14 of Block 3 of Terracita Highlights Subdivision located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1222 Alta Vista Drive.

Planning Commission approved the Major Amendment to a Planned Residential Development to allow an Oversized Garage with the following stipulations:

- 1. An Exception is hereby granted to allow an oversized garage of 2,048 square feet in excess of the allowed 1,500 square feet;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. Prior to issuance of a building permit, the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes and a copy submitted to the Community Planning and Development Services staff;**
- 4. The garage shall not be built within the Major Drainage Easement nor the Permanent Access and Utility Easement. The concrete parking pad may be built over the Permanent Access and Utility Easement but no vehicles or other obstructions shall be parked or stored on the concrete parking pad located within the easement. The property owner shall be financially responsible for the concrete parking pad and shall pay for any damage incurred if repairs are needed to underground utilities;**

5. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment;
6. All applicable provisions of the adopted International Fire Code shall continually be met;
7. The proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development; and,
8. The Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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. 11PL055 - Elks Crossing

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Block 8 of Elks Crossing, legally described as a portion of the SW1/4 located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the east corner of the intersection of Marlin Drive and East Minnesota Street.

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

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Community Planning and Development Services Department;
2. Prior to Preliminary Plat approval by the City Council, the construction plans for Minnesota Street shall be updated to comply with current design standards. In addition, the updated plans for the actual section(s) of street, utilities, grading and related improvements to be constructed shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Minnesota Street in compliance with the Street Design Criteria Manual or an Exception shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
5. Prior to submittal of a Final Plat application, the plat title shall be revised to show "Lot" as "Lot 1";
6. 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;

7. **Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,**
8. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

14. No. 11PL035 - Signal Heights Addition

A request by Renner & Associates, LLC for Bob Akers to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Tract 5 Revised of Signal Heights Addition, legally described as Tract 5 Revised of Signal Heights Addition and a portion of vacated South Street located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of East Boulevard and Kellogg Place.

Planning Commission recommended that the Preliminary Plat be continued to the November 10, 2011 Planning Commission meeting.

15. No. 11SV020 - Signal Heights Addition

A request by Renner & Associates, LLC for Bob Akers to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along First Street and to waive the requirement to install additional pavement, street light conduit, sewer and water along East Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Tract 5 Revised of Signal Heights Addition, legally described as Tract 5 Revised of Signal Heights Addition and a portion of vacated South Street located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of East Boulevard and Kellogg Place.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along First Street and to waive the requirement to install additional pavement, street light conduit, sewer and water along East Boulevard as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 10, 2011 Planning Commission meeting.

16. No. 11PL049 – GCC Subdivision

A request by Renner & Associates, LLC for GCC Dacotah, Inc. to consider an application for a **Preliminary Plat** for proposed Tract 1 of GCC Subdivision, legally described as a portion of the SW1/4 of the NW1/4 and a portion of the NW1/4 of the SW1/4 located in Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located

east of the intersection of Sturgis Road and St. Martins Drive.

Planning Commission acknowledged the applicant's withdrawal of the Preliminary Plat.

17. No. 11SV016 – GCC Subdivision

A request by Renner & Associates, LLC for GCC Dacotah, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 79 and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate right-of-way for the east-west collector street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tract 1 of GCC Subdivision, legally described as a portion of the SW1/4 of the NW1/4 and a portion of the NW1/4 of the SW1/4 located in Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Sturgis Road and St. Martins Drive.

Planning Commission acknowledged the applicant's withdrawal of the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 79 and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water along the east-west collector street.

18. No. 11PL051 - Harley-Davidson Subdivision

A request by Renner & Associates, LLC for Hog Wild, Inc. to consider an application for a **Preliminary Plat** for proposed Tracts 1-3 of Harley-Davidson Subdivision, legally described as Lots 1-3 of R&L Subdivision and a portion of the SW1/4 of Section 22 and a portion of the N1/2 of Section 27 located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tatanka Road and Harley Drive.

Planning Commission recommended that the Preliminary Plat be continued to the November 10, 2011 Planning Commission meeting.

19. No. 11SV018 - Harley-Davidson Subdivision

A request by Renner & Associates, LLC for Hog Wild, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, pavement, sidewalk, sewer, water and street light conduit on Tatanka Road and to waive the requirement to install sidewalk, sewer, water and street light conduit for Harley Road and to waive the requirement to install sewer and water on Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tracts 1-3 of Harley-Davidson Subdivision, legally described as Lots 1-3 of R&L Subdivision and a portion of the SW1/4 of Section 22 and a portion of the N1/2 of Section 27 located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tatanka Road and Harley Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, pavement, sidewalk, sewer, water and street light conduit on Tatanka Road and to waive the requirement to install sidewalk, sewer, water and street light conduit for Harley Road and to waive the requirement to install sewer and water on Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 10, 2011 Planning Commission meeting.

20. No. 11PL054 - John Roberts Subdivision

A request by Britton Engineering and Land Surveying, Inc. for John Roberts Trust to consider an application for a **Layout Plat** for proposed Lot 1 and Lot 2 of John Roberts Subdivision, legally described as Tract A of NW1/4 of the NE1/4 located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of East Saint Patrick Street and Cherry Avenue.

Planning Commission recommended that the Layout Plat be approved with the following stipulations:

1. **Upon submittal of the Preliminary Plat application, the applicant shall submit a complete parking plan and a landscape plan in compliance with the Rapid City Municipal Code. In particular, the parking plan shall show the location and dimensions of the parking spaces, access aisles, etc. In addition, the landscape plan shall show the location of existing and/or proposed landscaping and identify the plant species and point calculations. If necessary, the plat document shall be revised to ensure that the minimum required parking and landscaping is being provided on each lot or a Variance from the Zoning Board of Adjustment shall be obtained;**
2. **Upon submittal of the Preliminary Plat application, the plat document shall be revised to show the dedication of 17 feet of additional right-of-way along East St. Patrick Street or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall remove any structural encroachments that occur as a result of dedicating the right-of-way and a Variance from the Zoning Board of Adjustment shall be obtained to reduce the minimum required 25 foot front yard setback for the existing structures;**
3. **Upon submittal of the Preliminary Plat application, road construction plans for Cherry Avenue shall be submitted for review and approval. In particular, the road construction plans shall show the installation of sidewalk and water or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 12 additional feet of right-of-way and the existing sign shall be removed or a Variance to the Subdivision Regulations shall be obtained;**
4. **Upon submittal of the Preliminary Plat application, road construction plans for East St. Francis Street shall be submitted for review and approval. In particular, the road construction plans shall show the**

street constructed with a minimum 26 foot wide paved surface and a sidewalk along the north side of the street or a Variance to the Subdivision Regulations shall be obtained;

5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The water plans shall also show the water service layout for the existing buildings located on the property;
 6. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans shall show the sewer service layout for the existing buildings located on the property;
 7. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 8. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In particular, the drainage plan shall include calculations demonstrating that discharge from any improvements will not exceed pre-development flow rates or detention facilities shall be provided. In addition, the plat document shall also be revised to provide drainage easements as necessary;
 9. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if any subdivision improvements are required;
 10. 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;
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 12. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.
21. No. 11SV019 - Teton Heights Subdivision
A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow platting of half of a right-of-way and to waive the requirement for curb, gutter, sidewalk and street light conduit along the west side of the minor arterial street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1-133 of Teton

Heights Subdivision, legally described as the NE1/4 NW1/4 of Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Country Road between West Nike Road and 143rd Avenue.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow platting of half of a right-of-way and to waive the requirement for curb, gutter, sidewalk and street light conduit along the west side of the minor arterial street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the street improvements.**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

8. No. 11CA014 - Rapid City Area Future Land Use Plan
A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to amend the Rapid City Area Future Land Use Plan** for Sections 1 through 3, inclusive, Sections 10 through 15, inclusive, and Sections 22 through 27, inclusive, located in T1S, R6E, Sections 1 through 30, inclusive, located in T1S, R7E, Sections 1 through 19, inclusive, Section 30, and portions of Sections 20 and 29, located in T1S, R8E, Sections 1 through 18, inclusive, located in T1S, R9E, Sections 1 through 3, inclusive, Sections 10 through 15, inclusive, Sections 22 through 27, inclusive, and Sections 34 through 36, inclusive, located in T1N, R6E, all of T1N, R7E, all of T1N, R8E, all of T1N, R9E, Sections 1 through 15, inclusive, Sections 22 through 27, inclusive, and Sections 34 through 36, inclusive, located in T2N, R6E, all of T2N, R7E, all of T2N, R8E, Sections 4 through 36, inclusive, located in T2N, R9E, portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, and 12, and Sections 13 through 36, inclusive, located in T3N, R6E, portions of Sections 1, 7, 8, 9, 10, 11, and 12, and Sections 13 through 36, inclusive, located in T3N, R7E, portions of Sections 3, 4, 5, 6, 9, 10, 11, and 12, and Sections 7, 8, and 13 through 36, inclusive, located in T3N, R8E, Sections 16 through 21, inclusive, and Sections 28 through 33, inclusive, located in T3N, R9E, a portion of Section 31, located in T4N, R8E, all located in BHM, South Dakota.

Harrington presented the application noting that the Flood Hazard Designation has been added to the existing Future Land Use.

In response to a question from Brewer, Harrington confirmed that the Flood Hazard Designation previously existed and is just being added to the Future Land Use Plan.

Fink moved, seconded by Marchand and unanimously carried to recommend that the Amendment to the Comprehensive Plan to amend the Rapid City Area Future Land Use Plan be approved. (9 to 0 with Brewer, Braun, Fink, Marchand, Popp, Rolinger, Scull, Swank and Weimer voting

yes and none voting no)

*13. No. 11PD039 - Section 16, T1N, R8E

A request by Dream Design International, Inc. to consider an application for an **Initial and Final Residential Development Plan** for a parcel of land located in the SW $\frac{1}{4}$ of Section 16, T1N, R8E, BHM Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Section 16, T1N, R8E, thence, N69°02'14"E, a distance of 1414.46 feet, to a point on the northerly edge of East Minnesota Street right-of-way, and the point of beginning; Thence, first course: N45°27'18"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 518.29 feet; Thence, second course: northwesterly, along the northerly edge of said East Minnesota Street right-of-way, curving to the left, on a curve with a radius of 3050.00 feet, a delta angle of 07°24'33", a length of 394.41 feet, a chord bearing of N49°09'35"W, and chord distance of 394.14 feet; Thence, third course: N52°51'51"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 72.61 feet; Thence, fourth course: N07°51'51"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 35.36 feet, to the easterly edge of Marlin Drive right-of-way; Thence, fifth course: N37°08'09"E, along the easterly edge of said Marlin Drive right-of-way, a distance of 420.58 feet; Thence, sixth course: S52°48'12"E, a distance of 263.64 feet; Thence, seventh course: S43°24'43"E, a distance of 654.05 feet; Thence, eighth course: S00°51'22"E, a distance of 186.24 feet; Thence, ninth course: S40°52'56"W, a distance of 284.02 feet, to the said point of beginning, more generally described as being located at the east corner of the intersection of Marlin Drive and East Minnesota Street.

Fisher presented the application stating that the original construction plans submitted with the application show both the sewer and the water being completed from Marlin Drive to Creek Drive; however, it has since been determined that although the water connection does need to be completed the sewer is not required at this time. Fisher stated that the stipulations have been revised to show this change and that staff recommends approval with stipulations as revised.

Rolinger moved, seconded by Popp and unanimously carried to approve the Initial and Final Residential Development Plan (11PD039) be approved with the following stipulations:

- 1. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of Building Permits, grading permits, or any disturbance of earth on the site, all necessary changes shall be made to the construction plans as identified on the redline drawings. In addition, revised plans shall be submitted that show the required erosion and sediment control plan and a post-construction water quality control plan. All redlined drawings shall be returned and signed and sealed final construction plans shall be submitted for review and approval by the Community Planning and Development Services Department;**

3. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
4. Prior to issuance of building permits, an exception shall be obtained to allow access to the property from East Minnesota Street or the site plan shall be revised to show all access being taken off the lower order street;
5. Prior to issuance of a Certificate of Occupancy, the required water connection between Marlin Drive and Creek Drive shall be installed and accepted by the City. If the applicant does not propose to construct the sewer system as shown on the plans, then prior to commencing construction, the plans shall be revised to eliminate the sewer system;
6. Prior to issuance of a Certificate of Occupancy, all required site improvements, landscaping, parking, and utility services shall be completed;
7. Prior to issuance of Building Permits, the associated Preliminary Plat shall be approved. In addition, prior to issuance of a Certificate of Occupancy, a final plat shall be approved.
8. The proposed signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this sign package. The addition of electronic signs may be considered as a Major Amendment to the Planned Residential Development. Changes to the approved signage which the Director of Community Planning and Development Services determines to be consistent with the design of the approved plans may be considered as a Minimal Amendment to the Planned Residential Development. In addition, the Director of Community Planning and Development Services may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall be obtained for each individual sign;
9. Any changes to the site which the Director of Community Planning and Development Services determines are consistent with the approved Planned Development and in compliance with Chapter 17.50.070 of the Rapid City Municipal Code may be considered as a Minimal Amendment to the Planned Residential Development;
10. The proposed structures shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Residential Development. Revisions to the design of these structures that the Director of Community Planning and Development Services determines to be consistent with the original approved elevations may be considered as a Minimal Amendment to the Planned Residential Development;
11. An exception is hereby granted to allow landscaping islands surrounded on three sides by pavement in lieu of four sides of pavement to be located within the parking lot;
12. A minimum of 339,390 landscaping points shall be provided as per the approved plans. Any change in the landscaping plan that the

- Director of Community Planning and Development Services determines to be consistent with the original approved landscaping plans may be considered as a Minimal Amendment to the Planned Residential Development. All landscaping shall be continually maintained in a live vegetative state and replaced in compliance with the City's adopted landscaping plan;
13. A minimum of 324 parking spaces shall be provided. In addition, 8 of the provided parking spaces shall be handicap accessible. One of those handicap spaces shall be "van" accessible;
 14. Prior to issuance of Building Permits, a photometric plan shall be submitted to Community Planning and Development Services for review and approval. In addition, all outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and right-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 15. Prior to issuance of Building Permits, the applicant shall submit revised plans showing all required fire control systems, including a fire hydrant located on the site near East Minnesota Street as indicated in the Rapid City Fire Department's redline comments. In addition, the applicant shall coordinate with the Rapid City Fire Department for the location of connectors and underground fire service lines. All applicable provisions of the currently adopted International Fire Code shall be continually met;
 16. This Planned Residential Development shall allow for the construction of a multi-family housing community comprised of 216 dwelling units in 10 structures, a community clubhouse, an office, and other amenities. Other uses permitted in a Medium Density Residential District shall be allowed as a Minimal Amendment to the Planned Residential Development requiring the approval of the Director of Community Planning and Development Services. Conditional uses allowed within a Medium Density Residential District shall require a Major Amendment to the Planned Residential Development;
 17. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment; and,
 18. The Planned Residential Development shall expire if the use is not undertaken and completed within five years, or if the use as approved has ceased for a period of two years. Any changes to the date of completion shall be considered as a Major Amendment to the Planned Residential Development. (9 to 0 with Brewer, Braun, Fink, Marchand, Popp, Rolinger, Scull, Swank and Weimer voting yes and none voting no)

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

day following action by the Planning Commission.

22. No. 11OA012 - Ordinance Amendment

A request by City of Rapid City to consider an application for **an Ordinance adopting new Subdivision Regulations by amending Chapter 16 of the Rapid City Municipal Code.**

Limbaugh presented the ordinance, reviewing the individual sections as it replaces the current ordinance in its entirety.

In response to a question from Braun, Limbaugh stated that he feels that the new ordinance maintains current protections and actually improves the usability of the ordinance. Limbaugh stated that the design criteria previously included in the Subdivision Regulations Ordinance are being incorporated into the Engineering Criteria. Limbaugh also stated that there is a Developers Agreement forthcoming that will outline responsibilities of both the City and the developers.

Janelle Finck responded to Braun's request to speak on behalf of the 2nd Floor Committee. J. Finck stated that design for the new ordinance was to streamline the subdivision regulations process allowing items to be administratively reviewed rather than going before Planning Commission, essentially reducing delays while retaining the applicant's option to appeal decisions to Planning Commission or City Council. J. Finck reiterated that all protections remain intact.

Brewer commended the 2nd Floor Committee and City staff for streamlining.

In response to a question from Brewer on required engineering documents and where to obtain them, Limbaugh stated these are addressed in the ordinance with direction to the Engineering Division of the Public Works Department and will be available online and at the Public Works office. Tech stated that the Public Works Department has been working to consolidate the Design Criteria Manual, as well as Chapters 12 and 13 of the Municipal Code, into one document, which will allow them to be adopted as a single comprehensive document and it will be available to the public online.

In response to Brewer's question on Minor Plats, J. Finck stated that the Minor Plat process is already administrative and this is only improving the current process and should shorten processing time.

Brewer stated that he believes that handling the fees by resolution makes sense. In response to a question by Brewer on how this will affect the citizens, Limbaugh explained that this will allow the review of the fees annually, to see if prices need to be adjusted or removed, avoiding unnecessary or overpriced fees being charged.

Popp commented that he appreciated the thirteen day review which he feels will be helpful for developers and individuals alike.

Scull moved, seconded by Marchand and unanimously carried to recommend that the Planning Commission forward the new subdivision

ordinance to the City Council with a recommendation to approve. (9 to 0 with Brewer, Braun, Fink, Marchand, Popp, Rolinger, Scull, Swank and Weimer voting yes and none voting no)

Staff requested that Items 23 and 24 be considered concurrently.

*23. No. 11PD036 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** for Lots 14 thru 22 of Block 7 and Lots 14 thru 21 of Block 8 of Red Rock Meadows Subdivision located in the NW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Seminole Lane.

Brewer noted he would be abstaining from voting on items 23 and 24 due to a conflict of interest.

Lacock presented the application noting that the applicant has been working with staff to bring the property into compliance and that the applicant agrees to work with staff to maintain the properties in compliance. Lacock stated that staff recommends that the application be approved with stipulations.

*24. No. 11PD037 - Sections 28 and 29, T1N, R7E

A request by Dream Design International, Inc. to consider an application for an **Initial and Final Residential Development Plan** for a portion of the NE1/4 of the NE1/4, Section 29, and a portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Lot 1, Block 12 of Red Rock Meadows Subdivision, and the point of beginning; Thence, first course: N00°19'29"W, a distance of 99.01 feet; Thence, second course: N00°18'28"W, a distance of 90.00 feet; Thence, third course: N89°41'32"E, a distance of 139.00 feet; Thence, fourth course: N00°18'28"W, a distance of 156.18 feet; Thence, fifth course: N89°41'32"E, a distance of 162.02 feet; Thence, sixth course: S00°19'45"E, a distance of 258.01 feet, to the northwesterly corner of Lot 13, Block 7 of Red Rock Meadows Subdivision; Thence, seventh course: S00°35'32"W, along the westerly boundary of said Lot 13, a distance of 88.37 feet to the northwesterly corner of Lot 7, Block 7 of Red Rock Meadows Subdivision, common to the northeasterly corner of Lot 8, Block 7 of Red Rock Meadows Subdivision; Thence, eighth course: S89°43'07"W, along the northerly boundary of said Lot 8, a distance of 108.73 feet to the northwesterly corner of said Lot 8; Thence, ninth course: N89°58'06"W, a distance of 52.00 feet, to the northeasterly corner of said Lot 1; Thence, tenth course: N89°58'06"W, along the northerly boundary of said Lot 1, a distance of 138.97 feet to the said point of beginning, more generally described as being located at the current northern terminus of Dunsmore Road.

Swank moved, seconded by Fink and carried to approve the Major Amendment to a Planned Residential Development (11PD036) with the following stipulations:

- 1. An Exception is hereby granted to reduce the front yard setback from**

- 25 feet to 20 feet to the garage and 15 feet to the structure;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Prior to Planning Commission approval, the applicant shall bring the property into compliance with Rapid City Municipal Code Chapters 8.34 and 8.50 and Air Quality Construction Permit 11AQ006;
4. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment;
5. All applicable provisions of the adopted International Fire Code shall continually be met;
6. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development; and,
7. The Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and

To approve the Initial and Final Residential Development Plan (11PD037) with the following stipulations:

1. An exception is hereby granted to allow a 51 foot setback from the section line in lieu of the required 58 foot setback.
2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be recorded at the Register of Deeds Office;
3. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment;
4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
5. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development;
6. An air quality construction permit shall be obtained prior to any surface disturbance of one acre or more;
7. All applicable provisions of the adopted International Fire Code shall continually be met; and,
8. The Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with, Braun, Fink, Marchand, Popp, Rolinger, Scull, Swank and Weimer voting yes and Brewer abstaining and none voting no)

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

*25. No. 11UR027 - Anamosa Crossing Subdivision

A request by David A. Jackson to consider an application for a **Conditional Use Permit to allow a Car Wash in the General Commercial District** for Lot 10 of Anamosa Crossing Subdivision located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of East Anamosa Street and East North Street.

Lacock presented the application noting that the applicant is proposing a four phase development. Lacock stated that this item is on the non-consent agenda because the applicant has requested two 12X6 foot on-premise electronic reader signs, one located at each of the two intersections adjacent to the property. Lacock stated that staff is recommending approval of the application with the stipulation that the reader board signs be excluded. Lacock noted that Planning Commission has not supported digital reader board signs in the past and wanted to address their concerns.

In response to a question from P. Fink, Fisher stated that the overall size of the sign is 35 feet which is within the height limit, noting however, that staff has been previously instructed to bring to Planning Commissions attention the request to allow reader board signs adjacent to arterial streets.

In response to a question by Scull, Fisher stated that staff supported the conditional use of the car wash.

Dave Jackson, owner of Auto Body Crafters, informed the Planning Commission that he and his wife purchased the property and plan to develop the corner to create visibility for the current and future businesses in the area. Jackson stated that the signs meet the Ad Hoc Sign Code Revision Task Force Committee recommendations and stated that they agree to meet all requirements set forth by the recommendations, as well as to adhere to the six second static message on the reader boards. Jackson also noted that they have designed the signs to architecturally match the buildings. Jackson said that due to the divided traffic at the intersections, it is important for the business in the development to have both signs to direct traffic before they pass.

After further discussion, Fisher recommended that if it is the Planning Commission's intent to approve the reader board signs, that they do so per the operational plan submitted with the application.

After a request for clarification, Rolinger moved to approve with the stipulation that the application's operational plan and the sign code be met. Marchand seconded.

Additional discussion followed.

P. Finck commented that he is not a fan of electronic reader boards and worries about the overuse of these signs as this corridor develops, but that he is in favor of the stipulation that the reader board signs meet sign code.

Rolinger moved, seconded by Marchand and carried to approve the

Conditional Use Permit to allow a Car Wash in the General Commercial District (11UR027) with the following stipulations:

- 1. Two electronic reader board signs shall be allowed and operated in compliance with the City's adopted Sign Code. Each electronic reader board sign shall not exceed 12 feet wide by 6 feet in height. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. Revisions to the sign package in compliance with the Sign Code with the exception of reader board signs, shall be allowed as a Minimal Amendment. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 2. Prior to issuance of a sign permit, a revised sign package shall be submitted showing that the proposed signs are outside of easements and sight triangles;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit, an Exception shall be obtained to allow a driveway that does not meet the distance requirements from the East Anamosa Street and East North Street intersection as per the Street Design Criteria Manual;**
- 5. Prior to issuance of a building permit, the applicant shall obtain Exceptions to allow driveways wider than 28 feet or the driveway widths shall be revised to comply with the Street Design Criteria Manual;**
- 6. Prior to submittal of a building permit, the site plan shall be revised to remove access off of East Anamosa Street or the applicant shall Vacate the Non-Access Easement located along East Anamosa Street and obtain an Exception to allow access off the higher order street as per the Street Design Criteria Manual;**
- 7. Prior to issuance of a building permit, a sidewalk shall be provided along East North Street as per the Street Design Criteria Manual or an Exception shall be obtained;**
- 8. The plans shall be stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 9. Prior to issuance of a building permit, the applicant shall submit a utility plan, a stormwater design report illustrating compliance with stormwater quality and quantity control requirements and a revised site plan showing compliance with site triangle requirements at driveway location(s);**
- 10. Prior to issuance of a building permit, the applicant shall provide a plan for sanitary sewer discharge for car washes and auto repair floor drains illustrating that industrial pretreatment consists of a sand/oil interceptor for review and approval. Floor drains discharging to the sanitary sewer shall be located in areas which are not subject to stormwater;**
- 11. Prior to issuance of a building permit, the applicant shall submit a grading and drainage plan, paving elevations plan and an erosion and sediment control plan;**
- 12. Prior to issuance of a building permit, the applicant shall obtain a**

- Sediment and Erosion Control Permit and Right-of-Way Permit;**
- 13. Prior to issuance of a building permit, an operational plan shall be submitted for review and approval. In particular, the operational plan shall address the use of the pet wash and the hours of operation of the proposed uses on the site;**
 - 14. Prior to issuance of a building permit, the applicant shall submit elevations of the proposed dumpster screening. The dumpster shall be located as shown on the site plan and screened as proposed;**
 - 15. Prior to issuance of a building permit, the applicant shall submit a revised Landscaping Plan clarifying landscaping for Phase I in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. A minimum of 103,580 landscaping points shall be provided for all four phases of the development. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
 - 16. Prior to issuance of a Certificate of Occupancy, the applicant shall abandon all water and sewer stubs which will not be utilized;**
 - 17. Prior to issuance of a building permit, a revised site plan shall be submitted to show that an eight to ten foot sidewalk can be constructed along East Anamosa Street. The applicant is responsible for constructing a four foot sidewalk;**
 - 18. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
 - 19. The structures shall conform architecturally to the plans and elevations and color palette submitted as part of this Conditional Use Permit. Changes to the elevations may be authorized by the Community Planning and Development Services Director when they are consistent with the architectural style of the development as approved herein;**
 - 20. The proposed driveway entrance(s) shall be constructed of reinforced concrete as per Figure 8-4 of the Street Design Criteria Manual;**
 - 21. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
 - 22. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment;**
 - 23. All applicable provisions of the International Fire Code shall be continually met;**
 - 24. A minimum of 80 parking spaces shall be provided. In addition, four of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." Three stacking lanes shall be provided for each lane of the car wash and the drive-thru coffee hut. All provisions of the Off-Street Parking Ordinance shall be continually met;**
 - 25. Prior to issuance of a building permit, the site plan shall be revised to eliminate the outdoor pet run area. No kenneling of pets shall be**

- allowed;
26. **The Conditional Use Permit shall allow the property to be used for a car wash, a pet wash, an auto consignment sales lot, auto service bays, offices and a coffee hut. The auto consignment sales lot, auto service bays, offices and coffee hut are permitted uses in the General Commercial District. Any change in use that is a permitted use in the General Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit; and,**
 27. **The Conditional Use Permit shall expire if the use is not undertaken and completed within three years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 1 with Brewer, Braun, Marchand, Popp, Rolinger, Scull, Swank and Weimer voting yes and Fink voting no)**

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

26. Discussion Items

- A. Request to allow a University or College as a Conditional Use Permit in a Medium Density Residential District

Limbaugh discussed the option to amend the ordinance to allow colleges and universities as a Conditional Use in a Medium Density Residential Zoning District. He emphasized that this discussion is not specific to an individual property and further noted that a group of individuals were present to speak in support of amending the ordinance. Brewer noted that his concern is that opinions of neighborhoods affected by the revision be considered, including, but not limited to, the group present.

Fisher stated that currently, colleges and universities are not allowed as a Conditional Use in a Medium Residential Zoning District and that the item before the Planning Commission today is to discuss authorizing staff to draft an Ordination amendment to allow colleges and universities as a Conditional Use in a Medium Density Residential Zoning District.

In response to a question from Braun, Limbaugh stated that in addition to traffic and hours of operation, a number of additional issues would need to be addressed when considering colleges and universities in Medium Density Residential Zoning Districts and stated that the Conditional Use Review would allow for the individual review of requests to address these items.

Rolinger stated that he feels that this is the place to discuss these issues and he believes, that like other schools that are allowed in these zoning

areas, these facilities should be considered as an allowable use. He also agreed with the individual review process.

Scull agreed that the Conditional Use Review would allow the review of each request based on its individual situation and operational plan.

Further discussion identified issues of concern, such as, who would be notified of these conditional uses and the requirement of parking, traffic and operational plans as part of the submittal for these conditional use reviews.

Fisher clarified that staff requests Planning Commission's approval to proceed with preparation of an ordinance.

Swank moved, seconded by Rolinger to direct staff to prepare an ordinance amendment to allow colleges and universities as a Conditional Use in a Medium Density Residential District. (8 to 1 with Brewer, Braun, Fink, Marchand, Rolinger, Scull, Swank and Weimer voting yes and Popp voting no)

27. Staff Items

A. Scheduling for Training Session

Fisher requested that a training session for new Planning Commission and City Council members be scheduled. Fisher stated that staff will send invitations to City Council and Planning Commissioners and notify them when the date and time has been confirmed.

At a request from Braun, Fisher agreed that two dates will be offered for training sessions to offer better opportunity for attendance.

Staff will arrange and send a notice and publication as necessary for the training session.

B. Planning Commission Committee Appointments:

Fisher requested volunteers to fill the committee vacancies created by Dennis Langduth.

Commissioner Braun volunteered to serve on the Tax Increment Financing Committee and the .16 Utility Fund Oversight Committee. Commissioners P. Finck and Popp both volunteered to serve on the Future Land Use Committee. Commissioner Weimer volunteered to serve on the Development Appeals and Review Board.

28. Planning Commission Items

29. Committee Reports

A. City Council Report (October 3, 2011)

The City Council concurred with the recommendations of the Planning Commission.

- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Capital Improvements Subcommittee
- E. Tax Increment Financing Committee

There being no further business, Rolinger moved, Scull seconded and unanimously carried to adjourn the meeting at 8:09 a.m. (9 to 0 with Brewer, Braun, Fink, Marchand, Popp, Rolinger, Scull, Swank and Weimer voting yes and none voting no)