

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 22, 2012

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

MEMBERS ABSENT: John Brewer

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Robert Laroco, Kip Harrington, Patsy Horton, Tim Behlings, Ted Johnson and Risë Ficken.

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

Marchand 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 3, 4 and 8 be removed from the Consent Agenda for separate consideration.

Scull requested that Item 2 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger, seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 20 in accordance with the staff recommendations with the exception of Items 2, 3, 4 and 8. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the March 8, 2012 Planning Commission Meeting Minutes.

5. No. 12OA002 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance specifying who may institute Amendments to the Zoning of Property and the Comprehensive Plan by Amending Section 17.54.040 of the Rapid City Municipal Code.**

Planning Commission recommended approval of the Ordinance specifying who may institute Amendments to the Zoning of Property and the Comprehensive Plan by Amending Section 17.54.040 of the Rapid City Municipal Code.

6. No. 12OA003 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance**

adopting new Planned Development Overlay District (PD), Planned Unit Development Zoning District (PUD), and Administrative Exceptions regulations by amending Sections 17.50.050, 17.50.060, 17.50.070, 17.50.080, 17.50.090, 17.50.100, and 17.50.105 of the Rapid City Municipal Code.

Planning Commission recommended approval of the Ordinance adopting the new Planned Development Overlay District (PD), Planned Unit Development Zoning District (PUD), and Administrative Exceptions regulations by amending Sections 17.50.050, 17.50.060, 17.50.070, 17.50.080, 17.50.090, 17.50.100, and 17.50.105 of the Rapid City Municipal Code.

*7. No. 12PD007 - Airport Addition

A request by Qusi Al Haj for Tara Alyss, LLC to consider an application for a **Major Amendment to a Commercial Development Plan to allow all permitted uses within the General Commercial District with the exception of Conditional Uses** for Block 26R and Block 27 of Airport Addition located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1730 Haines Avenue.

Planning Commission approved the **Major Amendment to a Commercial Development Plan to allow all permitted uses within the General Commercial District with the exception of Conditional Uses with the following stipulations:**

1. A building permit shall be obtained for each change in use;
2. Prior to issuance of a building permit, stamped plans shall be submitted for review and approval;
3. A minimum of 29,493 landscaping points shall continually be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
4. A minimum of 26 parking spaces shall be provided. In addition, two of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met. If the parking required for a permitted use cannot be met on site or through a parking agreement, then a Major Amendment to the Planned Commercial Development shall be needed;
5. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment;
6. 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;

7. **All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to a Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Commercial Development. 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;**
8. **All applicable provisions of the adopted International Fire Code shall continually be met; and,**
9. **The Major Amendment to a Planned Commercial Development shall allow the property to be used for any permitted use in the General Commercial District. 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 Planned Commercial 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.

- *9. No. 12PD010 - Section 5, T1N, R8E
A request by Nathan Herbst to consider an application for an **Initial and Final Commercial Development Plan** for Lot 3 less the south 30 feet located in the NW1/4 SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1316 Cambell Street.

Planning Commission continued the Initial and Final Commercial Development Plan to the April 5, 2012 Planning Commission meeting.

- *10. No. 12PD011 - Section 19, T1N, R8E
A request by Fisk Land Surveying & Consulting Engineers for Bentley-Miller to consider an application for an **Initial and Final Commercial Development Plan** for a parcel of land located at the southeast corner of the intersection of Fifth Street and East Stumer Road, located in Lot Two (2), which is sometimes referred to as Government Lot Two (2), in Section Nineteen (19), in Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, said parcel of land being more fully described as follows: Beginning at the southeast intersection of the rights-of-way of way of Fifth Street and East Stumer Road, said point being marked by a rebar with survey cap LS 6251; thence first course, northeasterly on the south line of East Stumer Road right-of-way, North 78 degrees 47 minutes 37 seconds East a distance of 24.49 feet more or less to a point marked by a rebar with survey cap LS 6251; thence second course, northeasterly and continuing on the south line of East Stumer Road right-of-way and curving to the right on a curve

with a radius of 650.00 feet, a delta of 5 degrees 21 minutes 06 seconds, an arc length of 60.71 feet, a chord bearing of North 81 degrees 35 minutes 29 seconds East and a chord distance of 60.69 feet more or less to a point marked by a rebar with survey cap LS 6251; thence third course, northwesterly and continuing on the south line of East Stumer Road right-of-way, North 05 degrees 10 minutes 46 seconds West a distance of 22.97 feet more or less, to a point marked by a rebar with survey cap LS 6251; thence fourth course, northeasterly and continuing on the south line of East Stumer Road right-of-way and curving to the right on a curve with a radius of 170.00 feet, a delta of 11 degrees 43 minutes 50 seconds, an arc length of 34.81 feet, a chord bearing of North 84 degrees 14 minutes 24 seconds East and a chord distance of 34.74 feet more or less, to a point marked by a rebar with survey cap LS 6251; thence fifth course, southeasterly and continuing on the south line of East Stumer Road right-of-way South 89 degrees 52 minutes 14 seconds East a distance of 84.68 feet more or less to a point, from whence South 89 degrees 52 minutes 14 Seconds East a distance of 667.97 feet more or less, bears a rebar with survey cap LS 6251 on the south line of East Stumer Road right-of-way; thence sixth course, South 00 degrees 00 minutes 07 seconds West a distance of 68.72 feet, more or less; thence seventh course, bearing to the left on a curve with a radius of 485.00 feet, a delta of 10 degrees 12 minutes 48 seconds, an arc length of 86.45 feet, a chord bearing of South 5 degrees 06 minutes 17 seconds East and a chord distance of 86.34 feet more or less; thence eighth course, South 10 degrees 12 minutes 41 seconds East a distance of 66.77 feet more or less; thence ninth course, curving northeasterly to the right on a curve with a radius of 426.00 feet, a delta of 2 degrees 49 minutes 19 seconds, an arc length of 20.98 feet, a chord bearing of North 83 degrees 13 minutes 03 seconds East and a chord distance of 20.98 feet more or less; thence tenth course, South 5 degrees 22 minutes 18 seconds East a distance of 52.00 feet more or less; thence eleventh course, curving southwesterly to the left on a curve with a radius of 374.00 feet, a delta of 19 degrees 29 minutes 40 seconds, an arc length of 127.25 feet, a chord bearing of South 74 degrees 52 minutes 52 seconds West and a chord distance of 126.64 feet more or less; thence twelfth course, curving southwesterly to the right on a curve with a radius of 276.00 feet, a delta of 24 degrees 19 minutes 32 seconds, an arc length of 117.18 feet, a chord bearing of South 77 degrees 17 minutes 48 seconds West and a chord distance of 116.30 feet more or less, to a point on the easterly line of Fifth Street right-of-way, from whence South 00 degrees 07 minutes 03 Seconds West a distance of 194.05 feet more or less, bears a rebar with survey cap LS 6251 on the east line of Fifth Street right-of-way; thence thirteenth course, northeasterly along the east line of said Fifth Street right-of-way North 00 degrees 07 minutes 03 Seconds East a distance of 136.56 feet more or less to a point marked by a rebar with survey cap LS 6251; thence final course, continuing northwesterly along the easterly line of said Fifth Street right-of-way and curving to the left on a curve with a radius of 1021.00 feet, a delta of 8 degrees 33 minutes 28 seconds, an arc length of 152.50 feet, a chord bearing of North 4 degrees 09 minutes 06 seconds West and a chord distance of 152.36 feet more or less, to the point of beginning, more generally described as being located at the southeast corner of 5th Street and Stumer Road.

Planning Commission continued the Initial and Final Commercial Development Plan to the April 5, 2012 Planning Commission meeting.

*11. No. 12PD013 - Section 22, T1N, R7E

A request by Willadsen Lund Engineering for Samuelson Development, LLC to consider an application for an **Initial and Final Planned Unit Development** for a parcel of land known as that part of the south 495' of NE1/4SE1/4, less Lot 1 of Bendert Subdivision and the unplatted portion of SE1/4SE1/4, all located in the SE1/4SE1/4 and NE1/4SE1/4 of Section 22, T.1N, R.7E, B.H.M., Rapid City, Pennington County, South Dakota and being more particularly described as follows: Commencing at the southeast corner of said Section 22, from which bears a found pin and cap stamped "RLS 5085" N01°56'49"E a distance of 33.00', thence N40°25'57"W a distance of 44.51' to the true point of beginning of the herein described parcel; Thence N88°15'46"W a distance of 213.93'; Thence with a non-tangent curve turning to the right with an arc length of 440.24', with a radius of 370.00', with a chord bearing of N47°43'20"W, with a chord length of 414.73'; Thence N13°38'06"W a distance of 509.17'; Thence with a curve turning to the left with an arc length of 63.82', with a radius of 230.00', with a chord bearing of N21°34'10"W, with a chord length of 63.62'; Thence N01°58'11"E a distance of 275.25' to a found pin and cap stamped "RLS 1019", said pin and cap being the southwest corner of aforesaid Lot 1 of Bendert Subdivision; Thence following the southerly line of said lot 1 S88°18'29"E a distance of 189.97' to a found pin and cap stamped "RLS 1019", said pin and cap being the southeast corner of said lot 1 of Bendert Subdivision; Thence following the easterly line of said Lot 1 N01°42'02"E a distance of 199.51' to a point from which a found pin and cap stamped "RLS 1019" bears N01°42'02"E a distance of 29.87'; Thence departing said easterly line of Lot 1 of Bendert Subdivision thence S88°05'53"E a distance of 533.01' to a point in the easterly line of aforesaid Section 22 and from which bears a found pin and cap stamped "RLS 1019" N01°56'47"E a distance of 190.17'; Thence following said easterly line S01°56'47"W a distance of 614.13' to a point being in the northwesterly right-of-way line of promise road; Thence with a non-tangent curve turning to the left with an arc length of 79.66', with a radius of 195.73', with a chord bearing of S24°11'22"W, with a chord length of 79.11'; Thence S01°57'08"W a distance of 29.21'; Thence S01°57'08"W a distance of 575.87' to the point of beginning, more generally described as being located at the current terminus of Promise Road.

Planning Commission continued the Initial and Final Planned Unit Development to the April 5, 2012 Planning Commission meeting.

12. No. 12PL007 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 8, 9, 10 and 11 of Block 7, Lots 7 and 8 of Block 8, Lots 7, 8, 9 and 10 of Block 10 of Murphy Ranch Estates Subdivision, legally described as the unplatted balance of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the current eastern terminus of Wesson Road and Knuckleduster Road.

Planning Commission recommended approval of the Preliminary Plat with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans and plat 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 plat document shall be revised to show a non-access easement along all corner lots in compliance with the Street Design Criteria Manual or an Exception shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, as-built drawings confirming that the stormwater facility has been constructed per the approved plan and demonstrating that the stormwater facility can accommodate the design capacity shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council, a revised plat document shall be submitted for review and approval which includes the Certificates of Title;**
- 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
- 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, a 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.**

13. No. 12PL008 - Menard Subdivision

A request by Century Resources, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 8 and Lot 9 of Block 1 of Menard Subdivision, legally described as a portion of the NE1/4 of the SW1/4 of Section 32, and a portion of the NW1/4 of the SE1/4 of Section 32 located in the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the south side of East Anamosa Street southeast of the intersection East Anamosa Street and North Creek Drive.

Planning Commission recommended approval of the Preliminary Plat with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, construction**

plans for E. Philadelphia Street shall be submitted for review and approval showing the street located within a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;

2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along E. Anamosa Street and 203 feet along E. Philadelphia Street as they abut proposed Lot 9 in compliance with the Street Design Criteria Manual or an Exception shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, a Temporary Construction Easement and Utility Easement shall be secured on the parcel located southeast of the terminus of East Anamosa Street;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
5. 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;
6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
7. 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. 12PL009 - Fountain Springs Business Park

A request by Franklin O. Simpson to consider an application for a **Layout Plat** for proposed Tract R of Fountain Springs Business Park, legally described as a portion of the unplatted portion of the S1/2 of the NE1/4 lying south of Interstate 90 and the unplatted portion of the N1/2 of the SE1/4 located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the south side of North Plaza Drive approximately 450 feet east of the intersection of Fountain Plaza Drive and North Plaza Drive.

Planning Commission recommended approval of the Layout Plat with the following stipulations:

1. Upon submittal of a Preliminary Plat application, road construction plans for North Plaza Drive shall be submitted for review and approval. In particular, the road construction plans shall show North Plaza Drive located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained. In addition, the Preliminary Plat document shall show the dedication of an additional 17 feet of right-of-way as shown on the Layout Plat;

2. Upon submittal of a Preliminary Plat application, a geotechnical analysis for sub-grade and pavement section design shall be submitted for review and approval if additional pavement width is required;
3. 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;
4. 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. In particular, the drainage plan shall include an analysis demonstrating the Deadwood Avenue Drainage Basin's capacity to accommodate stormwater flows from the development or on-site detention facilities shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary;
5. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval if subdivision improvements are required;
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, a warranty surety shall be submitted for review and approval as required; and,
8. 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.

*15. No. 12UR006 - Original Town of Rapid City

A request by Whitesell Financial Group to consider an application for a **Conditional Use Permit to allow professional offices** for the north 1/2 of Lots 28-32 of Block 111 of the Original Town of Rapid City located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 817 9th Street.

Planning Commission approved the Conditional Use Permit to allow professional offices with the following stipulations:

1. A minimum of one handicap "van accessible" parking space shall be provided as per the variance granted on December 1, 2004, by the Zoning Board of Appeals. Any change in use shall require that the property come into compliance with the Parking Regulations, Chapter 17.50.270 of the Rapid City Municipal Code, or obtain a variance;
2. A minimum of 5,656 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the

- Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
3. All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
 4. 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;
 5. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 6. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 7. The Conditional Use Permit shall allow the property to be used as professional and/or medical offices. Any use other than professional offices 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.

16. No. 12VE003 - Elysian Heights Subdivision
A request by City of Rapid City to consider an application for a **Vacation of a Note on a Plat** for Lots 1 through 10 of Elysian Heights Subdivision located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Carriage Hills Drive.

Planning Commission recommended approval of the Vacation of a Note on a Plat.

METROPOLITAN PLANNING ORGANIZATION ITEMS:

17. 12TP004 – Rapid City Arterial Street Safety Study – Final Report.

Planning Commission recommended approval of the Arterial Street Safety Study Final Report.

18. 12TP005 – 2011 Rapid City Pedestrian/Bike Crash Report.

Planning Commission acknowledged the receipt of the 2002-2011 Pedestrian/Bicyclist Crash Report.

19. 12TP006 - 2012-2016 Transportation Improvement Program Amendment #12-006.

Planning Commission recommended approval of the 2012-2016 Transportation Improvement Program Amendment #12-006.

20. 12TP007 - 2012-2016 Transportation Improvement Program Amendment #12-007.

Planning Commission recommended approval of the 2012-2016 Transportation Improvement Program Amendment #12-007.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

2. No. 10OA015 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code.**

In response to a question from Scull, Horton clarified that staff is recommending denial of the Ordinance Amendment at the request of the Second Floor Review Committee.

Scull moved, Rolinger seconded and unanimously carried to deny the Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

Harrington requested that Items 3 and 4 be considered concurrently.

3. No. 12CA002 - Section 27, T2N, R7E

A request by Franklin O. Simpson to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Residential** for a parcel of land located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: starting at a point that bears 19.32 feet S41°00'00"W from the northeast corner of previously vacated Tract C Revised of the S.G. Interstate Plaza located in the S1/2 NE1/4 and the N1/2 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and being the point of

beginning. Thence first course: S41°00'00"W a distance of 600.00 feet, Thence second course: N61°00'00"W a distance of 254.90 feet, Thence third course: N35°00'00"E a distance of 493.10 feet, Thence fourth course: S77°23'18"E a distance of 342.00 feet to the point of beginning, more generally described as being located on the south side of North Plaza Drive approximately 450 feet east of the intersection of Fountain Plaza Drive and North Plaza Drive.

4. No. 12RZ004 - Section 27, T2N, R7E

A request by Franklin O. Simpson to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** for a parcel of land located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: starting at a point that bears 19.32 feet S41°00'00"W from the northeast corner of previously vacated Tract C Revised of the S.G. Interstate Plaza located in the S1/2 NE1/4 and the N1/2 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and being the point of beginning. Thence first course: S41°00'00"W a distance of 600.00 feet, Thence second course: N61°00'00"W a distance of 254.90 feet, Thence third course: N35°00'00"E a distance of 493.10 feet, Thence fourth course: S77°23'18"E a distance of 342.00 feet to the point of beginning, more generally described as being located on the south side of North Plaza Drive approximately 450 feet east of the intersection of Fountain Plaza Drive and North Plaza Drive.

Harrington advised that Trevor Messinger from Coca Cola Bottling Company contacted staff and expressed concerns related to the need for additional pedestrian infrastructure to support the continuing residential development in this area.

Fisher stated that today's design standards require that sidewalks be constructed as part of industrial developments. Fisher indicated that this area initially developed with industrial uses noting that the more recent primarily multi-family residential developments that have occurred in this area provide on-site pedestrian access, street lights and infrastructure.

Rolinger stated that the concern is likely related to providing pedestrian access throughout the entire area.

Fisher advised that the Public Works staff reviews the need for public improvements in the community each year.

Rolinger moved, Scull seconded and unanimously carried to recommend approval of the Amendment to the Comprehensive Plan to change the land use designation from Commercial to Residential in conjunction with the proposed rezone application from General Agriculture District to Medium Density Residential District (12CA002) and, to recommend approval of the Rezoning from General Agriculture District to Medium Density Residential District (12RZ004) in conjunction with the associated Comprehensive Plan Amendment. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

*8. No. 12PD008 - Auburn Hills Subdivision

A request by Doeck, LLC to consider an application for an **Initial and Final Residential Development Plan** for Lot 1 of Block 12 of Auburn Hills Subdivision located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, south Dakota, more generally described as being located at the southwest corner of the intersection of Misty Woods Lane and Auburn Drive.

Fisher requested that this item be considered after Item 27 on the agenda and be renumber to Item 27A to allow the applicant an opportunity to return the proof of certified mailing for the application.

Popp moved, Weimer seconded and unanimously carried to move consideration of the Initial and Final Residential Development Plan to item 27A on the Planning Commission agenda. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

*21. No. 12PD009 - Original Town of Rapid City

A request by Why Not Investments, LLC to consider an application for an **Initial and Final Residential Development Plan** for Lots 1-4 of Block 114 of the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 603, 605 and 607 Quincy Street and 811 and 811 1/2 Sixth Street.

Laroco presented the request and reviewed the slides and the staff report. Laroco advised that if the Planning Commission determines that the reduction in parking on the site is appropriate; staff recommends approval of the request with the stipulations outlined in the staff report.

Gale Johnson advised that he is re-developing the property with one-room apartments and working with a number of local organizations, including Pennington County Housing and Black Hills Work Shop, to provide affordable housing. G. Johnson provided a letter from Karen Romey at Pennington County Health and Human Services emphasizing the need for this type of residential development and noting that it is unlikely that the residents from their organization would drive an automobile. G. Johnson indicated that they voluntarily elected to install a chair lift in the structure to improve accessibility.

In response to a question from Braun, Tony Thompson advised that there were 24 rental units in the structure prior to the fire on the property.

In response to a question from Weimer, the applicant advised that the property is located across the street from the Rapid City Public Library on Quincy Street.

Scull advised that his former grandfather in-law previously owned the structure. In response to a question from Scull, G. Johnson advised that while Pennington County Housing would like an agreement for all units within the building, he noted that the units will be made available for rent on a first-come first-served

basis. G. Johnson identified the other agencies that he has contacted concerning the availability of the rental units.

Scull spoke in support of the requested reduction in parking noting that there were not issues with the parking at this property historically.

In response to a question from Popp, G. Johnson stated that once the five on-site parking spaces are used, the residents of the property will have to make use of on-street parking in the neighborhood. G. Johnson stated that there are 23 parking spaces along the street adjacent to the property. G. Johnson added that the new Dakota Middle School parking lot will be developed across the alley from this property noting that many people that currently park on the street in this area will utilize that parking lot.

In response to a question from Popp, G. Johnson stated that he does not currently have an agreement with Pennington County Housing.

Popp requested clarification concerning how the parking issues will be addressed if the property is sold in the future and the units are offered for rental to the general public.

Fisher clarified that regulations do not allow staff to stipulate who can rent apartments on the property noting that any future residents with automobiles would have to make use of the current on-street parking in the area. Discussion followed.

In response to a question from Popp, Thompson stated that seven units would be ADA accessible after installation of the elevator.

In response to a question from Popp, Behlings stated that the features of the Code for accessibility are met and acceptable with the improvements as proposed by the applicant.

In response to a question from Rolinger, G. Johnson stated that 24 multi-family units existed in the structure prior to the fire and those units were offered for rental to anyone. Rolinger spoke in support of the request noting that the applicant is working to refurbish the property and improve the property by installing an elevator. Discussion followed.

Rolinger moved, Snyder seconded and carried to approve the Initial and Final Planned Residential Development with the following stipulations:

- 1. An Exception to reduce the required off-street parking from 39 spaces to 5 spaces is hereby granted. A minimum of one "van accessible" handicap space shall be provided. All parking shall comply with Section 17.50.270 of the Rapid City Municipal Code;**
- 2. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to Occupancy;**

3. Prior to issuance of a Building Permit, revised plans shall be submitted for review and approval showing all structures are located outside the right-of-way, or the parts of structure encroaching in the right-of-way shall be removed, or the portions of right-of-way being encroached upon shall be vacated;
4. Prior to issuance of a Building Permit, 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. All redlined drawings shall be returned and signed and sealed final construction plans must be submitted for review and approval;
5. Prior to issuance of a Building Permit, revised plans shall be submitted to Community Planning and Development Services for review and approval showing the domestic water line and fire service line installed to conform with Rapid City standard specifications. In addition, plans shall be submitted for review and approval identifying the existing 4 inch sewer service line and that the service line is abandoned per Rapid City standard specifications;
6. Prior to issuance of a Building Permit, revised plans shall be submitted for review and approval showing the location of directional signage for vehicle circulation on the site;
7. An Exception to allow a zero foot front yard setback in lieu of the minimum required 25 foot front yard setback is hereby granted for the existing structures. An Exception for a one foot side yard setback in lieu of the minimum required 12 foot side yard setback is hereby granted for the existing structures. An exception for a 0.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback is hereby granted for the existing structures. Any redevelopment of the site shall require that the minimum setbacks be provided;
8. An Exception to reduce the minimum required lot size from 43,000 square feet to 13,940 square feet is hereby granted. Any redevelopment of the site shall require that the minimum lot size requirements be provided;
9. An Exception to allow 51 percent lot coverage of in lieu of the maximum allowable 30 percent is hereby granted. Any redevelopment of the site shall require that the lot coverage requirements of the zoning district be provided;
10. An Exception to reduce the required amount of usable open space from 10,400 square feet to 6,929 square feet is hereby granted. Any redevelopment of the site shall require that the minimum requirements for usable open space be provided;
11. A minimum of 6,929 points of landscaping shall be provided. Any changes to the landscaping plan which the Director of Community Planning and Development Services determines is consistent with the original approved landscaping plan 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 as necessary in compliance with the City's adopted landscaping ordinance;
12. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code will be allowed with a sign permit. All signage not in compliance with Chapter 15.28 of the Rapid City Municipal Code requiring the review of the Sign Code Board of Appeals will require a Major Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Residential Development. The addition of electronic signage will be considered as a Major 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 must be designed to preclude shining on the adjacent properties and/or street(s);
 13. Lighting of all types, excluding street lighting and traffic signals, shall be directed to reflect away from all residential districts, and to preclude shining on adjacent properties and/or streets;
 14. This Planned Residential Development shall allow for the construction of 26 multi-family housing units to be located in three structures in lieu of the maximum allowable 5 units. Other uses permitted in a High Density Residential District that provide the minimum amount of off-street parking 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 or uses that do not provide the minimum required off-street parking shall require a Major Amendment to the Planned Residential Development;
 15. All provisions of the High 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,
 16. The Planned Residential Development shall expire if the use is not undertaken and completed within two 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. (8 to 2 with Braun, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and with Fink and Popp 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. 12PD012 - Denman's Subdivision
A request by Dream Design International, Inc. to consider an application for a

Final Residential Development Plan for Lots 1 through 16 of Block 3 of Denman's Subdivision all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Saint Joseph Street between Elm Avenue and Birch Avenue.

Fisher reviewed the slides and presented staff's recommendation for approval of the application with the stipulations outlined in the staff report.

Braun and Scull advised that they will be abstaining from voting on this request due to a conflict of interest.

Scull left the meeting at this time.

Rolinger moved, Snyder seconded and carried unanimously to approve the Final Residential Development Plan with the following stipulations:

1. **Prior to Planning Commission approval, the applicant shall obtain an exception to allow access to be taken from East Saint Joseph Street or revise the plans to comply with Section 8.2.1 of the Street Design Criteria Manual;**
2. **Prior to Planning Commission approval, the applicant shall obtain an exception to allow a non-property line sidewalk or revise the plans to comply with Section 7.5 of the Street Design Criteria Manual;**
3. **Prior to Planning Commission approval, the applicant shall obtain an exception to allow driveway approach spacing of 115 feet in lieu of the minimum required 150 feet on East Saint Joseph Street or the plans shall be revised to comply with Section 8.2.2 of the Street Design Criteria Manual;**
4. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
5. **Prior to issuance of a Building Permit, an Engineering Design Report signed and stamped by a professional engineer shall be submitted for review and approval;**
6. **A minimum of 51 parking spaces shall be provided. In addition, three of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;**
7. **A minimum of 31,360 landscaping points shall be provided for Phase I. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
8. **The previously granted Exception to reduce the required minimum front yard setback of 35 feet to 10 feet along Saint Joseph Street and along Birch Avenue and to reduce the required rear yard setback from 30 feet to five feet is hereby acknowledged;**
9. **The previously granted Exception to increase the permitted lot coverage from 25% to 31% is hereby acknowledged;**
10. **The previously granted Exception to decrease the minimum required**

open space of 300 square feet per apartment unit to 130 square feet per apartment unit is hereby acknowledged;

11. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Final Planned Residential Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Residential Development. 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;
12. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
13. All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Initial Planned Residential Development and the Final Planned Residential Development or a subsequent Major Amendment;
14. All applicable provisions of the adopted International Fire Code shall continually be met; and,
15. The Final Planned Residential Development shall allow for a six story apartment building with first floor commercial use for the residents of the apartments. Any change in use that is a permitted use in the High Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District shall require the review and approval of a Major Amendment to the Planned Commercial Development. (9 to 0 to 1 with Beshara, Fink, Marchand, Popp, Rippentrop, Rolinger, Snyder, Swank and Weimer voting yes, with none voting no and with Braun abstaining)

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.

*23. No. 12UR002 - Providence Addition

A request by John Lushbough for Gina Goodshield to consider an application for a **Conditional Use Permit to allow a Child Care Center** for Lot E and Lot F of Block 21 of Providence Addition located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2626 West Main Street.

Scull returned to the meeting at this time.

Laroco reviewed the slides and presented staff's recommendation to deny the request.

Popp moved, Fink seconded and carried unanimously to deny the Conditional Use Permit to allow a Child Care Center as the application does not meet the design criteria for a child care center. (9 to 1 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Swank and Weimer voting yes and with Snyder 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.

*24. No. 12UR005 - Marshall Heights Tract

A request by China Wok to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** for Lot B of Lot 6 of Lot K-3 of Marshall Heights Tract located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1575 North LaCrosse Street, Suite B.

Fisher advised that staff recommends that this item be continued to the April 5, 2012 Planning Commission meeting to allow the applicant to submit the required information.

Rolinger moved, Snyder seconded and carried unanimously to continue the Conditional Use Permit to allow an On-Sale Liquor Establishment to the April 5, 2012 Planning Commission meeting. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

*25. No. 12UR007 - Hillsvieview Subdivision

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow an Off-Premise Sign** for Lot 17 of Hillsvieview Subdivision located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of East Highway 44 and Rockhill Road.

Laroco advised that the applicant has requested that this item be continued to the April 26, 2012 Planning Commission meeting to allow a spacing variance to be obtained.

Fink moved, Snyder seconded and carried unanimously to continue the Conditional Use Permit to allow an Off-Premise Sign to the April 26, 2012 Planning Commission meeting. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

*26. No. 12UR008 - Original Town of Rapid City

A request by Main Street Square, LLC to consider an application for a **Major Amendment to a Conditional Use Permit to expand an On-Sale Liquor Establishment** for Lot 17 and vacated portions of Main Street and Sixth Street adjacent to Lot 17, Lots 18-22 and the vacated portions of Main Street adjacent to Lots 18-22, Lot 23 excluding the east 15 feet of Lot 23, and the vacated alley located between 5th Street and 6th Street, all located in Block 75 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 526 Main Street.

Laroco reviewed the slides and presented staff's recommendation for approval of the request with the stipulations outlined in the staff report.

Rolinger moved, Braun seconded and carried unanimously to approve the Major Amendment to a Conditional Use Permit to expand an On-Sale Liquor Establishment with the following stipulations:

- 1. A Building Permit shall be required prior to any construction on the site. A Certificate of Occupancy shall be required prior to occupancy;**
- 2. Prior to issuance of a Building Permit, approval through an 11.1 Historic Review shall be obtained for any construction located within the Downtown Historic District;**
- 3. Prior to issuance of a Building Permit, signed and sealed final plans shall be submitted to Community Planning and Development Services for review and approval;**
- 4. All applicable provisions of the currently adopted International Fire Code shall continually be met;**
- 5. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit to allow an On-Sale Liquor Establishment. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining the Sign Permit;**
- 6. 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; and,**
- 7. All areas used for the sale and consumption of alcohol shall be enclosed by a fence with proper exits maintained at all times. Proper exits shall be maintained within fenced areas at all times. When the fenced area is utilized, the maximum occupancy load shall be posted in three inch letters and the proper occupancy load shall be maintained at all times within the fenced area when utilized.**

- Destination Rapid City shall be responsible for the enforcement of all boundaries, access points, and security measures required during any events with on-sale liquor service;
8. All provisions of the Central Business Zoning District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment;
 9. This Conditional Use Permit to Expand an On-Sale Liquor Establishment shall allow Destination Rapid City to host events at Main Street Square and the adjacent vacated alley. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Other permitted uses within the Central Business District shall be allowed, with the exception of conditional uses which shall require the review and approval of a Major Amendment to the Conditional Use Permit;
 10. This Major Amendment to the Conditional Use Permit 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. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, 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.

*27. No. 12UR009 - Red Rock Estates

A request by LYNC Architecture, LLC for Don and Donna Short to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 3 of Block 18 of Red Rock Estates located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5407 Bethpage Drive.

Laroco advised that the stipulations of approval have been met noting staff's recommendation for approval of the application with the stipulations outlined in the staff report.

Fink moved, Rolinger seconded and carried unanimously to approve the Conditional Use Permit to allow an oversized garage with the following stipulations:

1. Prior to approval by Planning Commission, an Exception shall be obtained to allow two driveways, or revised plans shall be submitted to Community Planning and Development Services for review and approval showing only one driveway;
2. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to use of the garage;

3. **Prior to issuance of a Building Permit, a Covenant Agreement shall be submitted to the Register of Deeds acknowledging that the garage shall only be used for residential purposes. A copy of the Agreement shall be submitted to Community Planning and Development Services for review and approval;**
4. **The structure shall conform to the elevations and designs approved as a part of this Conditional Use Permit. Changes to the design which the Director of Community Planning and Development Services determines are consistent with the original approved plans may be allowed as a Minimal Amendment to the Conditional Use Permit;**
5. **This Conditional Use Permit shall allow for the construction of an oversized garage with a cumulative floor area of 2,330 square feet in lieu of the maximum allowable 1,500 square feet to be used as RV storage for a single family residence. Expansion or modification of the single family residence shall not require an Amendment to the Conditional Use Permit. Expansion or modification of the proposed oversized garage shall require a Major Amendment to the Conditional Use Permit; and,**
6. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval of the Planning Commission, or if the use as approved has ceased for a period of two years. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, 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.

*27A. No. 12PD008 - Auburn Hills Subdivision

A request by Doeck, LLC to consider an application for an **Initial and Final Residential Development Plan** for Lot 1 of Block 12 of Auburn Hills Subdivision located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, south Dakota, more generally described as being located at the southwest corner of the intersection of Misty Woods Lane and Auburn Drive.

Fisher advised that the applicant has not yet returned with the required documentation of the certified mailing noting that only one of the certified mailing cards is missing. Fisher stated that the Director has determined that a good faith effort has been made to notify the surrounding property owners. Fisher stated that staff recommends approval of the request with the stipulations outlined in the staff report.

Rolinger moved, Scull seconded and unanimously carried to approve the Initial and Final Residential Development Plan 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 of the residence;
2. All applicable provisions of the currently adopted International Fire Code shall be continually met;
3. The proposed structure shall conform to the elevations and plans approved as a part of this Planned Residential Development. Any changes to the design of the structure which the Director of Community Planning and Development Services determines is consistent with the original approved designs shall be considered as a Minimal Amendment to the Planned Commercial Development;
4. All provisions of the Medium Density Residential District shall be met unless specifically authorized as a stipulation of this Initial and Final Planned Development or a subsequent Major Amendment to the Planned Residential Development;
5. This Initial and Final Planned Residential Development shall allow for the construction of a single family residence in a Medium Density Residential District. Other uses permitted in a Medium Density Residential District shall require a Minimal Amendment to the Planned Development. Other uses considered conditional in a Medium Density Residential District shall require a Major Amendment to the Planned Development; and,
6. 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. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, 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.

28. Discussion Items
None.
29. Staff Items
None.
30. Planning Commission Items
None.
31. Committee Reports
None.

There being no further business, Rolinger moved, Scull seconded and

unanimously carried to adjourn the meeting at 7:41 a.m. (10 to 0 with Braun, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)