

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 5, 2012

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

MEMBERS ABSENT: Dennis Popp, Steve Rolinger and Andrew Scull.

STAFF PRESENT: Brett Limbaugh, Fletcher Lacock, Robert Laroco, Ted Johnson, Allison Marsland and Risë Ficken.

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

A member of the audience requested that Items 7 and 8 be removed from the Consent Agenda for separate consideration.

Motion by Snyder, seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 10 in accordance with the staff recommendations with the exception of Items 7, 8 and 9. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the March 22, 2012 Planning Commission Meeting Minutes.

*2. 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 26, 2012 Planning Commission meeting.

*3. 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 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 approved the Initial and Final Commercial Development Plan with the following stipulations:

- 1. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment;**
- 2. The proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Commercial Development. Changes to the proposed elevations, design plans and color palette which the Planning Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Planned Commercial Development;**
- 3. A minimum of 32 parking spaces and seven drive-thru stacking 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;**
- 4. A minimum of 44,610 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;**
- 5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 6. All erosion and sediment control devices shall be installed prior to issuance of a Certificate of Occupancy;**
- 7. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 9. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Commercial Development. Changes to the proposed sign package, which the Planning Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the 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;
10. 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;
 11. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 12. The Initial and Final Planned Commercial Development shall allow the property to be used for a fast food restaurant. 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 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.

- *4. 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 26, 2012 Planning Commission meeting.

*5. No. 12PD014 - Rapid Valley Subdivision

A request by Kevin Willan to consider an application for an **Initial and Final Commercial Development Plan** for Lots 11 and 12 of Block 6 of Rapid Valley Subdivision located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2501 East Saint Francis Street.

Planning Commission approved the Initial and Final Commercial 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;**
2. **Prior to issuance of a Building Permit, 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;**
3. **An Exception to reduce the off-street parking requirements from 39 spaces to 6 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;**
4. **An Exception is hereby granted to reduce the front yard setback to 0 feet in lieu of the minimum required 25 feet and to reduce the side yard setback to 0 in lieu of the minimum required 25 feet. In addition, the rear yard setback shall be reduced to 13 feet in lieu of the minimum required 15 feet;**
5. **Prior to issuance of a Building Permit, revised plans shall be submitted to Community Planning and Development Services for review and approval showing water and sewer lines installed to conform to Rapid Valley standard specifications;**
6. **Prior to issuance of a Building Permit, the applicant shall confirm that fire flow requirements for the property are being met. A fire protection/extinguishing system shall be provided as required by Chapter 9 of the International Fire Code. All applicable provisions of the currently adopted International Fire Code shall be continually maintained. The applicant shall coordinate with the Rapid City Fire Department regarding specific fire protection needs;**
7. **Prior to issuance of a Building Permit, revised plans shall be submitted to Community Planning and Development Services showing the required sidewalks, or the stipulations of approval for the Exception to not install sidewalk, including submittal of a waiver of right to protest, shall be met. A copy of the signed waiver of right to**

- protest shall be submitted to Community Planning and Development Services for review and approval;
8. **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. Signs in compliance with Chapter 15.28 of the Rapid City Municipal Code shall be allowed as a Minimal Amendment to the Planned Commercial Development. No electronic signage is being approved as a part of this Planned Commercial Development. The addition of electronic signage will be considered as a Major Amendment to the Planned Commercial 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);**
 9. **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;**
 10. **An opaque screening fence shall be provided on the property lines adjacent to all residential zoning districts. All fencing shall be maintained in good condition and shall comply with the requirements of Chapter 15.40 of the Rapid City Municipal Code;**
 11. **This Planned Commercial Development shall allow for the construction of a powder coating business to be located in two structures. Other uses permitted in a General Commercial District shall be allowed as a Minimal Amendment to the Planned Commercial Development provided that all land area regulations of the General Commercial District are met. Conditional uses or uses that do not meet the minimum land area regulations of the General Commercial District shall require a Major Amendment to the Planned Commercial Development; and,**
 12. **All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment.**

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.

6. No. 12RZ002 - Fifth Street Office Plaza
A request by Fisk Land Surveying & Consulting Engineers for 5th Street Developers, LLC to consider an application for a **Rezoning from Office Commercial District to General Commercial District** for all of Lots Two (2) and Three (3) in Block Two (2) of Fifth Street Office Plaza, located in the Northeast One-Quarter (NE 1/4) of Section Twenty Four (24), Township One

North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota as shown on the plat recorded on January 24, 2007 and filed in Book 34 of Plats on Page 76, excepting therefrom all of that portion of Lot Three (3) which is zoned as Public District and is more generally described as follows: Beginning at the southwest corner of said Lot Three (3) in Block Two (2) of Fifth Street Office Plaza; thence first course, North on the westerly line of said Lot 3, North 00 degrees 24 minutes 02 seconds East a distance of 38.32 feet more or less, to an angle point on the west line of said Lot 3; thence second course, South 84 degrees 59 minutes 26 seconds East a distance of 102.00 feet more or less; thence third course, South 54 degrees 11 minutes 32 seconds East a distance of 93.76 feet more or less, to a point on the south line of said Lot 3; thence final course, northwesterly on the south line of said Lot 3, North 81 degrees 51 minutes 42 seconds West a distance of 180.63 feet more or less to the point of beginning, more generally described as being located at 4831 and 4905 Fifth Street.

Planning Commission recommended approval of the Rezoning from Office Commercial District to General Commercial District.

METROPOLITAN PLANNING ORGANIZATION:

10. 12TP012 - 2012-2016 Transportation Improvement Program Amendment #12-008

Planning Commission recommended approval of the 2012-2016 Transportation Improvement Program Amendment #12-008.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Gary Brown requested that Items 7 and 8 be considered concurrently.

7. No. 12RZ005 - Section 19, T1N, R8E
A request by Centerline for Lazy P-6 Land Co., Inc. to consider an application for a **Rezoning from Office Commercial District to General Commercial District** for a parcel of land located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing from the northeast corner of Lot 3 of North 80 Subdivision consisting of a "Hanson #6251" cap, thence N0°08'36"E a distance of 175.18' to a point that intersects the centerline of a 50' wide Major Drainage Easement, thence S89°52'06"E a distance of 167.75' to a point on a non-tangent left-hand curve and west right-of way line of Shelby Avenue with a radius of 226.00', a length of 59.56', a chord bearing of S18°45'08"E and a chord distance of 59.39' to the PT, thence S26°18'10"E a distance of 101.47' to the PC of a right-hand curve with a radius of 174.00' and a length of 80.29', thence S0°07'54"W a distance of 255.29' to a "Hanson #6251" cap, thence S55°26'11"W a distance of 15.81' to a "Hanson #6251" cap, thence along the north side of East Stumer Road N89°52'06"W a distance of 237.34' to the southeast corner of Lot 3 consisting of a "Hanson #6251" cap, then N0°08'36"E along the east line of Lot 3 a distance of 313.67' to the Point of Beginning, more generally described as

being located at the northwest corner of the intersection of East Stumer Road and Shelby Avenue.

8. No. 12RZ006 - Section 19, T1N, R8E

A request by Centerline for Lazy P-6 Land Co., Inc. to consider an application for a **Rezoning from Office Commercial District to General Commercial District** for a parcel of land located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing from the northerly bevel corner at the northeast corner of the intersection of East Stumer Road and Shelby Avenue consisting of a "Hanson #6251" cap thence N0°07'54"E along the east side of Shelby Avenue a distance of 250.29' to the PC of a left-hand curve with a radius of 226.00' and a length of 104.28' to the PT, thence N26°18'10"W a distance of 101.47' to the PC of a right-hand curve with a radius of 174.00' and a length of 80.29' to the PT, thence N0°07'55"E a distance of 88.53' to a point on the 1/16 line, thence S89°46'12"E a distance of 282.46' to a point, thence S26°36'14"E a distance of 82.96' to a point, thence S67°14'54"E a distance of 39.35' to a point, thence N87°22'06"E a distance of 269.40' to a point on the 1/16 section line, thence S0°06'32"E a distance of 605.05' to a point, thence N89°52'06"W a distance of 395.73' to a point on a non-tangent left-hand curve with a radius of 430.00, a length of 66.48', a chord bearing of N85°42'10"E and a chord length of 66.41' along the south side of East Stumer Road R.O.W. to a point on the curve, thence N8°43'33"W across the R.O.W. a distance of 60.00' to a point on a curve on the north R.O.W. of East Stumer Road, thence through a non-tangent right-hand curve with a radius of 370.00, a length of 57.20', a chord bearing of S85°42'10"W, and a chord length of 57.14' to the PT, thence N89°52'06"W a distance of 131.00', thence N44°52'06"W a distance of 19.80' to the Point of Beginning, more generally described as being located at the northeast corner of the intersection of East Stumer Road and Shelby Avenue.

Brown advised that a number of constituents who live in this area have expressed concerns relating to the continued encroachment of General Commercial zoning into the existing Office Commercial zoning. Brown noted that the Office Commercial zoning serves as a buffer between the residential area and General Commercial uses. Brown encouraged the Planning Commission members to carefully review future requests for additional General Commercial zoning in this area so that buffer zoning is maintained between the existing residential uses and any General Commercial uses. Discussion followed.

Fink moved, Braun seconded and unanimously carried to recommend approval of the Rezoning from Office Commercial District to General Commercial District (12RZ005), and, to recommend approval of the Rezoning from Office Commercial District to General Commercial District (12RZ006). (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)

9. No. 12RZ007 - Boulevard Addition

A request by Alan Johannesen to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** for the west half of Lot 4, all of Lot 5 and Lot 6 of Block 38 of Boulevard Addition located

in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 809 and 811 Fairview Street.

Laroco advised that a letter of opposition to the proposed rezoning was received late yesterday and he stated that hard copies were distributed on the dais. Laroco presented the slides noting that the property is located in a well-established residential neighborhood. He indicated that staff recommends approval of the requested rezoning.

In response to a question from Brewer, Laroco stated that 811 Fairview Street is currently zoned General Commercial District and is used as a single family residence. He noted that the zoning of the property was designated after the homes were constructed. Discussion followed.

In response to a question from Brewer, Alan Johannesen advised that he has requested to rezone the property in order to refinance the house at a lower interest rate. Johannesen indicated that interest rates are higher for commercially zoned properties. Johannesen stated that he has lived in the house for 10 years and plans to continue living in the house.

Braun moved, Marchand seconded and unanimously carried to recommend approval of the Rezoning from General Commercial District to Medium Density Residential District. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)

*11. 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.

Lacock stated that this item was continued at the last Planning Commission meeting in order to allow the applicant to provide additional information. Lacock stated that the information has not been received and he stated that staff recommends that the request be continued to the April 26, 2012 Planning Commission meeting.

Marchand moved, Weimer seconded and unanimously carried to continue the Conditional Use Permit to allow an On-Sale Liquor Establishment to the April 26, 2012 Planning Commission meeting. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)

*12. No. 12UR010 - Hiway #79 Industrial Park

A request by Morton Buildings for Richard and Laurie Gaudette to consider an application for a **Conditional Use Permit to allow a Kennel** for Lot 3 of Hiway #79 Industrial Park located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at

1317 East Fairmont Boulevard.

Laroco advised that the stipulations of approval have been met with the exception of providing a drainage report. Laroco indicated that drainage plans will not be available until the final construction plans are prepared. Laroco indicated that staff recommends approval of the request with the following revision to Stipulation 2: **Prior to approval by Planning Commission issuance of a building permit, a drainage report shall be submitted for review and approval showing drainage is being adequately addressed.**

Laroco reviewed the slides noting that the findings in the drainage report may affect the final location of the fencing to be installed on the property.

Snyder moved, Fink seconded and unanimously carried to approve the Conditional Use Permit to allow a kennel with the following stipulations:

- 1. Prior to approval by Planning Commission, revised plans shall be submitted for review and approval showing the scale and dimensions on the site plan, including access, parking, all structures, and the size of the lot. In addition, plans shall show the designated location for waste storage and collection. If waste collection requires access to the off-street parking area, plans shall be revised to demonstrate that movement of the collection truck on the property will not interfere with proposed off-street parking spaces;**
- 2. Prior to issuance of a building permit, a drainage report shall be submitted for review and approval showing drainage is being adequately addressed;**
- 3. Prior to approval by Planning Commission, revised plans shall be submitted showing the proposed play area fence is located outside of all drainage/utility easements, or the required drainage report shall show the drainage/utility easements are not being utilized for drainage on the site;**
- 4. A Building Permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy of any of the structures on the site.**
- 5. 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 redlined drawings. All redlined drawings shall be returned to Community Planning and Development Services and signed and sealed final construction plans shall be submitted for review and approval;**
- 6. A minimum of 11 parking spaces shall be provided for the site. One of the proposed parking spaces shall be "van" handicap accessible. All parking shall comply with Chapter 17.50.270 of the Rapid City Municipal Code;**
- 7. A minimum of 17,930 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 shall 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;
8. The proposed six foot tall fence shall be constructed from chain link and opaque vinyl fencing as shown in the submitted plans. Relocation or replacement of the fence shall be at the property owner's expense. All fences shall be maintained in good condition;
 9. All lighting shall be directed to reflect away from all residential districts, and to preclude shining on other properties and/or streets;
 10. 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 Conditional Use Permit. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code may be allowed as a Minimal Amendment to the Conditional Use Permit. No electronic signage is being approved as a part of this Conditional Use Permit. The addition of electronic signage will be considered as a Major Amendment to the Conditional Use Permit. 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);
 11. Prior to issuance of a Certificate of Occupancy, all requirements of Rapid City Municipal Code Chapter 6.08.050, which addresses the requirements for the operation of an animal kennel, must be met;
 12. This Conditional Use Permit shall allow for the construction of an animal kennel with landscaping, parking and a fenced play area to be operated as a "doggie day care" for a maximum of ten dogs. The facility shall be operated between 7:00 am and 6:00 pm, Monday through Friday. Other uses permitted in a Light Industrial District shall be allowed as a Minimal Amendment to the Planned Commercial Development requiring the approval of the Director of Community Planning and Development Services. Conditional uses allowed within a Light Industrial District shall require a Major Amendment to the Conditional Use Permit; and,
 13. All provisions of the Light Industrial District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Rippentrop, 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.

13. Discussion Items
A. 2011 Annual Report

Limbaugh provided a review of the 2011 Annual Planning Commission Report.

Brewer thanked Director Limbaugh and staff for their work in preparing the information for the report.

Brewer requested that data be included in the report identifying the value of building permits that are issued annually within the boundaries of each of the approved Tax Increment Districts.

14. Staff Items
None.

15. Planning Commission Items
None.

16. Committee Reports
None.

There being no further business, Snyder moved, Braun seconded and unanimously carried to adjourn the meeting at 7:32 a.m. (9 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)