

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 21 2013

MEMBERS PRESENT: Carlos Beatty Jr., Erik Braun, Linda Marchand, Dennis Popp, Cody Raterman, Kay Rippentrop, Steve Rolinger, Tim R. Rose and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Sandra Beshara, John Brewer, Andrew Scull

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, Dale Tech, Ted Johnson, Carla Cushman and Andrea Wolff.

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 Item 5 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger seconded by Rose and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations with the exception of Item 5. (9 to 0 with Beatty, Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 7, 2013 Planning Commission Meeting Minutes.
2. No. 13CA001 - W-Y Addition
Summary of Adoption Action on a request by John Herr for G/GSA Inc. to consider an application for a **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Industrial** for Lot 3 of Tract D of W-Y Addition, located in the E1/2 of the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4503 and 4507 South I-90 Service Road.

Planning Commission approved the summary and authorized publication in the Rapid City Journal

3. No. 13CA002 - Feigels Addition
Summary of Adoption Action on a request by Tim Trithart for Community Health Center of the Black Hills to consider an application for an **Amendment to the Comprehensive Plan to Change the land use designation from Public to Commercial** for all of Block 13 of Feigels Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 725 E. Philadelphia Street.

Planning Commission approved the summary and authorized publication in the Rapid City Journal

4. No. 13PL015 - Minnesota Park Subdivision

A request by Sperlich Consulting, Inc. for Walgar Development Corporation to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 2 of Block 3 of Minnesota Park Subdivision, legally described as a portion of Tract A of Robbinsdale Addition No. 10, located in the E1/2 of the NE1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Minnesota Street and east of Maple Avenue.

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

1. **Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;**
2. **Upon submittal of a Development Engineering Plan application, a grading plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;**
3. **Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval demonstrating that the existing channel and proposed channel improvements fit within the South Robbinsdale Drainage Basin Plan. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The drainage plan shall also confirm that the existing channel on the south side of the development has adequate capacity to handle the 100 year storm. A drainage easement for the 100 year storm through the drainage channel, wide enough to effectively maintain the drainage channel, shall be dedicated as needed. The drainage report shall also address what channel improvements will be made to aid in maintenance of the channel. In addition, the proposed improvements shall be included within the submitted drawings. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval;**
4. **Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required;**
5. **Upon submittal of a Development Engineering Plan application, a fire flow analysis per the requirements of the Infrastructure Design Criteria Manual shall be submitted for review and approval to confirm adequate fire flow is available;**
6. **Upon submittal of a Development Engineering Plan application, anticipated sanitary sewer flow estimates shall be submitted for review and approval;**

7. **Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
8. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide pedestrian access and utility easement along Minnesota Street as per approved Design Exception #13EX024;**
9. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
10. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s)**

*6. No. 13PD005 - Fountain Springs Business Park

A request by Terry Stocker to consider an application for a **Final Planned Development to Allow the Construction of an Industrial Building** for Tract H of Fountain Springs Business Park, located in the NE1/4 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of South Plaza Drive west of the intersection of South Plaza Drive and Harmony Heights Lane.

Planning Commission approved the Final Planned Development to allow the construction of an industrial building with the following stipulations:

1. **A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to issuance of a building permit, the applicant shall demonstrate that the adjacent property to the east can be served by sanitary sewer within Harmony Heights Lane, or revise plans to show sanitary sewer lines are being extended the length of the property;**
3. **Prior to issuance of a building permit, the applicant shall submit revised plans showing the required sidewalk is being provided, or obtain an Exception waiving the requirement to install sidewalks;**
4. **Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;**
5. **An air quality construction permit shall be obtained for any disturbance of earth greater than one acre;**
6. **All parking shall comply with the approved parking plan and the requirements of the Rapid City Parking Ordinance;**
7. **All landscaping shall comply with the approved landscaping plan and the requirements of the Rapid City Landscaping Ordinance;**
8. **All signage shall comply with the Rapid City Municipal Code.**

- Changes to the signage which comply with the Rapid City Sign Code shall be permitted. Signage requiring approval by the Board of Adjustment shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
9. All development of the property shall maintain handicap accessibility at all times;
 10. All development on the site shall continually comply with the requirements of the Light Industrial District unless specifically stipulated as a part of a Major Amendment to the Planned Development, and;
 11. This Final Planned Development shall allow for construction of an industrial building. All permitted uses within the Light Industrial District shall be permitted. All conditional uses within the Light Industrial District shall require a Major Amendment to the Planned Development.

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

*7. No. 13PD007 - WREA Subdivision

A request by ARC International for West River Electrical Association to consider an application for a **Major Amendment to a Planned Development to Complete Tenant Space and to Construct Additional Parking** for Lot 1 of WREA Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3250 East Highway 44.

Planning Commission approved the Major Amendment to a Planned Development to complete tenant space and to construct additional parking with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to submittal of a building permit, the applicant shall address redline comments and submit a revised drainage report for review and approval;
3. Prior to submittal of a building permit, an original City Post Construction Stormwater Quality Best Management Practices evaluation form shall be submitted for review and approval;
4. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
5. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
6. A minimum of 761,300 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape 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;
7. A minimum of 268 parking spaces shall be provided. Seven 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;
 8. All signage shall continually conform to the Sign Code. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned 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 the proposed signs;
 9. 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;
 10. All provisions of the Light Industrial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment;
 11. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 12. The Major Amendment to the Planned Development shall allow for a two story office building. Any change in use that is a permitted use in the Light Industrial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Light Industrial District shall require the review and approval of a Major Amendment to the Planned Development.

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

*8. No. 13PL019 - Parkview Estates

A request by Renner and Associates, LLC for Parkview Estate, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1A, Lots 1 thru 6 and Common Lot 1 of Block 1, Lot 1 of Block 2, Dedicated Hanover Drive right-of-way and Dedicated Parkview Drive right-of-way of Parkview Estates, legally described as the unplatted balance of the W1/2 of the NW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Parkview Drive south

of Minnesota Street.

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

- 1. Prior to submittal of a Development Engineering Plan application, the construction plans and plat shall be revised to address all red line comments. In addition, the revised construction plans, plat and the red line comments shall be returned to the Community Planning & Development Services Department with the Development Engineering Plan application;**
- 2. Upon submittal of a Development Engineering Plan application, agreements securing maintenance and ownership of the stormwater collection system, the underground detention proposed between Lots 1 and 2 of Block 1 and the stormwater facility located on Common Lot 1 shall be submitted for review and approval. Prior to submittal of a Final Plat application, the approved agreement(s) shall be recorded at the Register of Deed's Office and a copy of the recorded agreement(s) shall be submitted with the Final Plat application;**
- 3. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show a stormwater easement dedicated where the stormwater collection system crosses multiple property lines. In addition, construction plans shall be submitted showing the stormwater line moved out of the sanitary sewer easement;**
- 4. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show a stormwater easement dedicated between proposed Lots 1 and 2 of Block 1 for the underground detention;**
- 5. Upon submittal of a Development Engineering Plan application, drainage data verifying that the relocation of the Major Drainage Easement continues to accommodate drainage flows shall be submitted for review and approval or the plat document shall be revised accordingly;**
- 6. Upon submittal of a Development Engineering Plan application, construction plans for Hanover Drive shall be submitted for review and approval. In particular, the construction plans shall show the street located within a 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. The plans shall also include a hydraulic analysis of the stormwater structure under Hanover Drive and a utility trench backfill recommendation from the Geotechnical Engineer for the public utilities;**
- 7. Upon submittal of a Development Engineering Plan application, a water analysis report and plans in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval;**

8. Upon submittal of a Development Engineering Plan application, a sanitary sewer analysis report and plans in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval;
9. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
10. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided;
11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

*9. No. 13PD008 - Skyline Pines East Subdivision

A request by Upper Deck Architects for Premier Home Mortgage to consider an application for a **Final Planned Development Overlay to Construct an Office Building** for Lot 9 of Skyline Pines East Subdivision, located in the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Tower Road west of South Highway 16.

Planning Commission approved the **Final Planned Development Overlay to Construct an Office Building** with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required parking from 82 spaces to 81 spaces. A minimum of 81 parking spaces shall be provided. Four 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;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Prior to submittal of a building permit, the applicant shall address redline comments and revise the site improvements report and submit revisions for review and approval;
4. Prior to submittal of a building permit, the applicant shall revise the

- drainage analysis to provide stormwater runoff control as per Section 4 of the Infrastructure Design Criteria Manual or obtain an Exception to waive stormwater requirements;
6. Upon submittal of a building permit, a revised plan shall be submitted showing the fire and domestic service and valves installation as per Figure 3-7B of the Infrastructure Design Criteria Manual;
 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. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 9. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
 10. A minimum of 62,234 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape 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;
 11. All signage shall continually conform to the Sign Code. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned 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 the proposed signs;
 12. 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;
 13. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
 14. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 15. The Final Planned Development Overlay shall allow for an office building. Any change in use that is a permitted use in the Office Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development.

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

day following action by the Planning Commission.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*5. No. 13PD004 - Springbrook Acres Addition

A request by Davis Engineering, Inc. for Bob Biernbaum to consider an application for a **Major Amendment to a Planned Development to allow an Oversized Garage** for Lot 3 of Tract SB Revised of Springbrook Acres Addition, located in Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Foothills Drive and Estates Drive located both east and west of Estates Drive.

Lacock reviewed the application and slides noting that staff has received one letter in opposition to the oversized garage and one letter in support. Lacock stated that in 2010 a Conditional Use Permit to allow an oversized garage was approved for a neighboring property. Lacock presented staff's recommendation that the **Major Amendment to a Planned Development to allow an Oversized Garage** be approved with stipulations.

Ron Davis, Davis Engineering, engineer for the project stated that he was available for any questions and noted that the applicant has worked to make the proposed garage complementary to the area and surrounding structures and he hopes that the Planning Commission will approve the request.

Robert Burton, 3940 Estates Drive, stated that he has reviewed the plans and that he supports the request.

Rose moved, Beatty seconded and unanimously carried to approve the Major Amendment to a Planned Development to allow an oversized garage with the following stipulations:

- 1. An Exception is hereby granted to allow a total of 1,988 square feet of private garage space in lieu of the maximum allowed private garage space of 1,500 square feet;**
- 2. Prior to issuance of a building permit for the proposed detached garage, a building permit shall be issued for the single-family residence. In addition, a building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 4. All provisions of the Park Forest District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment;**
- 5. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 6. The Major Amendment to the Planned Development shall allow for an**

oversized garage. The garage shall not be used for commercial purposes or a second residence. Any change in use that is a permitted use in the Park Forest District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Park Forest District shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Beatty, Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank 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. (9 to 0 with Beatty, Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

*10. No. 13UR004 - Deblen Subdivision

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to Allow Replacement and Reduction of an Existing Off-Premise Sign** for Lot 1 of Deblen Subdivision, located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3400 Cambell Street.

Laroco reviewed the application and slides. Laroco noted that the new sign is a reduction in overall signage and that the replacement of an off premise sign is allowed, provided that the new sign meets all of the requirements of the Rapid City Sign Code with the exception of spacing, which can be waived. Laroco stated that this sign meets those requirements and staff recommends that the **Conditional Use Permit to Allow Replacement and Reduction of an Existing Off-Premise Sign** be approved with stipulations.

Swank moved, Rolinger seconded and unanimously carried to approve the Conditional Use Permit to allow replacement and reduction of an existing off-premise sign with the following stipulations:

- 1. Prior to Planning Commission approval, revised plans shall be submitted to Community Planning and Development Services showing the location of all existing and proposed signage in relation to all property lines, utilities and structural development;**
- 2. A sign permit shall be obtained prior to commencement of construction of the sign;**
- 3. Prior to issuance of a sign permit, final construction plans signed and sealed by a Professional Registered Engineer shall be submitted. Final plans shall include the structure footings;**
- 4. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this sign. All interior-illuminated off-premise signage shall comply with the sign brightness requirements of the Rapid City Sign Code. The sign shall be designed and operated in**

compliance with the illumination standards of the Rapid City Municipal Code. Continuing compliance with the illumination standards for off-premise signage shall be demonstrated annually as a part of the off-premise sign license renewal;

5. All requirements of the Heavy Industrial District and the Rapid City Sign Code shall be continually maintained, and;
6. This Conditional Use Permit shall allow for the replacement of an existing off-premise sign. The sign shall be constructed as shown on the approved plans. Changes to the construction of the sign shall require a Major Amendment to the Conditional Use Permit. (9 to 0 with Beatty, Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank 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.

*11. No. 13UR005 - Section 17, T1N, R8E

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to Allow Replacement and Reduction of an Existing Off-Premise Sign** for Lot A less the west 17 feet of Lot A and less Lot H-2, located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3300 Cambell Street.

Laroco presented the application and slides noting that the applicant is moving the footing for this sign to the south as they are unable to position the footing in the exact same location as the current footing. Building Official, Brad Solon has reviewed and approved the relocation of the footing. Laroco stated that staff recommends approval of the **Conditional Use Permit to Allow Replacement and Reduction of an Existing Off-Premise Sign** with stipulations.

Terry Olson, Lamar Advertising, stated that these two signs are part of Lamar's campaign to clean up older signs and that they plan to make similar upgrades going forward.

Rolinger moved, Rose seconded and unanimously carried to approve the Conditional Use Permit to Allow Replacement and Reduction of an Existing Off-Premise Sign with the following stipulations:

1. Prior to Planning Commission approval, revised plans shall be submitted to Community Planning and Development Services showing the location of all existing and proposed signage in relation to all property lines, utilities and structural development;
2. A sign permit shall be obtained prior to commencement of construction of the sign;
3. Prior to issuance of a sign permit, final construction plans signed and sealed by a Professional Registered Engineer shall be submitted.

- Final plans shall include the structure footings;
4. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this sign. All interior-illuminated off-premise signage shall comply with the sign brightness requirements of the Rapid City Sign Code. The sign shall be designed and operated in compliance with the illumination standards of the Rapid City Municipal Code. Continuing compliance with the illumination standards for off-premise signage shall be demonstrated annually as a part of the off-premise sign license renewal;
 5. All requirements of the Heavy Industrial District and the Rapid City Sign Code shall be continually maintained, and;
 6. This Conditional Use Permit shall allow for the replacement of an existing off-premise sign. The sign shall be constructed as shown on the approved plans. Changes to the construction of the sign shall require a Major Amendment to the Conditional Use Permit. (9 to 0 with Beatty, Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank 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.

*12. No. 13PD006 - Cleary Subdivision

A request by Geiger Architecture for Mary E. Buhman dba Rockin' Heart, LLC to consider an application for a **Major Amendment to a Planned Unit Development to Allow a Small Animal Hospital** for Lot A less Lot H1 of Cleary Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Catron Boulevard and Wellington Drive.

Lacock stated that due to changes to the Sign Code, staff recommends that the application for a **Major Amendment to a Planned Unit Development to Allow a Small Animal Hospital** be continued to the April 4, 2013 Planning Commission meeting.

Staff has spoken with the applicant and they are in concurrence with the continuation.

Rose moved, Rolinger seconded and unanimously carried to continue the Major Amendment to a Planned Unit Development to allow a small animal hospital to the April 4, 2013 Planning Commission meeting. (9 to 0 with Beatty, Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank 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. No. 13PL018 - Dunsmore Road Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 through 4 of Dunsmore Road Subdivision, legally described as that portion of the SW1/4 of the SW1/4 and the SE1/4 of the SW1/4 lying south of Lot H2 and Lot P2, excepting there from the east 480 feet of the SE1/4 of the SW1/4 and excepting there from Moon Meadows Estates and less right-of-way, all located in Section 28, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southeast corner of the Sheridan Lake Road and Dunsmore Road intersection.

Fisher stated the applicant has requested that the **Preliminary Subdivision Plan** be continued to April 4, 2013 Planning Commission meeting.

Braun noted that he would be abstaining from participating on this item do to a conflict of interest.

Rolinger moved, Rose seconded to continue the Preliminary Subdivision Plan to the April 4, 2013 Planning Commission meeting. (8 to 0 to 1 with Beatty, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Braun abstaining)

Horton requested that items 14 and 15 be heard concurrently.

14. No. 13TI002 - East Minnesota Street

A request by Dream Design International, Inc. for Dennis Zandstra Real Estate Holdings, LLC to consider an application for a **Resolution Creating Tax Increment District #74** for Lots 8-12 of Block 8 of Elks Country Estates; Lots 6-9 of Block 9 of Elks Country Estates; Lots 4-19 of Block 11 of Elks Country Estates; Lot 1 of Block 12 of Elks Country Estates; Lot 1-10 of Block 13 of Elks Country Estates; Lots 1-5 of Block 1 of Elks Crossing; Lots 5-22 of Block 4 of Elks Crossing; Lots 1-15 of Block 5 of Elks Crossing; Lot 2 of Block 6 of Elks Crossing; Lot 1 of Block 8 of Elks Crossing; all Located In Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; portions of Tract 1 of the S1/2 of the E1/2 less Elks Country Estates, less Lot H1, less Lot H3 & less ROW; the NE1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing and less ROW; the NW1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing, less Lot H1, less Lot H3 and less ROW; the SE1/4 of the SW1/4 less Lot H3R less Elks Crossing and less ROW; the SW1/4 of the SW1/4 less Elks Crossing less Lot H3 and less ROW; all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot B of the SW1/4 of the SW1/4 less Lot H1; Lot A of the SE1/4 of the SW1/4 less Lot H1 and less ROW; the S1/2 of the SE1/4 less Lot H1; all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, Lot 9, Lot 17, Lot 22 and Lot 23 of Marlin Industrial Park; the NE1/4 of the NE1/4; the NW1/4 of the NE1/4 less

Marlin Industrial Park less Lot H1 and less ROW; all located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; E1/2NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NW1/4 of the NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NE1/4 of the NW1/4 less Lot H3R; all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of Elks Country Estate north and south of Elk Vale Road and east of S.D. Highway 79.

15. No. 13TI003 - East Minnesota Street

A request by Dream Design International, Inc. for Dennis Zandstra Real Estate Holdings, LLC to consider an application for a **Tax Increment #74 Project Plan** for Lots 8-12 of Block 8 of Elks Country Estates; Lots 6-9 of Block 9 of Elks Country Estates; Lots 4-19 of Block 11 of Elks Country Estates; Lot 1 of Block 12 of Elks Country Estates; Lot 1-10 of Block 13 of Elks Country Estates; Lots 1-5 of Block 1 of Elks Crossing; Lots 5-22 of Block 4 of Elks Crossing; Lots 1-15 of Block 5 of Elks Crossing; Lot 2 of Block 6 of Elks Crossing; Lot 1 of Block 8 of Elks Crossing; all Located In Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; portions of Tract 1 of the S1/2 of the E1/2 less Elks Country Estates, less Lot H1, less Lot H3 & less ROW; the NE1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing and less ROW; the NW1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing, less Lot H1, less Lot H3 and less ROW; the SE1/4 of the SW1/4 less Lot H3R less Elks Crossing and less ROW; the SW1/4 of the SW1/4 less Elks Crossing less Lot H3 and less ROW; all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot B of the SW1/4 of the SW1/4 less Lot H1; Lot A of the SE1/4 of the SW1/4 less Lot H1 and less ROW; the S1/2 of the SE1/4 less Lot H1; all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, Lot 9, Lot 17, Lot 22 and Lot 23 of Marlin Industrial Park; the NE1/4 of the NE1/4; the NW1/4 of the NE1/4 less Marlin Industrial Park less Lot H1 and less ROW; all located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; E1/2NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NW1/4 of the NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NE1/4 of the NW1/4 less Lot H3R; all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of Elks Country Estate north and south of Elk Vale Road and east of S.D. Highway 79.

Horton requested that items 14 and 15 be continued to the April 25, 2013 Planning Commission to allow for additional information to be received.

Rolinger moved, Rose seconded and unanimously carried to continue the Resolution Creating Tax Increment District #74 (13TI002) to the the April 25, 2013 Planning Commission meeting; and, to continue the Project Plan for Tax Increment District #74 (13TI003) to the April 25, 2013 Planning Commission meeting. (9 to 0 with Beatty, Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

16. Discussion Items

None

17. Staff Items

Horton noted that as instructed by City Council at the March 4, 2013 City Council she has revised recommendations to the Tax Increment Financing Guidelines. Horton provided copies to the Planning Commissioners that were in attendance today and noted that copies would be provided to Planning Commissioners not in attendance today.

Horton stated that the contract for the Long Range Transportation Plan is on the agenda for the next Legal and Finance Committee and that once the information is assembled she will contact the Planning Commission to start working on the Steering Committee.

18. Planning Commission Items

None

19. Committee Reports

There being no further business, Marchand adjourned the meeting at 7:23 a.m.