

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 8, 2013

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Linda Marchand, Tim R. Rose and Andrew Scull. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Carlos Beatty, Jr., Cody Raterman, Steve Rolinger, Kay Rippentrop, Jan Swank and Dennis Popp

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Tim Behlings, Ted Johnson, Carla Cushman and Carol Campbell.

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.

Scull and Brewer requested that Items 3 and 8 be removed from the Consent Agenda for separate consideration.

Motion by Marchand, seconded by Rose and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 12 in accordance with the staff recommendations with the exception of Items 3 and 8. (6 to 0 with Braun, Brewer, Bulman, Marchand, Rose and Scull voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 25, 2013 Planning Commission Meeting Minutes and July 25, 2013 Plat Process Training Minutes.
2. No. 13PL072 - Canyon Lake Heights Section 9
A request by Sperlich Consulting Inc. to consider an application for a **Preliminary Subdivision Plan** for Lots AR-1 and AR-2, legally described as Lot AR of Lot 4R of Block 15 and Lot 5R of Block 15 of Canyon Lake Heights Subdivision, located in the SE1/4 of the SE1/4 of Section 8 and the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Cliff Drive and Farview Drive.

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

1. **Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be obtained. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**
2. **Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be**

accepted and agreements required for construction approval shall be executed. 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;

3. Upon submittal of a Development Engineering Plan application, construction plans for Cliff Drive as it abuts the property shall be submitted for review and approval showing the street with a minimum pavement width of 26 feet, curb, gutter, sidewalk, street light conduit, and water or an Exception shall be obtained. In addition, the plat document shall be revised to show the dedication of one additional foot of right-of-way or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exceptions shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, construction plans for the section line highways as they abut the property shall be submitted for review and approval showing the installation of a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the section line highways shall be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, the plat document shall be revised to show the existing section line highway located along the south lot line of proposed Lot 5R-1. The plat document shall also show the section line highway located on proposed Lot AR-1 or show that the section line highway has vacated;
5. Upon submittal of a Development Engineering Plan application, construction plans showing a water service line from the existing well located on proposed Lot AR-2 to proposed Lot AR-1 shall be submitted for review and approval. In addition, the plat document shall be revised to provide easement(s) as needed;
6. Upon submittal of a Development Engineering Plan application, the location and width of the drainage channel located in the northeast corner of proposed Lot 5R-1 shall be confirmed and the plat document shall be revised to provide a drainage easement to accommodate the 100 year storm;
7. 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;
8. Upon submittal of a Development Engineering Plan application, written documentation from all of the affected utility companies shall be submitted indicating concurrence with the proposed vacation of the existing 20 foot wide utility easement located on proposed Lot AR-1 or the plat document shall be revised to show retaining the utility easement;
9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;

10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
11. Prior to submittal of a Final Plat application, the shed located on the proposed common lot line between Lot AR-1 and AR-2 shall be removed or relocated to an area on proposed Lot AR-2 in compliance with the setback requirements of the Low Density Residential District;
12. Prior to submittal of a Final Plat application, the well maintenance agreement shall be amended to include proposed Lot AR-1. In addition, a copy of the revised agreement shall be submitted with the Final Plat application;
13. 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,
14. 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).

*4. No. 13PD027 - Rushmore Crossing

A request by 42nd Street Design Studio to consider an application for a **Major Amendment to a Planned Development to Expand a Sporting Goods Store** for Lot 5A5 and Tract C of Block 2 of Rushmore Crossing, located in Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1211 Eglin Street.

Planning Commission approved the **Major Amendment to a Planned Development to expand a sporting goods store** with the following stipulations:

1. An Exception to allow signage on a property which does not abut a public street is hereby granted. All signage shall comply with the submitted sign package. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of the Major Amendment to the Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
2. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be required prior to occupancy;
3. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional engineer shall be submitted;
4. All parking shall continue to comply with the previously approved Major Amendment to the Planned Development, File #07PD074;
5. All landscaping shall continue to comply with the previously approved Major Amendment to the Planned Development, File #07PD074;
6. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;

7. All applicable provisions of the International Fire Code shall be continually maintained;
8. All provisions of the General Commercial District shall be continually maintained unless specifically authorized as a stipulation to this Major Amendment to the Planned Development or a subsequent Major Amendment to the Planned Development, and;
9. The Major Amendment to the Planned Development shall allow for the expansion of the existing Scheels sporting goods store. All uses permitted in the General Commercial District shall be allowed contingent upon provision of sufficient parking. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

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

5. No. 13CA011 - Gus Haines Subdivision

A request by Renner and Associates, LLC for Horizon Properties, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial** for Lot 10 and Lot 11 of Block 5 of Gus Haines Subdivision, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Hawthorn Avenue and East Saint Patrick Street.

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

6. No. 13RZ019 - Gus Haines Subdivision

A request by Renner and Associates, LLC for Horizon Properties, Inc. to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** for Lot 10 and Lot 11 of Block 5 of Gus Haines Subdivision, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Hawthorn Avenue and East Saint Patrick Street.

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

*7. No. 13PD028 - Skyline Pines East Subdivision

A request by ARC International for DJD Enterprises, LLC to consider an application for a **Final Planned Development to Construct a Medical Facility** for Lot 8 of Skyline Pines East Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3006 Tower Road.

Planning Commission recommended that the Final Planned Development to construct a medical facility be approved 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 red-lined comments on the plans. The red-lined plans shall be returned to Community Planning and Development Services;**
- 3. Upon submittal of a building permit, a lighting plan shall be submitted for review and approval. The lighting plan shall be designed to ensure that 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;**
- 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. Prior to issuance of a building permit, a signed and sealed stormwater report shall be submitted for review and approval for the stormwater facility, demonstrating that stormwater quantity and quality control requirements have been met. In addition, the stormwater report shall address the land use assumptions in the Meade Hawthorne Drainage Plan;**
- 6. Prior to issuance of a building permit, a shared access easement shall be recorded and a copy shall be submitted with the building permit for the full length of the proposed shared access;**
- 7. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 9. A minimum of 32 parking spaces shall be provided for Phase I. 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;**
- 10. A minimum of 81,054 landscaping points shall be provided for Phase I. 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 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;
13. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 14. The Final Planned Development Overlay shall allow for a medical facility on the property. Any change in use that is a permitted use in the Office Commercial District shall require the review and approval of a Minimal Amendment contingent upon sufficient parking being provided. 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.

*9. No. 13PD030 - Black Hills Center

A request by Henricksen Inc for Big D Oil Co to consider an application for a **Initial Planned Development to Allow a Convenience Store** for Lot 8 of Block 2 of Black Hills Center, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the corner of 5th Street and East Stumer Road.

Planning Commission approved the Initial Planned Development to allow a convenience store in the General Commercial District with the following stipulations:

1. Prior to issuance of a building permit, a Final Planned Development shall be approved for the property;
2. Upon submittal of a Final Planned Development, revised plans shall be submitted showing that a minimum of 72 parking spaces are being provided. A minimum of three of those spaces shall be stacked parking spaces for the drive through automatic teller machine. A minimum of three parking spaces shall be handicap accessible. One of the handicap accessible spaces shall be van accessible. All parking shall comply with the requirements of the Rapid City Parking Ordinance;
3. Upon submittal of a Final Planned Development, revised plans shall be submitted to include a full landscaping plan with a points calculation. A minimum of 63,890 points of landscaping shall be provided. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance;
4. Upon submittal of a Final Planned Development, a sign package shall be submitted for review and approval. 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. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Initial Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the

- Planned Development. A sign permit is required for each sign;**
- 5. Upon submittal of a Final Planned Development, the Traffic Impact Study for the area shall be updated to include the proposed convenience store with gas sales use, or an Exception shall be obtained waiving the required Traffic Impact Study;**
 - 6. Upon submittal of a Final Planned Development, a drainage report shall be submitted including the design of the storm water quality treatment;**
 - 7. Prior to issuance of a building permit, an air quality construction permit shall be obtained for all disturbances of earth greater than one acre;**
 - 8. Prior to issuance of a building permit, final stamped and signed construction plans shall be submitted for review and approval. In particular, plans shall show all proposed water and sewer connections, storm water quality treatment, 5 foot wide property line sidewalks located along 5th Street and Stumer Road, curb cuts and driveway approaches in compliance with the requirements of the Infrastructure Design Criteria Manual, and truck turning movements;**
 - 9. Prior to issuance of a Certificate of Occupancy, all parking and landscaping shall be installed;**
 - 10. All provisions of the International Fire Code shall be maintained;**
 - 11. All provisions of the General Commercial District shall be continually maintained unless specifically stipulated as a part of the Final Planned Development or a subsequent Major Amendment to the Planned Development, and;**
 - 12. This Initial Planned Development shall allow for the construction of a convenience store with gasoline sales. Uses permitted in the General Commercial District shall be permitted contingent upon provision of sufficient parking. Conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.**

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

10. 13TP037 -- 2013-2017 Coordinated Public Transit-Human Services Plan – Final

Planning Commission recommended approval of the 2013-2017 Coordinated Public Transit-Human Services Transportation Plan – Final.

11. 13TP039 -- 2014-2017 Transportation Improvement Program – Final

Planning Commission recommended approval of the 2014-2017 Transportation Improvement Program – Final.

12. 13TP040 -- Rapid City Area Metropolitan Planning Organization Functional Class Map

Planning Commission recommended approval of the Rapid City Area Metropolitan Planning Organization Functional Classification Map.

---END OF CONSENT CALENDAR---

3. No. 13RZ018 - Red Rock Village Subdivision

A request by Renner and Associates, LLC for DKEA, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District** for Tract A of Red Rock Village Subdivision, less Lot 3R of Block 2 of Red Rock Meadows Subdivision, located in the NE1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Dunsmore Road.

Brewer abstained from discussion and voting due to a conflict of interest.

Motion by Marchand, seconded by Bulman and carried to recommend that the Rezoning from General Agricultural District to Low Density Residential District be approved. (5 to 0 to 1 with Braun, Bulman, Marchand, Rose and Scull voting yes and none voting no and Brewer abstaining.)

*8. No. 13PD031 - Skyline Pines East Subdivision

A request by Upper Deck Architects, Inc for Premier Home Mortgage, LLC to consider an application for a **Final Planned Development to Construct an Office Building** for Lot 7 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 at 3024 Tower Road.

Scull abstained from discussion and voting due to a conflict of interest.

Motion by Braun, seconded by Marchand and carried that the Final Planned Development to construct an office building be approved 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 red-lined comments on the plans. The red-lined plans shall be returned to Community Planning and Development Services;**
3. **Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
4. **Prior to issuance of a building permit, revised stormwater drainage and post-construction water quality plans shall be submitted for review and approval. In particular, the site grading and/or storm sewer inlets and drainage components shall be modified to provide capture and treatment of all initial site runoff from parking and circulation areas. In addition, the plans shall be revised to include on-site detention and metering or the applicant shall submit plans showing that regional stormwater drainage improvements can accommodate the increase in stormwater runoff;**

5. Prior to issuance of a building permit, the applicant shall sign and record a perpetual maintenance agreement with the City for the proposed on-site stormwater treatment system and components;
6. Prior to issuance of a building permit, the applicant shall submit site utility and mechanical plans for review and approval;
7. Prior to issuance of a building permit, a shared access easement shall be recorded and a copy shall be submitted with the building permit for the full length of the proposed shared access;
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 115 parking spaces shall be provided. Five 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;
11. A minimum of 83,046 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;
12. 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;
13. 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;
14. 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;
15. All applicable provisions of the adopted International Fire Code shall continually be met; and,
16. 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 contingent upon sufficient parking being provided. 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. (5 to 0 to 1 with Braun, Brewer, Bulman, Marchand and Rose voting yes and none voting no and Scull 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

***13. No. 13PD022 - Feigels Subdivision**

A request by SL Buildings LLC to consider an application for a **Planned Development to Allow a Dog Kennel in the Light Industrial District** for Lot 4 of Block 4 of Feigels Subdivision, located in Section 31, T2N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located north and east of the intersection of East Watertown Street and North Cherry Avenue.

Loroco stated that due to a publication error, Planning Commission recommended that the request for a Planned Development to allow a Dog Kennel in the Light Industrial District be continued to August 22, 2013 Planning Commission meeting to allow the publication requirement to be met.

Motion by Braun, seconded by Rose and unanimously carried that the Final Planned Development to Allow a Dog Kennel in the Light Industrial District be continued to the August 22, 2013 Planning Commission meeting. (6 to 0 with Braun, Brewer, Bulman, Marchand, Rose and Scull 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.

***14. No. 13PD026 - Owen Mann Subdivision**

A request by Ryan Gruba to consider an application for a **Major Amendment to Planned Development to allow an Auto Body Shop** for Lot 10A, Lot 12, Lot 13 Less Lot H3, Lot 14 Less Lot H2, Lot 15 Less Lot H2, Lot 16 less Lot H2, the vacated Kinney Court adjacent to said lots of Owen Mann Subdivision, all located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3205 West Chicago Street.

Lacock presented the staff's recommendation that the Major Amendment to a Planned Development be approved with stipulations.

Scull advised that he had a discussion with the applicant regarding the application process but did not feel the discussion would be considered a conflict of interest.

Kris Hittle, area resident, expressed her opposition to the proposed Major Amendment request citing concerns with a possible increase in traffic in the

neighborhood and excessive parking by vehicles waiting to be processed.

In response to Bulman's questions regarding issues pertaining to noise, vehicle delivery process and the access to the facility, Gruba identified drop off access and noise mitigation solutions. Gruba stated that access would be from the West Chicago side of the building and added that because of the hours of operation, there would be no noise in the evening affecting the adjacent property owners.

Braun expressed his opinion in support of the proposed Major Amendment request based on the operational plan of the applicant.

Brewer stated that he would be abstaining from discussion and voting due to a conflict of interest.

Fisher stated that a stipulation of approval is that all requirements of the General Commercial Zoning District must be met, including that auto repair must be completed within an enclosed area and inoperable vehicles will need to be screened and located in a side or rear yard.

Motion by Braun, seconded by Rose and carried that the Major Amendment to a Planned Development to allow an auto body shop be approved with the following stipulations:

1. **An Exception is hereby granted to reduce the minimum required parking from 52 parking spaces to 42 parking spaces for the proposed auto body shop operated in compliance with the submitted operations plan. As such, a minimum of 42 parking spaces shall be provided. 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;**
2. **A building permit shall be obtained prior to any construction;**
3. **Prior to issuance of a building permit, a Developmental Lot Agreement shall be recorded and a copy shall be submitted to Community Planning and Development Services;**
4. **A minimum of 49,866 landscaping points shall be 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;**
5. **All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development. Changes to the 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 to the Planned Development. All signage not in conformance with the Sign Code shall require a Major Amendment to the Planned Development. 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 each individual sign;
6. All outdoor lighting shall continually 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 provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment;
 8. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 9. The Major Amendment to the Planned Development shall allow an auto body shop operated in compliance with the submitted operations plan on the property. Any change in use that is a permitted use that meets the requirements of the General Commercial District shall require a building permit. 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 Development. (5 to 0 to 1 with Braun, Bulman, Marchand, Rose and Scull voting yes and none voting no and Brewer 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.

*15. No. 13PD029 - Atlantis Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc for Paul J. Bradsky for Atlantis, LLC to consider an application for a **Final Planned Development to Expand an On-Sale Liquor Establishment** for Lot 1 Revised of Atlantis Subdivision, located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1300 North Elk Vale Road.

Laroco presented staff recommendation to approve the Final Planned Development with stipulations. Laroco identified the boundary locations for the proposed development specific to Box Elder and Rapid City limit boundaries.

Brewer stated that he would be abstaining from discussion and voting due to a conflict of interest.

Motion by Rose, seconded by Marchand carried that the Final Planned Development to expand an on-sale liquor establishment be approved with the following stipulations:

1. The previously approved Exception to increase the maximum permitted building height from 45 feet to 80 feet is hereby acknowledged;

2. An Exception to reduce the required amount of off-street parking from 453 to 359 is hereby granted. All parking shall comply with the requirements of the Rapid City Parking Ordinance and the submitted site plan;
3. An Exception to permit a 7 foot screening fence in lieu of the maximum permitted 6 foot screening fence along the south side of the property is hereby granted;
4. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional engineer shall be submitted for review and approval;
5. Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained;
6. Prior to issuance of a Certificate of Occupancy, permanent or temporary erosion and sediment control shall be achieved;
7. Prior to issuance of a Certificate of Occupancy, all parking and landscaping shall be completed;
8. A building permit is required prior to construction. A Certificate of Occupancy is required prior to occupancy;
9. A minimum of 284,514 points of landscaping shall be provided. All landscaping shall be installed and maintained in compliance with the Rapid City Landscaping Ordinance and the submitted landscaping plan;
10. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
11. Future signage located within the City of Rapid City may be approved as a Minimal Amendment to the Planned Development. All signage shall comply with the submitted sign package and the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
12. All applicable provisions of the International Fire Code shall be maintained;
13. The Final Planned Development shall comply with all the requirements of the General Commercial District unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development, and;
14. This Final Planned Development shall allow for the expansion of an on-sale liquor establishment. All uses permitted in the General Commercial District shall be permitted contingent upon provision of sufficient parking. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (5 to 0 to 1 with Braun, Bulman, Marchand, Rose and Scull voting yes and none voting no and Brewer 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.

There being no further business, Rose moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:23 a.m. (6 to 0 with Braun, Brewer, Bulman, Marchand, Rose and Scull voting yes and none voting no)