

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 21, 2013

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Linda Marchand, Brett Monson, Dennis Popp, Cody Raterman, Kay Rippentrop, Steve Rolinger, Tim R. Rose, and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Andrew Scull

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Patsy Horton, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

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

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

Braun requested that Items 6 and 7 be removed from the Consent Agenda for separate consideration.

Motion by Rose seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations with the exception of Items 6 and 7. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 7, 2013 Planning Commission Meeting Minutes.
2. No. 13CA013 - Original Town of Rapid City
Summary of Adoption Action for a request by Renner and Associates, LLC for Rapid City Independent School District to consider an application for a **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Public** for the north 28 feet of Lots 25 and 26 and the north 28 feet of the west 10 feet of Lot 27 of Block 125 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 516 South Street.

Planning Commission approved the summary and authorized publication in the Rapid City Journal
- *3. No. 13PD044 - Marlin Industrial Park
A request by CETEC Engineering Services, Inc for RCS Storage, LLC to consider an application for a **Final Planned Development to Allow Mini Storage Units in the Heavy Industrial District** for Lot 7 of Marlin Industrial Park, located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County,

South Dakota, more generally described as being located south of Marlin Drive.

Planning Commission approved the Final Planned Development to allow mini storage units in the Heavy Industrial District with the following stipulations:

1. Prior to issuance of a building permit, the applicant shall confirm that adequate fire flows are available to accommodate the structures and building types proposed. All requirements of the International Fire Code shall continually be maintained;
2. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be required prior to occupancy;
3. An air quality permit shall be obtained for any disturbances of earth greater than one acre;
4. All circulation shall be paved and provided as shown on the submitted plans and shall comply with the requirements of the Rapid City Municipal Code;
5. All landscaping shall comply with the requirements of the Rapid City Municipal Code and the submitted landscaping plan. All landscaping must be maintained and replaced as necessary pursuant to the Rapid City Landscaping Ordinance;
6. All provisions of the Heavy Industrial District shall be continually maintained unless specifically stipulated as a part of a subsequent Major Amendment to the Planned Development, and;
7. This Final Planned Development shall allow for the construction of ministorage units in the Heavy Industrial District. All uses permitted in the Heavy Industrial District shall be permitted contingent upon an approved building permit and the provision of sufficient parking. All conditional uses in the Heavy Industrial District will 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.

4. No. 13PL111 - Trailwood Village

A request by Sperlich Consulting, Inc for Gordon Howie, attorney in fact for RJ Development to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 33 thru 40 of Block 18, Lot 6 of Block 26, Lots 5 thru 8 of Block 27, Lots 41 thru 48 of Block 18, Lots 7 thru 10 of Block 26, Lots 1 thru 4 of Block 27 and Lot 9 and Lot 10 of Block 27 of Trailwood Village, legally described as a portion of Tract T of Tailwood Village, located in the NW1/4 of the SE1/4 and in the SW1/4 of the NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the current terminus of Savannah Street and Leola Lane.

Planning Commission recommended that the Preliminary Subdivision

Plan be approved with the following stipulations:

- 1. Upon submittal of a Development Engineering Plan application, a design report demonstrating that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development shall be submitted for review and approval. The design report shall be in conformance with the Infrastructure Design Criteria Manual and signed and sealed by a Professional Engineer;**
- 2. Upon submittal of a Development Engineering Plan application, a design report demonstrating that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity shall be submitted for review and approval. The design report shall be in conformance with the Infrastructure Design Criteria Manual and signed and sealed by a Professional Engineer;**
- 3. Upon submittal of a Development Engineering Plan application, a grading plan and an erosion and sediment control plan shall be submitted for review and approval;**
- 4. Upon submittal of a Development Engineering Plan application, a drainage plan and report for the proposed subdivision improvements shall be submitted for review and approval. In addition, drainage easements shall be secured as necessary;**
- 5. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
- 6. 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;**
- 7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
- 8. Prior to submittal of a Final Plat application, the 20 foot wide easement for irrigation ditch access and maintenance shall be relocated to the proposed common lot line between proposed Lots 36 and 37. In addition, the easement shall identify that it is for both the Hawthorne Irrigation Ditch and the County Heights Drainage Ditch;**
- 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements, including sidewalks, 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).

*5. No. 13UR018 - Green Acres Addition

A request by Geiger Architecture for Donald and Teresa Anschutz to consider an application for a **Conditional Use Permit to allow an oversized garage in the Medium Density Residential District** for Lots 21 thru 23 and Lots 24 thru 26 of Block 9 of Green Acres Addition, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2922 West Rapid Street.

Planning Commission approved the Conditional Use Permit to allow an oversized garage in the Medium Density Residential District with the following stipulations:

- 1. An Exception is hereby granted to allow a total of 2,771 square feet of private garage space in lieu of the maximum allowed private garage space of 1,500 square feet for the property;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 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, a Developmental Lot Agreement shall be signed and recorded;**
- 5. All provisions of the Medium Density Residential District shall be met;**
- 6. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 7. The Conditional Use Permit shall allow for an oversized garage for the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the garage shall not be used as a rental unit. The orientation of the garage doors shall face south as shown on the applicants site plan. Any change in use that is a permitted use in the Medium Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit.**

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

8. No. 13CA015 - Section 5, T1N, R8E

A request by Sperlich Consulting for Terry Batchelder to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Industrial to Residential** for a portion of Tract 4 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., Rapid City,

Pennington County, South Dakota. More fully described as follows: Commencing at the southwesterly corner of Tract 4 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., common to the northwesterly corner of Tract 2 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., and common to a point on the easterly edge of the right-of-way of Creek Drive, and the Point of Beginning; Thence, first course: N25°25'48"E, along the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to the easterly edge of the right-of-way of said Creek Drive, a distance of 54.50 feet, to an angle point on the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to an angle point on the easterly edge of the right-of-way of said Creek Drive; Thence, second course: N03°05'38"E, along the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to the easterly edge of the right-of-way of said Creek Drive, a distance of 62.99 feet, to the northwesterly corner of said Tract 4 of Lot Lb of Lot L, common to the southwesterly corner of Tract 3 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., and common to a point on the easterly edge of the right-of-way of said Creek Drive; Thence, third course: N 89°59'01"E, along the northerly boundary of said Tract 4 of Lot Lb of Lot L, common to the southerly boundary of said Tract 3 of Lot Lb of Lot L, a distance of 247.00 feet, to a point on the northerly boundary of said Tract 4 of Lot Lb of Lot L, common to a point on the southerly boundary of said Tract 3 of Lot Lb of Lot L; Thence, fourth course: S40°51'14"E, a distance of 44.16 feet, to an angle point; Thence, fifth course: S13°05'47"E, a distance of 80.80 feet, to a point on the southerly boundary of said Tract 4 of Lot Lb of Lot L, common to a point on the northerly boundary of said Tract 2 of Lot Lb of Lot L; Thence, sixth course: S89°59'01"W, along the southerly boundary of said Tract 4 of Lot Lb of Lot L, common to the northerly boundary of said Tract 2 of Lot Lb of Lot L, a distance of 321.00 feet, to the southwesterly corner of said Tract 4 of Lot Lb of Lot L, common to the northwesterly corner of said Tract 2 of Lot Lb of Lot L, and common to a point on the easterly edge of the right-of-way of said Creek Drive, and the Point of Beginning, more generally described as being located north of the intersection of Creek Drive and East Saint Charles Street.

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

9. No. 13RZ027 - Section 5, T1N, R8E

A request by Sperlich Consulting, Inc for Terry Batchelder to consider an application for a **Rezoning from Flood Hazard District to Low Density Residential District** for a portion of Tract 4 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the southwesterly corner of Tract 4 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., common to the northwesterly corner of Tract 2 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., and common to a point on the easterly edge of the right-of-way of Creek Drive, and the Point of Beginning; Thence, first course: N25°25'48"E, along the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to the easterly edge of the

right-of-way of said Creek Drive, a distance of 54.50 feet, to an angle point on the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to an angle point on the easterly edge of the right-of-way of said Creek Drive; Thence, second course: N03°05'38"E, along the westerly boundary of said Tract 4 of Lot Lb of Lot L, common to the easterly edge of the right-of-way of said Creek Drive, a distance of 62.99 feet, to the northwesterly corner of said Tract 4 of Lot Lb of Lot L, common to the southwesterly corner of Tract 3 of Lot Lb of Lot L of the NE1/4 of the SW1/4 of Section 5, T1N, R8E, B.H.M., and common to a point on the easterly edge of the right-of-way of said Creek Drive; Thence, third course: N 89°59'01"E, along the northerly boundary of said Tract 4 of Lot Lb of Lot L, common to the southerly boundary of said Tract 3 of Lot Lb of Lot L, a distance of 247.00 feet, to a point on the northerly boundary of said Tract 4 of Lot Lb of Lot L, common to a point on the southerly boundary of said Tract 3 of Lot Lb of Lot L; Thence, fourth course: S40°51'14"E, a distance of 44.16 feet, to an angle point; Thence, fifth course: S13°05'47"E, a distance of 80.80 feet, to a point on the southerly boundary of said Tract 4 of Lot Lb of Lot L, common to a point on the northerly boundary of said Tract 2 of Lot Lb of Lot L; Thence, sixth course: S89°59'01"W, along the southerly boundary of said Tract 4 of Lot Lb of Lot L, common to the northerly boundary of said Tract 2 of Lot Lb of Lot L, a distance of 321.00 feet, to the southwesterly corner of said Tract 4 of Lot Lb of Lot L, common to the northwesterly corner of said Tract 2 of Lot Lb of Lot L, and common to a point on the easterly edge of the right-of-way of said Creek Drive, and the Point of Beginning, more generally described as being located north of the intersection of Creek Drive and East Saint Charles Street.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Items 6 and 7 were addressed concurrently

6. No. 13PL114 - Black Hills Center

A request by Kimley-Horn and Associates to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 6 of Block 2 of Black Hills Center, legally described as the South Half Of The Northeast Quarter (S1/2ne1/4) Lying Southwesterly Of Fifth Street, Excepting Therefrom Lot H-1 As Shown By The Plat Recorded In Book 6 Of Hwy Plats On Page 13, And Excepting Therefrom Black Hills Center; And Excepting Therefrom Fifth Street Office Plaza; And Excepting Therefrom Stumer Road And E. Stumer Road In Section Twenty-Four (24) In Township One North (T1n), Range Seven East Of The Black Hills Meridian (R7e Bhm), City Of Rapid City, Pennington County, South Dakota. Being The Same As Field Description As Follows: Commencing At The Northwesterly Corner Of Lot 7 Of Block 2, Black Hills Center, Common To A Point On The Southerly Edge Of Stumer Road Right-Of-Way, And The Point Of Beginning; Thence, First Course: S 00°19'55" W, Along The Westerly

Boundary Of Said Lot 7, A Distance Of 398.60', To The Southwesterly Corner Of Said Lot 7, Common To A Point On The Northerly Edge Of East Catron Boulevard Right-Of-Way; Thence, Second Course: N 89°40'08" W, Along The Northerly Edge Of Said East Catron Boulevard Right-Of-Way, A Distance Of 197.50'; Thence, Third Course: N 00°19'55" E, A Distance Of 272.80', To A Point On The Southerly Edge Of Said Stumer Road Right-Of-Way; Thence, Fourth Course: Along The Southerly Edge Of Said Stumer Road Right-Of-Way, With A Curve Turning To The Left With An Arc Length Of 188.20', With A Radius Of 429.50', With A Chord Bearing Of N 59°37'15" E, With A Chord Length Of 186.70'; Thence, Fifth Course: Along The Southerly Edge Of Said Stumer Road Right-Of-Way, With A Reverse Curve Turning To The Right With An Arc Length Of 47.94', With A Radius Of 370.50', With A Chord Bearing Of N 50°51'43" E, With A Chord Length Of 47.91', To The Said Point Of Beginning, more generally described as being located at 35 East Stumer Road.

Popp moved, Marchand seconded to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:

- 1. A Variance shall be obtained from the City Council waiving the requirement to install sidewalk along Catron Boulevard or construction plans showing the installation of sidewalk shall be submitted in conjunction with a Development Engineering Plan application. If a Variance is obtained, a Development Engineering Plan application is not required and a Final Plat application shall be submitted for review and approval;**
- 2. Prior to submittal of a Final Plat application, the plat document shall be revised to show five additional feet of right-of-way along E. Stumer Road or an Exception shall be obtained;**
- 3. Prior to submittal of a Final Plat application, the Waiver of Right to Protest any future assessments for subdivision improvements along Catron Boulevard shall be recorded at the Register of Deed's Office and a copy of the recorded document shall be submitted with the Final Plat application; and,**
- 4. Upon submittal of a Final Plat application, copies of the approved Exception request(s) shall be submitted. (10 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Braun abstaining)**

***7. No. 13PD043 - Black Hills Center**

A request by Kimley-Horn and Associates to consider an application for a **Final Planned Development Overlay to construct a fast food restaurant** for the South Half Of The Northeast Quarter (S1/2ne1/4) Lying Southwesterly Of Fifth Street, Excepting Therefrom Lot H-1 As Shown By The Plat Recorded In Book 6 Of Hwy Plats On Page 13, And Excepting Therefrom Black Hills Center; And Excepting Therefrom Fifth Street Office Plaza; And Excepting Therefrom Stumer Road And E. Stumer Road In Section Twenty-Four (24) In Township One North (T1n), Range Seven East Of The Black Hills Meridian (R7e Bhm), City Of Rapid City, Pennington County, South Dakota. Being The Same As Field Description As Follows: Commencing At The Northwestern Corner Of Lot

7 Of Block 2, Black Hills Center, Common To A Point On The Southerly Edge Of Stumer Road Right-Of-Way, And The Point Of Beginning; Thence, First Course: S 00°19'55" W, Along The Westerly Boundary Of Said Lot 7, A Distance Of 398.60', To The Southwesterly Corner Of Said Lot 7, Common To A Point On The Northerly Edge Of East Catron Boulevard Right-Of-Way; Thence, Second Course: N 89°40'08" W, Along The Northerly Edge Of Said East Catron Boulevard Right-Of-Way, A Distance Of 197.50'; Thence, Third Course: N 00°19'55" E, A Distance Of 272.80', To A Point On The Southerly Edge Of Said Stumer Road Right-Of-Way; Thence, Fourth Course: Along The Southerly Edge Of Said Stumer Road Right-Of-Way, With A Curve Turning To The Left With An Arc Length Of 188.20', With A Radius Of 429.50', With A Chord Bearing Of N 59°37'15" E, With A Chord Length Of 186.70'; Thence, Fifth Course: Along The Southerly Edge Of Said Stumer Road Right-Of-Way, With A Reverse Curve Turning To The Right With An Arc Length Of 47.94', With A Radius Of 370.50', With A Chord Bearing Of N 50°51'43" E, With A Chord Length Of 47.91', To The Said Point Of Beginning, more generally described as being located at 35 East Stumer Road.

Pope moved, Marchand seconded to approve the Final Planned Development Overlay to construct a fast food restaurant 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. Upon submittal of a building permit, the applicant shall address red-lined comments on the plans. In addition, the red-lined plans shall be returned;**
- 3. Upon submittal of a building permit, an erosion and sediment control plan shall be submitted for review and approval and an erosion and sediment control permit shall be obtained;**
- 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, the applicant shall dedicate an access easement to the water shutoff valve located on private property. In addition, a copy of the recorded easement shall be submitted with the building permit application;**
- 6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 7. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 8. A minimum of 49 parking spaces shall be provided. Two of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." In addition, a minimum of 14 stacking lane spaces shall be provided for the double drive through. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 9. A minimum of 59,976 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;

10. Prior to issuance of a sign permit, the proposed directional ground signs shall be relocated outside of the eight foot utility and minor drainage easement. 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;
11. 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;
12. All provisions of the General 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 the construction of a fast food restaurant. All permitted uses in the General Commercial District shall be permitted contingent upon an approved building permit and the provision of sufficient parking. All conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (10 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Braun abstaining)

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

*10. No. 13PD036 - Meadowlark Hills Subdivision

A request by FMG Inc for Northwestern Engineering Company to consider an application for a **Final Planned Development Overlay to allow for the expansion of an existing mobile home park** for Tract A Of North Side Addition; Lot 1 Of Meadowlark Hills Subdivision; And That Portion Of Lot 2 Of Meadowlark Hills Subdivision Lying Within The Following Described Boundary: From The Northeast Corner Of Section 31, T2N, R8E, BHM, Which Is Also The Northeast Corner Of Lot 3 Of Meadowlark Hills Subdivision, S11°45'20"W A

Distance Of 2399.95' To The Point Of Beginning, Said Point Being A 5/8" Rebar With Survey Cap Marked "FMG Inc. LS SD 4225" Marking A Corner On The West Side Of Lot 2 Of Meadowlark Hills Subdivision, Thence N09°42'19"W A Distance Of 245.08', Thence N21°30'42"W A Distance Of 269.27', Thence N42°57'23"E A Distance Of 373.68', Thence N07°52'48"W A Distance Of 324.68', Thence S47°03'10"E A Distance Of 574.35', Thence S00°03'09"W A Distance Of 767.09', Thence N89°57'11"W A Distance Of 59.02', Thence S00°02'49"W A Distance Of 30.00', Thence N89°57'11"W A Distance Of 27.50', Thence S00°02'49"W A Distance Of 40.00', Thence S89°57'11"E A Distance Of 27.50', Thence S00°02'49"W A Distance Of 151.90', Thence S89°56'23"W A Distance Of 7.00', Thence N00°02'50"E A Distance Of 101.23', Thence N26°41'46"W A Distance Of 116.42', Thence N49°23'40"W A Distance Of 135.41', Thence S89°56'23"W A Distance Of 268.56', To The Point Of Beginning., more generally described as being located south of East Anamosa Street and north of the railroad tracks.

Lacock stated that the applicant has requested that the item be continued and as such staff recommends that the **Final Planned Development Overlay to allow for the expansion of an existing mobile home park** be continued to the December 5, 2013 Planning Commission meeting.

Swank moved, Marchand seconded and unanimously carried to continue the Final Planned Development Overlay to allow for the expansion of an existing mobile home park to the December 5, 2013 Planning Commission meeting at the applicant's request. (10 to 0 with Braun, Brewer, Bulman, 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. 13UR019 - Heartland Retail Center

A request by Monte Vista Properties LLC to consider an application for a **Major Amendment to a Conditional Use Permit to change the approved accessory uses within a hotel from storage to restaurant** for Lot 3 of Block 1 of Heartland Retail Center, located in Section 27 (also located in Section 34), T2N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 4040 Cheyenne Boulevard.

Lacock presented the application and note that there have been two previous applications for Conditional Use Permits to allow On-sale Liquor establishments in conjunction with a hotel and a restaurant at this location. A stipulation of approval required that any change to the use of the property would require a Major Amendment to a Conditional Use Permit to address the lack of parking on the property to allow additional commercial uses of remaining suites. Lacock stated that the applicant has received a Variance from the Zoning Board

of Adjustment reducing the required parking spaces from 148 to 127 spaces. Lacock stated that with the variance to parking staff recommends that the **Major Amendment to a Conditional Use Permit to change the approved accessory uses within a hotel from storage to restaurant** be approved.

Marchand moved, Rose seconded and unanimously carried to approve the **Major Amendment to a Conditional Use Permit to change the approved accessory uses within a hotel from storage to restaurant** with the following stipulations:

1. A minimum of 127 parking spaces shall be provided. In addition, 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;
2. A minimum of 81,600 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
3. All provisions of the General Commercial District shall be met;
4. All applicable provisions of the adopted International Fire Code shall continually be met;
5. 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;
6. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Conditional Use Permit. 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 to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Variance or a Planned Development Overlay. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign; and,
7. The Major Amendment to the Conditional Use Permit shall allow the two storage suites to be used as restaurants as well as to allow the two previously approved Conditional Use Permits to allow an on-sale liquor establishment in conjunction with a hotel and an on-sale liquor establishment in conjunction with a restaurant. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. All permitted uses in the General Commercial District shall be permitted contingent upon an approved building permit and the provision of sufficient parking. All conditional uses in the General Commercial District shall require the review and approval of a Major

Amendment to the Conditional Use Permit. (10 to 0 with Braun, Brewer, Bulman, 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. Discussion Items

None

13. Staff Items

Fisher addressed the recent appointments to the Planning Commission noting that Cody Raterman has been appointed as a voting member of the Planning Commission, Karen Bulman has been appointed as 1st Alternate and Brett Monson has been appointed as a new planning Commissioner as 2nd Alternate.

Brewer welcomed Monson to the Planning Commission and offered congratulations to everyone on their new appointments.

Horton reviewed the proposed TIF Guidelines that she has emailed to the Planning Commissioners and requested that they review them and provide feedback. Horton noted that she does anticipate additional changes but would like Planning Commission's input on the current changes prior to this item will being considered at the December 10, 2013 Public Works Committee Meeting.

Discussion followed.

Horton provided an update on the Comprehensive Plan noting that the current information and survey are available online and asked that the Planning Commissioners take some time to review it.

14. Planning Commission Items

None

15. Committee Reports

- A. City Council Report (November 4, 2013)
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
- C. Zoning Board of Adjustment
- D. Capital Improvements Subcommittee
- E. Tax Increment Financing Committee

There being no further business, Popp moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:16 a.m. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)