

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 23, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Mark Jobman, Linda Marchand, Steve Rolinger, Kimberly Schmidt, Andrew Scull and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Galen Hoogestraat

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Tim Behlings, Ted Johnson, Wade Nyberg and Andrea Wolff.

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

Braun 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.

Motion by Rolinger seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (9 to 0 with Braun, Brewer, Bulman, Jobman, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 9, 2016 Planning Commission Meeting Minutes.

*2. No. 16UR004 - Rapid City Greenway Tract

A request by TKRS Properties, LLC to consider an application for a **Conditional Use Permit to allow a fence in the Flood Hazard District** for Tract 25 Less Lots H1 and H2 (also in Section 1, T1N, R7E) of Rapid City Greenway Tract, located in Section 36, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 240 Omaha Street.

Planning Commission approved the Conditional Use Permit to allow a fence in the Flood Hazard District with the following stipulation:

1. **The applicant shall continue to coordinate with the Rapid City Police Department and the Rapid City Fire Department on the location of the proposed fence;**
2. **The fence shall be designed to have a bottom rail and shall not have slats installed; and,**
3. **The Conditional Use Permit shall allow a six foot high chain link fence in the Flood Hazard District. Changes to the proposed fence shall require an 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.

3. No. 16RZ017 - Fountain Springs Square

A request by Advanced Engineering for Mark Simpson to consider an application for a **Rezoning from General Agricultural District to Light Industrial District** for 1.12 acre of land located in the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 27, Township 2 North, Range 7 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, said 1.12 acre of land being more particularly described by metes and bounds as follows: Commencing, for location purposes only, at an iron rod with cap marked "L.S. 4224" found marking the intersection of the North right-of-way line of South Plaza Drive, a 66 foot wide dedicated public street, with the East right-of-way line of Fountain Plaza Drive, a 66 foot wide dedicated public street; Thence, South 89° 54' 43" East, following said North right-of-way line of South Plaza Drive, a distance of 349.61 feet to the POINT OF BEGINNING of the herein described tract; Thence, North 00° 09' 09" East, a distance of 220.00 feet to a point for corner; Thence, South 89° 54' 43" East, a distance of 220.00 feet to a point on the West boundary of Lot A of Tract 20R of S. G. Interstate Plaza, as shown on plat filed in Plat Book 19, Page 125, in the office of the Pennington County Register of Deeds; Thence, South 00° 09' 09" West, following the West boundary of said Lot A, a distance of 220.00 feet to an iron rod with cap marked "L.S. 4224" found marking the Southwest corner of said Lot A on the North right-of-way line of South Plaza Drive; Thence, North 89° 54' 43" West, following said North right-of-way line of South Plaza Drive of 220.00 feet to the Point of Beginning, more generally described as being located east of Fountain Plaza and South Plaza Drive intersection.

Planning Commission recommended the Rezoning from General Agricultural District to Light Industrial District be approved.

4. No. 16PL048 - Fountain Springs Square

A request by Advanced Engineering for Mark Simpson to consider an application for a **Preliminary Subdivision Plan** for Lot 1, Lot 2, Lot 3 and Lot 4 of Fountain Springs Square, legally described as Lot A of Tract C revised of S. G. Interstate Plaza and unplatted land located in the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Fountain Plaza Drive and South Plaza 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, the construction drawings shall be revised to address redlined comments or an Exception shall be obtained to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment. A copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned 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 if subdivision improvements are required. 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;

3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development;
 4. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;
 5. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage analysis and proposed improvements shall be in compliance with the approved Deadwood Avenue Drainage Basin Plan and the Infrastructure Design Criteria Manual, including drainage areas, stormwater generation criteria, design components, detention, stormwater metering and discharge. The Stormwater analysis and improvements shall also include consideration of current and future stormwater quality requirements and improvements. In addition, easements shall be provided as needed;
 6. 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;
 7. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 8. 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,
 9. 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. 16PL058 - Bison Acres

A request by Fisk Land Surveying and Consulting Engineers Inc for Brian Gossman to consider an application for a **Preliminary Subdivision Plan** for Lot 5A, 5B and 5C of Bison Acres, legally described as Lot 5 of Bison Acres, located in Section 31, T2N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 14825 Morning View Drive.

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

1. **Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual. In addition, water data must be submitted identifying that sufficient fire flows are being provided to serve the development. As an alternative to providing fire flows, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures upon submittal of a Final Plat application;**
2. **Upon submittal of a Development Engineering Plan application, the location and well data for the proposed well to serve Lot 5C shall be submitted for review and approval. In addition, easement(s) shall be secured as needed;**
3. **Upon submittal of a Development Engineering Plan application, documentation shall be provided demonstrating that proposed Lot 5B has a compliant on-site wastewater treatment system. In addition, soils data shall be provided for proposed Lots 5A and 5C;**
4. **Upon submittal of a Development Engineering Plan application, construction plans for 229th Street shall be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry sewer and water. In addition, the plat document shall show the dedication of 17 additional feet of right-of-way for 229th Street 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;**
5. **Upon submittal of a Development Engineering Plan application, construction plans for Morning View Drive shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry 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;**
6. **Upon submittal of a Development Engineering Plan application, the existing driveway to proposed Lot 5B shall be secured in a minimum 50 foot wide access easement for that portion located on proposed Lot 5A. In addition, construction plans shall be submitted for review and approval showing that portion of the driveway located within the**

access easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry 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. Another option is to submit plans showing that the driveway and water service line shall be relocated so that they are entirely located on proposed Lot 5B. In addition, prior to submittal of a Final Plat application, the driveway and water service line shall be relocated as identified or surety posted for the improvement;

7. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval if subdivision improvements are required. The drainage plan shall address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. In addition, the plat document shall be revised to provide drainage easements as necessary;
8. 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 and a grading plan shall be submitted for review and approval if subdivision improvements are required;
9. 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 if subdivision improvements are required. 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;
10. 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;
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. Prior to submittal of a Final Plat application, the following note shall be placed on the plat: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be

approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations”;

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).

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Laroco requested that Items #6 and #7 be heard concurrently;

- *6. No. 16PD018 - Original Town of Rapid City
A request by La Macchia Group to consider an application for a **Final Planned Development Overlay to allow a bank** for Lots 1 thru 12 and Lots 20 thru 32 of Block 78 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 200 block of Main Street.
7. No. 16VR007 - Original Town of Rapid City
A request by AE2S for Black Hills Federal Credit Union to consider an application for a **Vacation of Right-of-Way** for the alley right-of-way adjacent to Lots 1 thru 12 and 21 thru 32 of Block 78 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of 2nd Street and north of Main Street.

Laroco presented the applications and reviewed the associated slides. Laroco reviewed the Exception requested for the front yard setback from 25 feet to 0 feet along Main Street and 2nd Street. Laroco discussed the location of the drive-through lanes noting that the location at the back of the property should assist with removing traffic off of Main Street. Laroco reviewed the sign package noting that there is a Light Emitting Diode (LED) sign included as a part of the sign package, comparable to the sign currently used by the Black Hills Federal Credit Union building across the street.

Laroco reviewed the Vacation of Alley Right-of-Way noting that the whole alley is not being vacated. In particular, only the portion of the western section of the alley way located adjacent to the applicant’s property is being vacated. As such, access will be retained. Laroco stated that staff recommends that the **Final Planned Development Overlay to allow a bank** and the **Vacation of Right-of-**

Way be approved with stipulations.

Bulman stated that she would be recusing herself from these items due to a conflict of interest.

In response to questions from Rolinger regarding concerns voiced by a neighbor regarding the drainage and placement of the dumpster, Fisher confirmed that the drainage has been addressed and that the location of the dumpster is not a set part of the Planned Development as it was in prior Planned Developments so it can be moved if needed from the proposed site plan. In addition, Fisher noted the applicant is examining alternative locations for the dumpster.

Rolinger moved, Marchand seconded and unanimously carried to approved the requested Final Planned Development with the following stipulations:

- 1. The requested Exception to reduce the required front yard setback from 25 feet to 0 feet along Main Street and 2nd Street is hereby approved;**
- 2. Prior to issuance of a building permit, the alley right-of-way shall be vacated and an access and utility easement shall be dedicated in its place;**
- 3. Prior to issuance of a building permit, an 11.1 Historic Review must be obtained;**
- 4. The requested Light Emitting Diode (LED) message center is hereby approved. All signage shall comply with the requirements of the Rapid City Municipal Code. All signage located within the historic environs shall require review and approval through the Historic Sign Review Board. A sign permit shall be obtained for each sign; and,**
- 5. This requested Final Planned Development shall allow for construction of a bank on the property. All requirements of the General Commercial District shall be maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development. Uses permitted in the General Commercial District shall be permitted contingent upon the provision of sufficient parking and an approved building permit. Conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development,; and**

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.

To recommend that the Vacation of Right-of-Way be approved with the following stipulation:

- 1. Prior to City Council approval, revised Exhibits for the proposed alley**

vacation and public access and utility easement shall be submitted for recording as needed. (8 to 0 to 1 with Braun, Brewer, Jobman, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no and Bulman abstaining)

Lacock requested that Items # 8 and # 9 be heard concurrently;

*8. No. 16PD028 - Section 29, T2N, R7E

A request by Fisk Land Surveying and Consulting Engineers, Inc **for the Benedictine Covent of St. Martins – Sister Mary Wegher OSB President** to consider an application for an **Initial and Final Planned Development Overlay to expand an existing cemetery** for a parcel of land located in the West One-Half ($W \frac{1}{2}$) of Section Twenty-Nine (29) in Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning on the east-west $\frac{1}{4}$ section line at the point where the westerly right-of-way line of City Springs Road intersects and coincident with the northwest corner of Lot H1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29, T2N, R7E, BHM, Rapid City, South Dakota as shown on the plat filed on September 28, 2010 and recorded in Book 12 of Highway Plate on Page 36, said point being marked by a rebar with survey cap "LS 6119"; thence, southerly on the westerly line of City Springs Road right-of-way and also on the westerly line of said Lot H1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T2N, R7E, BHM, Rapid City, South Dakota, South 1 degree 56 minutes 22 seconds East a distance of 106.14 feet more or less to a point marked b a rebar with survey cap "LS 6119"; thence, continuing southerly on the westerly line of City Springs Road right-of-way and also on the westerly line of said Lot H1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T2N, R7E, BHM, Rapid City, South Dakota South 00 degrees 00 minutes 23 seconds East a distance of 103.89 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, South 89 degrees 52 minutes 04 seconds West a distance of 25.00 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 0 degrees 00 minutes 23 seconds West a distance of 20.00 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 0 degrees 00 minutes 23 seconds West a distance of 83.53 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 1 degree 56 minutes 22 seconds West a distance of 63.97 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence North 31 degrees 54 minutes 23 seconds West a distance of 50.00 feet more or less to a point on the previously said east-west $\frac{1}{4}$ section line, said point marked by a rebar with survey cap "RW FISK 6565"; thence, westerly on the said east-west $\frac{1}{4}$ section line, South 89 degrees 52 minutes 04 seconds West a distance of 210.00 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, South 17 degrees 53 minutes 53 seconds West a distance of 199.79 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, South 89 degrees 52 minutes 04 seconds West a distance of 205.10 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 3 degrees 19 minutes 53 seconds East a distance of 190.32 feet to a point on the previously described east-west $\frac{1}{4}$ section, said point marked by a rebar with survey cap "RW FISK 6565"; thence,

North 19 degrees 54 minutes 14 seconds East a distance of 9.23 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 64 degrees 21 minutes 32 seconds East a distance of 41.64 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 74 degrees 18 minutes 41 seconds East a distance of 75.62 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, South 87 degrees 31 minutes 33 seconds East a distance of 21.31 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, South 45 degrees 47 minutes 36 seconds East a distance of 29.92 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 89 degrees 52 minutes 04 seconds East a distance of 99.16 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 89 degrees 52 minutes 04 seconds East a distance of 260.06 feet more or less to a point on the westerly line of said City Springs Road right-of-way, said point marked by a rebar with survey cap "RW FISK 6565"; thence, southerly and on the westerly line of said City Springs Road right-of-way, South 00 degrees 00 minutes 05 seconds East a distance of 25.00 feet more or less to the point of beginning, more generally described as being located at 1851 and 2101 City Springs Road.

9. No. 16RZ018 - Section 29, T2N, R7E

A request by Fisk Land Surveying and Consulting Engineers, Inc **Inc for Reverend Steven Biegler (Vicar General) for Diocese of Rapid City** to consider an application for a **Rezoning from Low Density Residential District to General Agricultural District** for a parcel of land located in the Northwest One-Quarter (NW $\frac{1}{4}$) of Section Twenty-Nine (29) in Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning on the east-west $\frac{1}{4}$ section line at the point where the westerly right-of-way line of City Springs Road intersects and coincident with the northwest corner of Lot H1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29, T2N, R7E, BHM, Rapid City, South Dakota as shown on the plat filed on September 28, 2010 and recorded in Book 12 of Highway Plat on Page 36, said point being marked by a rebar with survey cap "LS 6119"; thence, westerly on said $\frac{1}{4}$ section line, South 89 degrees 52 minutes 04 seconds West a distance of 50.00 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, continuing westerly on said $\frac{1}{4}$ section line, South 89 degrees 52 minutes 04 seconds West a distance of 210.00 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing westerly on said $\frac{1}{4}$ section line, South 89 degrees 52 minutes 04 seconds West a distance of 255.44 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 19 degrees 54 minutes 14 seconds East a distance of 9.23 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 64 degrees 21 minutes 32 seconds East a distance of 41.64 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 74 degrees 18 minutes 41 seconds East a distance of 75.62 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, South 87 degrees 31 minutes 33 seconds East a distance of 21.31 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, South 45

degrees 47 minutes 36 seconds East a distance of 29.92 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 89 degrees 52 minutes 04 seconds East a distance of 99.16 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 89 degrees 52 minutes 04 seconds East a distance of 260.06 feet more or less to a point on the westerly line of said City Springs Road right-of-way, said point marked by a rebar with survey cap "RW FISK 6565"; thence, southerly and on the westerly line of said City Springs Road right-of-way, South 00 degrees 00 minutes 05 seconds East a distance of 25.00 feet more or less to the point of beginning, more generally described as being located at 2101 City Springs Road.

Lacock presented the associated applications and reviewed the slides. Lacock stated that the application is to allow the expansion of the existing private cemetery that is used by Saint Martin's Monastery and the Diocese of Rapid City. Lacock noted that the requested expansion requires that the property be rezoned to General Agricultural District from the current zoning of Low Density Residential District as a cemetery is a Conditional Use in the General Agricultural District. Lacock stated that staff supports the Exception request to Waive the paving requirement for the access and parking areas as the cemetery will be for the private use of the Diocese of Rapid City and they do not anticipate much use of the approach or the parking and turn around area that is proposed with the expansion. Lacock recommended approval of the Exception to reduce the required side yard setback for a cemetery from 35 feet to 0 feet. Lacock also noted that the expansion and use will not create encroachment onto a collector street and that staff recommends that the **Initial and Final Planned Development Overlay to expand an existing cemetery and Rezoning from Low Density Residential District to General Agricultural District** be approved with stipulations.

Rolinger moved, Bulman seconded and unanimously carried to approve the Initial and Final Planned Development Overlay to expand an existing cemetery with the following stipulations:

- 1. An Exception is hereby granted to waive the paving requirement for the access and parking lot area;**
- 2. An Exception is hereby granted to reduce the minimum required side yard setback for a cemetery from 35 feet to 0 feet; and,**
- 3. The Initial and Final Planned Development Overlay shall allow a cemetery. Permitted uses within the General Agricultural District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development,; and**

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.

To recommend that the Rezoning from Low Density Residential District to General Agricultural District be approved. (9 to 0 with Braun, Brewer, Bulman, Jobman, Marchand, Rolinger, Schmidt, Scull and Swank voting yes and none voting no)

10. Discussion Items

Fisher updated the Planning Commissioners on the status of replacing the post vacated by Rippentrop stating that no decision has been made as yet, but she expect to hear something soon.

11. Staff Items

None

12. Planning Commission Items

None

13. Committee Reports

None

There being no further business, Brewer moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:15 a.m. (9 to 0 with Braun, Brewer, Bulman, Jobman, Marchand, Rolinger, Schmidt, Scull, and Swank voting yes and none voting no)