

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 8, 2012

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

MEMBERS ABSENT: Steve Rolinger and Andrew Scull.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Tim Behlings, Dale Tech, Ted Johnson and Risë Ficken.

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

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

Staff requested that Items 5 and 6 be removed from the Consent Agenda for separate consideration.

Motion by Swank, seconded by Snyder and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Items 5 and 6. (10 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the February 23, 2012 Planning Commission Meeting Minutes.
2. No. 12OA001 - Ordinance Amendment
Approval of a request by City of Rapid City to consider an application for an **Ordinance establishing that applications submitted pursuant to Title 17 be signed by the owner of the property identified in the application or by their designated agents by adding Section 17.54.065 to the Rapid City Municipal Code.**

Planning Commission recommended approval of the Ordinance Amendment.

- *3. No. 12PD005 - Original Town of Rapid City
A request by SECO Construction for Destination Rapid City to consider an application for a **Major Amendment to a Planned Commercial Development** for Lots 1-16 of Block 75 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 between 5th and 6th Streets, north of Main Street.

Planning Commission approved the Major Amendment to a Planned

Commercial Development with the following stipulations:

- 1. Prior to issuance of a building permit, grading permits, or any disturbance of earth on the site, all necessary changes shall be made to the construction plans as identified on the redline drawings. All redlined drawings shall be returned to Community Planning and Development Services and signed and sealed final construction plans shall be submitted for review and approval;**
- 2. A Building Permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy of any of the structures on the site;**
- 3. The proposed structure shall conform architecturally to the plans, elevations and color palette submitted as part of this Major Amendment to the Planned Commercial Development;**
- 4. The structure shall be constructed in compliance with the approved 11.1 Historic Review and shall meet all requirements of Section 1-19A-11.1 South Dakota Codified Law Historic Preservation Review Procedures;**
- 5. All proposed signage shall be approved through an Historic Sign Board review. Signage approved by the Historic Sign Board and in compliance with Chapter 15.28 of the Rapid City Municipal Code will be allowed with a sign permit. All signage not in compliance with Chapter 15.28 of the Rapid City Municipal Code requiring the review of the Sign Code Board of Appeals will require a Major Amendment to the Planned Development. The previously allowed electronic public service sign is hereby acknowledged. Additional electronic signage will be considered as a Major Amendment to the Planned Commercial Development. The Director of Community Planning and Development Services may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s).**
- 6. Usage of the parking structure by construction crews shall comply with the parking structure requirements. No handicapped parking spaces shall be used for temporary parking, loading or unloading, equipment staging, or materials. Prior to issuance of a Building Permit, plans shall be submitted to the Public Works Department coordinating the use of the parking structure to minimize disruption to the usage of the structure and pedestrian/vehicle access and safety;**
- 7. All applicable provisions of the currently adopted International Fire Code shall be continually met;**
- 8. The parking garage shall continue to meet all the requirements of the Americans with Disabilities Act;**
- 9. The previous Exception to allow a 4 foot front yard setback along Sixth Street and a zero foot front yard setback along Fifth Street is hereby acknowledged;**
- 10. The previous Exception to allow a minimum 8 ½ foot wide parking stalls and 24 foot wide access lanes is hereby acknowledged;**
- 11. This Major Amendment to a Planned Commercial Development shall allow for the construction of a Visitor Information Center and**

seasonal ice-skate rental facility. The previous approved uses including a parking facility, public restrooms, a mechanical room, equipment room, and Zamboni enclosure are hereby acknowledged. Three parking stalls shall be eliminated to accommodate the Information Center and ice-skate rental facility. Other uses permitted in a General Commercial District shall be allowed as a Minimal Amendment to the Planned Commercial Development requiring the approval of the Director of Community Planning and Development Services. Conditional uses allowed within a General Commercial District shall require a Major Amendment to the Planned Commercial Development;

12. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment; and,
13. The Planned Commercial Development shall expire if the use is not undertaken and completed within five years, or if the use as approved has ceased for a period of two years. Any changes to the date of completion shall be considered as a Major Amendment to the Planned Commercial Development.

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

*4. No. 12PD006 - Original Townsite of Rapid City

A request by Gene Fennell for Pennington County to consider an application for an **Initial and Final Planned Commercial Development** for Lots 1-32 and the vacated alley of Block 99 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Saint Joseph Street and north of Kansas City Street between 1st Street and 2nd Street.

Planning Commission approved the Initial and Final Planned Commercial Development with the following stipulations:

1. Prior to issuance of a building permit, grading permits, or any disturbance of earth on the site, all necessary changes shall be made to the construction plans as identified on the redline drawings. All redlined drawings shall be returned to Community Planning and Development Services and signed and sealed final construction plans shall be submitted for review and approval;
2. A Building Permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy of any of the structures on the site. Additionally, an Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
3. Prior to issuance of a Building Permit, a Developmental Lot Agreement for the proposed Planned Development shall be submitted to Community Planning and Development Services for review and

- approval;
4. Prior to issuance of a Building Permit, documentation shall be submitted for review and approval demonstrating that parking in the existing Pennington County parking facility shall serve as shared parking for the proposed campus expansion;
 5. Prior to issuance of a Building Permit, Exceptions shall be obtained to allow a driveway greater than 28 feet in width and to allow for a reduced driveway-intersection distance, or revised plans shall be submitted for review and approval showing the required 28 foot maximum driveway width for the driveway on 1st Street, and showing a minimum 85 foot distance between the intersection of 1st and Kansas City Street and the driveway;
 6. Prior to issuance of a Building Permit, Exceptions shall be obtained to allow the reduced inter-driveway spacing and to allow access off the higher order street, or revised plans shall be submitted for review and approval showing a minimum 53 foot wide separation between the driveways located on Kansas City Street, and to eliminate access taken off the higher order street. If an Exception for reduced inter-driveway spacing is approved, directional signage restricting the driveways accessing Kansas City Street shall be provided;
 7. Prior to issuance of a Building Permit, an Exception to allow curbside sidewalks in lieu of the required property line sidewalks shall be obtained, or revised plans shall be submitted for review and approval showing the required property line sidewalks;
 8. Prior to issuance of a Building Permit, an Exception shall be obtained to locate the sewer outside the center of the roadway, or revised plans shall be submitted for review and approval showing the relocated sewer line being located in the center of roadway;
 9. An Exception is hereby granted to allow 75 parking spaces to be provided onsite in lieu of the required 461 parking spaces, contingent upon securing parking within the existing parking structure located immediately to the west of the Planned Development. All parking shall comply with Section 17.50.270 of the Rapid City Municipal Code;
 10. An Exception is hereby granted to allow a maximum building height for the proposed administration building to be 58 feet, in lieu of the maximum allowable 45 feet;
 11. An Exception is hereby granted to reduce the front yard setbacks on Saint Joseph Street from 25 feet to 19.67 feet, on 1st Street from 25 feet to 13.70 feet and on 2nd Street from 25 feet to 10.44 feet;
 12. Prior to issuance of a building permit, a revised site plan shall be submitted for review and approval showing the number of landscaping points being provided. Any changes to the landscaping plan which the Director of Community Planning and Development Services determines is consistent with the original approved landscaping plan may be considered as a Minimal Amendment to the Planned Residential Development. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary in compliance with the City's adopted landscaping ordinance;
 13. Prior to issuance of building permits, revised plans shall be submitted

- to Community Planning and Development Services for review and approval that include the proposed photometric plan for the development;
14. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code shall be allowed with a sign permit. All signage not in compliance with Chapter 15.28 of the Rapid City Municipal Code requiring the review of the Sign Code Board of Appeals shall require a Major Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Commercial Development. The addition of electronic signage may be considered as a Major Amendment to the Planned Commercial Development. The Director of Community Planning and Development Services may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s);
 15. This Planned Commercial Development shall allow for the construction of an Administration Building and Evidence Building with landscaping, parking and pedestrian circulation to be constructed as a part of the Pennington County campus. Other uses permitted in a General Commercial District shall be allowed as a Minimal Amendment to the Planned Commercial Development requiring the approval of the Director of Community Planning and Development Services. Conditional uses allowed within a General Commercial District shall require a Major Amendment to the Planned Commercial Development;
 16. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment; and,
 17. The Planned Commercial Development shall expire if the use is not undertaken and completed within five years, or if the use as approved has ceased for a period of two years. Any changes to the date of completion shall be considered as a Major Amendment to the Planned Commercial Development.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

5. No. 12RZ002 - Fifth Street Office Plaza
A request by Fisk Land Surveying & Consulting Engineers for 5th Street Developers, LLC to consider an application for a **Rezoning from Office Commercial District to General Commercial District** for all of Lots Two (2)

and Three (3) in Block Two (2) of Fifth Street Office Plaza, located in the Northeast One-Quarter (NE 1/4) of Section Twenty Four (24), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota as shown on the plat recorded on January 24, 2007 and filed in Book 34 of Plats on Page 76, excepting therefrom all of that portion of Lot Three (3) which is zoned as Public District and is more generally described as follows: Beginning at the southwest corner of said Lot Three (3) in Block Two (2) of Fifth Street Office Plaza; thence first course, North on the westerly line of said Lot 3, North 00 degrees 24 minutes 02 seconds East a distance of 38.32 feet more or less, to an angle point on the west line of said Lot 3; thence second course, South 84 degrees 59 minutes 26 seconds East a distance of 102.00 feet more or less; thence third course, South 54 degrees 11 minutes 32 seconds East a distance of 93.76 feet more or less, to a point on the south line of said Lot 3; thence final course, northwesterly on the south line of said Lot 3, North 81 degrees 51 minutes 42 seconds West a distance of 180.63 feet more or less to the point of beginning, more generally described as being located at 4831 and 4905 Fifth Street.

Lacock advised that the applicant has requested that this item be continued to the April 5, 2012 Planning Commission meeting.

Snyder moved, Popp seconded and unanimously carried to continue the Rezoning from Office Commercial District to General Commercial District to the April 5, 2012 Planning Commission meeting.

6. No. 12VE003 - Elysian Heights Subdivision

A request by City of Rapid City to consider an application for a **Vacation of a Note on a Plat** for Lots 1 through 10 of Elysian Heights Subdivision located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Carriage Hills Drive.

Lacock advised that the notification requirement has not been met and he recommended that this item be continued to the March 22, 2012 Planning Commission meeting.

Snyder moved, Marchand seconded and unanimously carried to continue the Vacation of a Note on a Plat to the March 22, 2012 Planning Commission meeting.

*7. No. 12UR005 - Marshall Heights Tract

A request by China Wok to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** for Lot B of Lot 6 of Lot K-3 of Marshall Heights Tract located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1575 North LaCrosse Street, Suite B.

Lacock noted that Stipulations 1, 2 and 3 have not been met as required, noting that staff is continuing to work with the applicant to address these issues. Lacock recommended that this item be continued to the March 22, 2012 Planning

Commission meeting.

Snyder moved, Marchand seconded and unanimously carried to continue the Conditional Use Permit to allow an On-Sale Liquor Establishment to the March 22, 2012 Planning Commission meeting. (10 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)

8. Discussion Items
 None.
9. Staff Items
 None.
10. Planning Commission Items
 None.
11. Committee Reports
 None.

There being no further business, Swank moved, Snyder seconded and unanimously carried to adjourn the meeting at 7:05 a.m. (10 to 0 with Beshara, Braun, Brewer, Fink, Marchand, Popp, Rippentrop, Snyder, Swank and Weimer voting yes and none voting no)