

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 24, 2012

MEMBERS PRESENT: Sandra Beshara, John Brewer, Patrick Fink, Linda Marchand, Dennis Popp, Kay Rippentrop, Steve Rolinger, Andrew Scull, Josh Snyder, Jan Swank and Len Weimer. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun

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

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

Fisher advised that as there are 11 members of the Planning Commission present, Beshara will only participate in the vote if another Planning Commissioner leaves the dais.

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.

Motion by Marchand, seconded by Rolinger and unanimously carried to approve the Consent Agenda Items 1 thru 2 in accordance with the staff recommendations. (10 to 0 with Brewer, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the May 10, 2012 Planning Commission Meeting Minutes.
- *2. No. 12UR012 - Robbinsdale Addition No. 7
A request by FourFront Design, Inc. for Presbyterian Retirement Village of Rapid City, Inc. to consider an application for a **Major Amendment to a Conditional Use Permit** for Block 24A of Robbinsdale Addition No. 7 located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 255 Texas Street.

Planning Commission approved the Major Amendment to a Conditional Use Permit 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 issuance of a building permit, the property owner shall sign a Waiver of Right to Protest for sidewalk installation as per Chapter 12.08.060 of the Rapid City Municipal Code;**
3. **Prior to issuance of a building permit, the applicant must submit a revised parking plan in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. A minimum of 191 parking spaces shall be provided. In addition, six 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;
4. Prior to issuance of a building permit, the applicant shall address redline comments and return the plans to the Community Planning and Development Services Department;
 5. Prior to issuance of a building permit, the applicant shall enter into an access agreement with the City for the curb stop on private property as per Section 3, Figure 3-7A of the Infrastructure Design Criteria Manual;
 6. Prior to issuance of a building permit, structural design plans for any retaining wall over four feet in height shall be submitted for review and approval;
 7. Prior to issuance of a building permit, a signed Erosion and Sediment Control Plan shall be submitted for review and approval;
 8. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
 9. All applicable provisions of the adopted International Fire Code shall continually be met;
 10. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 11. The existing Air Quality Construction Permit shall be modified to increase the area of disturbance prior to any further surface disturbance;
 12. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Conditional Use Permit. Changes to the proposed elevations, design plans and color palette which the Community Planning and Development Services Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Conditional Use Permit;
 13. A minimum of 528,862 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;
 14. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal 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 Chapter 15.28 of the Rapid City Municipal Code or 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;
15. 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;
 16. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment; and,
 17. The Major Amendment to a Conditional Use Permit shall allow the property to be used as a healthcare facility and assisted living center. Any change in use that is a permitted use in the Medium Density Residential District shall require the review and approval of a Minimal Amendment. 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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *3. No. 12PD013 - Section 22, T1N, R7E
A request by Willadsen Lund Engineering for Samuelson Development, LLC to consider an application for an **Initial and Final Planned Unit Development** for a parcel of land known as that part of the south 495' of NE1/4SE1/4, less Lot 1 of Bendert Subdivision and the unplatted portion of SE1/4SE1/4, all located in the SE1/4SE1/4 and NE1/4SE1/4 of Section 22, T.1N, R.7E, B.H.M., Rapid City, Pennington County, South Dakota and being more particularly described as follows: Commencing at the southeast corner of said Section 22, from which bears a found pin and cap stamped "RLS 5085" N01°56'49"E a distance of 33.00', thence N40°25'57"W a distance of 44.51' to the true point of beginning of the herein described parcel; Thence N88°15'46"W a distance of 213.93'; Thence with a non-tangent curve turning to the right with an arc length of 440.24', with a radius of 370.00', with a chord bearing of N47°43'20"W, with a chord length of 414.73'; Thence N13°38'06"W a distance of 509.17'; Thence with a curve turning to the left with an arc length of 63.82', with a radius of 230.00', with a chord bearing of N21°34'10"W, with a chord length of 63.62'; Thence N01°58'11"E a distance of 275.25' to a found pin and cap stamped "RLS 1019", said pin and cap being the southwest corner of aforesaid Lot 1 of Bendert Subdivision; Thence following the southerly line of said lot 1 S88°18'29"E a distance of 189.97' to a found pin and cap stamped "RLS 1019", said pin and cap being the southeast corner of said lot 1 of Bendert Subdivision; Thence following the easterly line of said Lot 1 N01°42'02"E a distance of 199.51' to a point from which a found pin and cap stamped "RLS 1019" bears N01°42'02"E a distance of

29.87'; Thence departing said easterly line of Lot 1 of Bendert Subdivision thence S88°05'53"E a distance of 533.01' to a point in the easterly line of aforesaid Section 22 and from which bears a found pin and cap stamped "RLS 1019" N01°56'47"E a distance of 190.17'; Thence following said easterly line S01°56'47"W a distance of 614.13' to a point being in the northwesterly right-of-way line of promise road; Thence with a non-tangent curve turning to the left with an arc length of 79.66', with a radius of 195.73', with a chord bearing of S24°11'22"W, with a chord length of 79.11'; Thence S01°57'08"W a distance of 29.21'; Thence S01°57'08"W a distance of 575.87' to the point of beginning, more generally described as being located at the current terminus of Promise Road.

Fisher presented the request and reviewed the slides noting staff's recommendation for approval of the request with the stipulations outlined in the staff report.

Scull stated that he would abstain from voting on this item due to a conflict of interest.

In response to a question from Popp, Fisher advised that the traffic study as submitted supports the proposed future phases of residential development.

Rolinger moved, Snyder seconded and carried to approve the Initial and Final Planned Unit Development with the following stipulations:

- 1. Prior to Planning Commission approval, the Traffic Impact Study shall be revised to address the South Dakota Department of Transportation comments. In addition, the revised Traffic Impact Study shall be submitted for review and approval. The final Traffic Impact Study shall be sealed and signed by a licensed Professional Engineer licensed to practice in the State of South Dakota;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. Prior to issuance of a building permit, the elevations for the proposed garage(s) shall be submitted for review and approval;**
- 4. Upon submittal of a Building Permit, a detailed drainage report shall be submitted for review and approval to ensure that the proposed discharge rate at the northwest corner of the property does not exceed pre-existing flows;**
- 5. Upon submittal of a building permit, construction plans shall be submitted for review and approval clarifying the location and design of the proposed water main extension(s) in order to provide sufficient fire flows. Prior to issuance of a Certificate of Occupancy, the water main construction shall be completed and easements secured as needed;**
- 6. Prior to issuance of a Certificate of Occupancy, the Parking and Access Agreement shall be revised as needed to address the City Attorney's Office comments. In addition, the Parking and Access Agreement shall be recorded and a copy of the recorded document submitted to the Community Planning & Development Services Department;**

7. Prior to issuance of a Certificate of Occupancy, all public improvements needed to serve the proposed development shall be constructed, inspected and accepted by the City. In addition, public utility easements shall be secured as needed;
8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
9. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Unit Development. Changes to the proposed elevations, design plans and color palette which the Community Planning and Development Services Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Planned Unit Development;
10. The five foot high vinyl security fence to be constructed around the swimming pool and the six foot high wood screening fence to be constructed around portions of the perimeter of the project shall be located and constructed in compliance with the submitted fence package. Changes to the proposed fence elevations, design plans and color palette which the Community Planning and Development Services Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Planned Unit Development;
11. Access shall be continually provided through the site to Lot 1, Bendert Subdivision;
12. An Exception is hereby granted to allow a four story structure with a height of 56 feet in lieu of a maximum three story structure with a height of 35 feet;
13. A minimum of 398 parking spaces shall be provided. In addition, nine of the parking spaces shall be handicap accessible. Two of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
14. A minimum of 667,371 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;
15. Prior to issuance of a sign permit, an elevation of the proposed signs identifying the size, design, material, lighting and color must be submitted for review and approval. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Unit Development. 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 Planned Residential Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Residential 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;
16. 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;
 17. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment; and,
 18. The Initial and Final Planned Unit Development shall allow the property to be used for multi-family apartment buildings. Any change in use that is a permitted use in the Office Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Unit Development. (9 to 0 to 1 with Brewer, Fink, Marchand, Popp, Rippentrop, Rolinger, Snyder, Swank and Weimer voting yes, with none voting no and with 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.

- *4. 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 advised that no additional information has been submitted by the applicant noting staff's recommendation to deny the application.

In response to a question from Scull, Fisher stated that the application has already been continued for several months noting that the applicant has not provided the additional requested information within that timeframe.

Snyder moved, Fink seconded and unanimously carried to deny the Conditional Use Permit to allow an On-Sale Liquor Establishment. (10 to 0 with Brewer, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer 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.

*5. No. 12UR013 - IGT Subdivision

A request by Rosenbaum's Signs to consider an application for a **Major Amendment to a Conditional Use Permit** for Lot 1 of IGT Subdivision, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5301 South Highway 16.

Fisher presented the request and reviewed the slides and the staff report. Fisher indicated that a sign permit for the LED sign was issued in error and the applicant was notified of the error. Fisher stated that the Planning Commission considers each application for LED signage on an individual basis and she discussed the action taken by the Planning Commission on several previous applications. Fisher advised that comments from Dan Staton at the Department of Transportation were distributed on the dais. Fisher indicated that staff recommends that the application be denied.

In response to a question from Snyder, Fisher clarified that the actual size of LED message center portion of the sign is 4.5 feet by 12.5 feet, plus the frame.

In response to a question from Brewer, Fisher stated that the measurements of LED message center and frame are 5 feet by 13 feet.

Scull requested clarification concerning how the property owner plans to use the sign, including the timeframe for message transition and the types of messages to be displayed.

Janelle Finck advised that the Conditional Use Permit application for the property was approved in October of 2011 noting that the remodeling and expansion project totals over \$4 million. J. Finck indicated that a significant portion of those funds were allocated to the beautification of the property, including landscaping and an internal pedestrian walkway. J. Finck stated that the Conditional Use Permit for the school met all of the requirements of the underlying Business Park Zoning District. J. Finck added that the proposed sign is a permitted use in the Business Park District noting that the Planning Commission's review is required only because the approved Conditional Use Permit specifically stipulated that any electronic signage would require a Major Amendment. J. Finck discussed the size and location of the proposed sign and the separation from U.S. Highway 16 provided by the service road. J. Finck added that no comment was received in response to the hearing notice letters that were mailed to the surrounding property owners.

J. Finck distributed and reviewed the proposed operations plan for the message center to the members of the Planning Commission. J. Finck requested approval of the application.

In response to a question from Swank, J. Finck stated that the sign as proposed complies with the discussions concerning the proposed sign code amendments that the City Council has had to date.

Roberts commended the applicant for the proposed minimum 60 second message display noting that the discussions by the City Council have cited a minimum eight second message display.

Fisher clarified that if the new sign code is adopted retroactively, the most restrictive terms would apply to the LED message center.

In response to a question from P. Fink, Tiffany Smith clarified that the LED message center will only be used for school and university related activities.

Rolinger indicated that he does not feel that restricting approval of the sign to stipulate a minimum 60 second message display is necessary. Rolinger expressed support for the proposed sign.

Discussion followed.

Scull expressed support for the proposed sign.

Snyder expressed concern that a digital flag waving on the sign may be distracting. Snyder suggested that a static flag could be displayed on the sign or a physical flag pole could be installed adjacent to the sign.

Jim Olson advised that he is available to answer questions.

Ben Snow, President of the Rapid City Economic Development Partnership, stated his strong support for approval of the amendment to the Conditional Use Permit. Snow advised that National American University is a major employer in Rapid City and is consolidating their operations into one location noting that the proposed signage is core to the consolidation project. Snow stated that significant resources have already been committed to the sign on the property. Snow indicated that the proposed signage is in context with the landscaping noting that the approval of the sign will ensure the completion of this project.

Brewer spoke in support of the proposed Major Amendment.

Discussion followed concerning potential stipulations for approval of the LED reader board sign.

Popp moved and Marchand seconded to approve the Major Amendment to a Conditional Use Permit with the following stipulations:

- 1. All stipulations of Conditional Use Permit #11UR026 shall continually apply with the exception of Stipulation #4 related to signage; and,**
- 2. All signage shall comply with the signage regulations with the exception of the LED reader board sign. The LED reader board sign shall comply with the applicant's operational plan. Minimal amendments may be allowed to the LED reader board sign by the Director of Community Planning & Development Services so long as it continually complies with the sign code regulations.**

Fink stated that he would abstain from voting on this item due to a conflict of

interest.

Snyder offered a friendly amendment to the motion to require that any flag to be displayed on the LED reader board sign shall be static.

Popp and Marchand declined the friendly amendment.

The motion carried to approve the Major Amendment to a Conditional Use Permit with the following stipulations:

- 1. All stipulations of Conditional Use Permit #11UR026 shall continually apply with the exception of Stipulation #4 related to signage; and,**
- 2. All signage shall comply with the signage regulations with the exception of the LED reader board sign. The LED reader board sign shall comply with the applicant's operational plan. Minimal amendments may be allowed to the LED reader board sign by the Director of Community Planning & Development Services so long as it continually complies with the sign code regulations. (9 to 0 to 1 with Brewer, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes, with none voting no, and with Fink 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.

Laroco requested that items 6, 7, 8 and 9 be considered concurrently.

- *6. No. 12PD018 - Original Town of Rapid City
A request by Dream Design International, Inc. for President's Plaza, LLC to consider an application for an **Initial and Final Commercial Development Plan** for Tract A of Block 95 in 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 525 Saint Joseph Street.
7. No. 12VR002 - Original Town of Rapid City
A request by Dream Design International, Inc. for President's Plaza, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of the 6th Street right-of-way lying adjacent to Tract A of Block 95 in the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the east 13 feet of 6th Street located south of Saint Joseph Street to the alley.
8. No. 12VR003 - Original Town of Rapid City
A request by Dream Design International, Inc. for President's Plaza, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of the 5th Street right-of-way lying adjacent to Tract A of Block 95 in the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the west one foot of 5th Street

located south of Saint Joseph Street to the alley.

9. No. 12VR004 - Original Town of Rapid City

A request by Dream Design International, Inc. for President's Plaza, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of the Saint Joseph Street right-of-way lying adjacent to Tract A of Block 95 in the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the south 3.5 feet of Saint Joseph Street located between 5th Street and 6th Street.

Scull stated he will abstain from voting on items 6, 7, 8 and 9 due to a conflict of interest. Scull left the dais at this time.

Beshara became a voting member of the Planning Commission.

Laroco presented the application and reviewed the slides noting staff's recommendation for approval of the request with stipulations. Laroco requested that Stipulation #1 be revised as follows: "**1. Prior to approval by Planning Commission issuance of a Building Permit, revised plans shall be submitted showing that the structure is located within all property lines, or a Vacation of Right-of-Way shall be obtained for all structures located in the right-of-way**". Laroco requested the inclusion of the additional stipulation as distributed on the dais requiring that a final Traffic Impact Study signed and sealed by a professional engineer shall be submitted for review and approval prior to issuance of a Building Permit.

Hani Shafai explained that the proposed vacation of one foot of right-of-way along the west side of 5th Street is to accommodate the footings for the building foundation. Shafai stated that the proposed vacation of 3.5 feet of right-of-way along Saint Joseph Street is to accommodate the foundation and various façade elements that would encroach into the right-of-way. Shafai advised that discussions are in progress for changes to the south elevation of the structure to provide additional details to reduce the appearance of the structure as a parking garage along the alley. Shafai stated that the proposed vacation of 13.5 feet along 6th Street is to accommodate the width of the hotel rooms, the parking garage, spaces and driving aisles. Shafai described the Sixth Street loading and unloading area and the encroachment of the proposed canopy into the right-of-way. Shafai indicated that they will grant the requested easements for utilities, drainage and pedestrian access.

Fink moved and Marchand seconded to approve the Initial and Final Commercial Development Plan (12PD018) with the following stipulations:

- 1. Prior to issuance of a Building Permit, revised plans shall be submitted showing that the structure is located within all property lines, or a Vacation of Right-of-Way shall be obtained for all structures located in the right-of-way;**
- 2. Prior to approval by Planning Commission, revised plans shall be submitted showing the location and elevations of the proposed canopy. The canopy shall meet all requirements of the Rapid City Building Code;**

3. Prior to approval by Planning Commission, revised plans shall be submitted showing a minimum of ten handicap accessible parking spaces. A minimum of two of the proposed handicap parking spaces shall be van accessible;
4. Prior to approval by Planning Commission, a Drainage Report shall be submitted for review and approval detailing revised calculations for the proposed storm sewer in the alley, calculations and modifications to drainage inlets along Sixth Street, calculations illustrating that the proposed drainage will not change existing drainage patterns, and design information regarding the proposed bioswale along Fifth Street;
5. Prior to approval by Planning Commission, a revised Geotechnical Report shall be submitted for review and approval addressing the design and construction of the alley adjacent to the Planned Development to the south. The alley shall be constructed per the recommendations of the Geotechnical Report and in compliance with the Infrastructure Design Criteria Manual;
6. Prior to approval by Planning Commission, a Water Infiltration Report shall be submitted for review and approval addressing the impacts of using porous pavers in lieu of concrete sidewalk on building foundations and adjacent streets;
7. Prior to approval by Planning Commission, an analysis of anticipated water and fire flow demands of the Planned Development shall be submitted for review and approval showing that peak demands will not exceed the existing water main capacity or create water shortages for other users of the existing main;
8. An Exception is hereby granted to increase the maximum allowable lot coverage to 94 percent in lieu of the maximum allowable 90 percent for a 15 story building;
9. An Exception is hereby granted to reduce the width of parking stalls from 9 feet to 8 feet for those spaces encroached on by structural columns as shown on the site plans dated April 27, 2012;
10. An Exception is hereby granted to reduce the required parking aisle width to 24 feet in lieu of the minimum required 26 foot parking aisle width;
11. An Exception is hereby granted to allow 16 “compact” 7.5 feet wide by 18 feet deep parking spaces to be located in the parking facility in lieu of the standard 9 foot wide by 18 foot deep parking spaces. “Compact” parking spaces shall not be used for handicap accessible parking spaces;
12. 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;
13. 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 redlined drawings. All redlined drawings shall be returned and signed and sealed final construction plans shall be submitted for review and approval;
14. Prior to issuance of a Building Permit, the proposed Planned

- Development shall meet all the requirements of the State 11.1 Historic Review;
15. Prior to issuance of a Building Permit, an Exception shall be obtained to allow a driveway to be located closer than 250 feet from an intersection or plans shall be revised showing that the access point has been removed. If an Exception from the design criteria is obtained, plans shall be submitted showing turning movements into and out of the driveway;
 16. Prior to issuance of a Building Permit, a pedestrian, utility and drainage easement for each Vacation shall be recorded with the Register of Deeds. A copy of the recorded easements shall be submitted to Community Planning and Development Services for review and approval.;
 17. All landscaping shall be installed and continually maintained in a live vegetative state and replaced in compliance with the City's adopted landscaping ordinance. Any changes to the landscaping plan which the Director of Community Planning and Development Services determines is consistent with the original approved landscaping plan shall be considered as a Minimal Amendment to the Planned Residential Development;
 18. All lighting on the property shall be directed so as to reflect away from all neighboring buildings and street right-of-ways;
 19. Prior to issuance of a Sign Permit, a revised sign package shall be submitted showing the square footage of signage for the Planned Development. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. 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. Changes to the Sign Package which the Director of Community Planning and Development Services determines are insignificant in nature shall be permitted as a Minimal Amendment to the Planned Development. All signage shall require review and approval through the Historic Sign Board. A Sign Permit shall be required for each sign;
 20. Prior to any improvements or alterations in the right-of-way, the applicant shall obtain a permit to work in the right-of-way;
 21. All applicable provisions of the International Fire Code shall be continually met;
 22. This Planned Commercial Development shall allow for the construction of a multi-use commercial and residential development consisting of retail, office, restaurant, hotel, condominiums, and a parking facility. Other uses permitted in the Central Business District shall be allowed. Any requests for on-sale alcohol use shall be considered as a Major Amendment to the Planned Commercial Development. Conditional uses allowed within the Central Business District shall require a Major Amendment to the Planned Commercial Development;
 23. All provisions of the Central Business 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,

24. Prior to issuance of a Building Permit, a final Traffic Impact Study signed and sealed by a professional engineer shall be submitted for review and approval. All recommendations of the Traffic Impact Study shall be addressed and plans for completion of the recommendations shall be submitted for review and approval as a part of building permits. In addition, all improvements shall be completed prior to issuance of a Certificate of Occupancy; and,

To recommend approval of the Vacation of Right-of-Way (12VR002) with the following stipulation:

1. Prior to City Council approval, a pedestrian, drainage, and utility easement shall be submitted to Community Planning and Development Services; and,

To recommend approval of the Vacation of Right-of-Way (12VR003) with the following stipulation:

1. Prior to approval by City Council, a utility easement shall be submitted to Community Planning and Development Services; and,

To recommend approval of the Vacation of Right-of-Way (12VR004) with the following stipulation:

1. Prior to approval by City Council, a utility easement shall be submitted to Community Planning and Development Services.

In response to a question from Brewer, Shafai stated that the landscaping proposed for the structure is required to obtain LEED certification. Fisher clarified that landscaping is not required in the Central Business District.

Brewer spoke in support of the project and the proposed improvements associated with burying the alley utilities.

In response to a question from Brewer, Shafai advised that two geotechnical assessments and two environmental assessments were performed on the parking lot noting that the second assessment was a comprehensive study. Shafai indicated that there are two areas of contamination that will be addressed as part of this project.

The motion carried unanimously. (10 to 0 with Beshara, Brewer, Fink, Marchand, Popp, Rippentrop, Rolinger, Snyder, Swank and Weimer voting yes and with none voting no)

The Rapid City Planning Commission's action on 12PD018 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.

Scull returned to the dais at this time.

10. Discussion Items

Fisher advised that the last paper copy of the Planning Commissioner

Journal was distributed on the dais this morning. Fisher noted that the publication would only be available on-line in the future and she asked if the Planning Commission was interested in purchasing the publication on-line.

Marchand moved, Rolinger seconded and unanimously carried to direct staff to purchase an on-line subscription to the Planning Commissioner Journal. (10 to 0 with Brewer, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and with none voting no)

11. Staff Items
None.
12. Planning Commission Items
None.
13. Committee Reports
 - A. City Council Report

Brewer commented on the recent discussion by the City Council with regard to the role of the Planning Commission. Brewer stated that the Commission is working under much shorter agendas noting the work of the Commission was changed and restructured after City Council's approval of the changes recommended by the Lehe Study and the Second Floor Review Committee. Brewer noted that it is not unusual to have items on the consent agenda that are not complex and that do not have public comment.

In response to a question from Brewer, Roberts provided a brief review of the issue as it was discussed at City Council and stated that he feels that the Planning Commission is doing a wonderful job.

Lengthy Discussion followed.

Brewer thanked Roberts for his consistent attendance at the Planning Commission meetings.

There being no further business, Snyder moved, Rolinger seconded and unanimously carried to adjourn the meeting at 8:23 a.m. (10 to 0 with Brewer, Fink, Marchand, Popp, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and with none voting no)