

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 20, 2012

MEMBERS PRESENT: John Brewer, Patrick Fink, Linda Marchand, Dennis Popp, Kay Rippentrop, Tim R. Rose, Andrew Scull, and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Carlos Beatty Jr., Sandra Beshara, Steve Rolinger and Josh Snyder

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, 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.

Motion by Fink seconded by Rose and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (8 to 0 with Brewer, Fink, Marchand, Popp, Rippentrop, Rose, Scull, and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 6, 2012 Planning Commission Meeting Minutes.

2. No. 12PL050 - Rushmore Crossing

A request by Arleth & Associates for CPP Rushmore, LLC to consider an application for a **Preliminary Subdivision Plan** for Lots 1 thru 4 of Block 2 of Rushmore Crossing, legally described as Tract E of Block 2, located in the SW1/4 SE1/4, SE1/4 SW1/4, E1/2 SW1/4 SW1/4 and W1/2 SW1/4 SW1/4 of Section 29; the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Eglin Street and East North Street.

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

- 1. Prior to Development Engineering Plan approval, 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;**
- 2. Prior to submittal of a Development Engineering Plan application, the**

plat document shall be revised to show the previously platted access and utility easement located along the southern and eastern portions of the property, including the book and page referencing the recording information. In addition, construction plans shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with curb, gutter, sidewalk, street light conduit, 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;

3. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the previously vacated section line highway as it extends through the property. In addition, the book and page referencing the recording information shall be shown on the plat;
 4. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 5. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval if subdivision improvements are required;
 6. 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,
 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval if subdivision improvements are required.
3. No. 12AN004 - Sections 26 and 27, T1N, R7E
A request by Highway 16 Properties, LLC to consider an application for a **Petition for Annexation** for Lot A of the SW1/4 NW1/4 of Section 26, T1N, R7E and Lot A of the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7001 South Highway 16.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Whispering Pines Fire Protection District being made by the City of Rapid City and removal of the two abandoned on-premise signs.

4. No. 12RZ017 - Section 26, T2N, R7E
A request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Medium Density Residential District to General Agriculture District** for a parcel of land located in the Northwest One-Half of the Southwest One-Quarter of the Southwest One-Quarter (NW ½ SW ¼ SW ¼) of Section Twenty-Six (26), 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: Commencing at the southwest corner of said Section Twenty-Six (26), Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota; Thence, northeasterly on the east line of the Northwest One-Half of the Southwest One-Quarter of the Southwest One-Quarter (NW ½ SW ¼ SW ¼) of said Section Twenty-Six (26), a distance of 600.00 feet, to the point of beginning, Thence first course, left 90 degrees a distance of 200.00 feet; Thence second course, right 90 degrees a distance of 500.00 feet; Thence third course, right 90 degrees a distance of 200.00 feet to a point on the east line of said Northwest One-Half of the Southwest One-Quarter of the Southwest One-Quarter (NW ½ SW ¼ SW ¼) of said Section Twenty-Six (26); Thence fourth and final course, southwesterly on the east line of said Northwest One-Half of the Southwest One-Quarter of the Southwest One-Quarter (NW ½ SW ¼ SW ¼) a distance of 500.00 feet to the point of beginning, more generally described as being located east of the current terminus of Commerce Road.

Planning Commission recommended that the Rezoning from Medium Density Residential District to General Agriculture District be approved.

5. No: 12TP018 – 2013 Draft Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization

Planning Commission recommended approval of the 2013 Unified Planning Work Program Draft.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *6. No. 12UR018 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for a **Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District** for Tract 20 less Lot H1 of the Rapid City Greenway Tract located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park.

Laroco presented the application noting that this application was previously continued to allow the applicant to meet stipulations. Laroco stated that staff continues to work with the applicant and other departments to meet the stipulations and as such staff recommends that the application be continued to the October 4, 2012 Planning Commission meeting.

Scull stated that he would be abstaining from voting due to conflict of interest.

Fink moved, Marchand seconded and unanimously carried to continue the Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District to the October 4, 2012 Planning Commission meeting. (7 to 0 with Brewer, Fink, Marchand, Popp,

Rippentrop, Rose and Swank voting yes and none voting no and Scull abstaining)

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

*7 No. 12PD029 - Black Hills Center

A request by Pure Bliss, LLC dba A Perfect 10 to consider an application for a **Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a beauty salon** for Lot 3 of Block 4 of Black Hills Center located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 36 East Stumer Road, Suite 118.

Lacock presented the application and reviewed the slides. Lacock noted that stipulations for the Planned Development of the Black Hills Center (File #10PD071) remain in effect, one of which allows for on-sale-liquor establishment in conjunction with a full service restaurant. To date, no such application has been brought forward. Lacock stated that staff has received a couple of recent calls questioning if the application was for a casino. Lacock clarified that this application is for an on-sale liquor establishment in conjunction with a beauty salon and is not associated with a casino. Lacock stated that staff recommends approval of the request with the stipulations outlined in the staff report.

Popp moved, Rose seconded and unanimously carried to approve the Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a beauty salon with the following stipulations:

- 1. The stipulations of the previously approved Planned Development (File #10PD071) shall continue to be in effect with this Major Amendment to the Planned Development;**
- 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. A minimum of 232,000 landscape points shall be provided in accordance with the approved plans. A minimum of six planter islands shall also be provided. In addition, landscaping shall be provided along 5th Street in compliance with the proposed landscape plan. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code must be continually met. All landscaping must be continually maintained in a live vegetative state and replaced as necessary;**
- 5. A minimum of 236 parking spaces shall be provided. In addition, five**

of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be “van accessible”. All provisions of the Off-Street Parking Ordinance shall be continually met;

6. All applicable provisions of the adopted International Fire Code shall continually be met;
7. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
8. 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;
9. All signage shall 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 Planned 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 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; and,
10. The Major Amendment to a Planned Development shall allow an on-sale liquor establishment in conjunction with a beauty salon. Any expansion to the on-sale liquor use in conjunction with a beauty salon shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use in the General Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 with Brewer, Fink, Marchand, Popp, Rippentrop, Rose, Scull 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.

8. Discussion Items

9. Staff Items

Fisher reminded Planning Commissioners of the September 21, 2012 Training Session.

10. Planning Commission Items

11. Committee Reports

There being no further business, Brewer moved, Swank seconded and unanimously carried to adjourn the meeting at 7:10 a.m. (8 to 0 with Brewer, Fink, Marchand, Popp, Rippentrop, Rose, Scull and Swank voting yes and none voting no)