

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 7, 2013

MEMBERS PRESENT: Carlos Beatty Jr., Erik Braun, John Brewer, Linda Marchand, Dennis Popp, Cody Raterman, Kay Rippentrop, Steve Rolinger, Tim R. Rose, Andrew Scull, and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Sandra Beshara

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

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

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

Braun requested that Item 2 be removed from the Consent Agenda for separate consideration.

Motion by Marchand seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Item 1 thru 5 in accordance with the staff recommendations with the exception of Item 2. (10 to 0 with Beatty, Braun, Brewer, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the January 24, 2013 Planning Commission Meeting Minutes.
3. No. 13PL001 - Prairie Meadows Subdivision
A request by Sperlich Consulting, Inc., for Freeland Meadows, LLC to consider an application for a **Preliminary Subdivision Plan** for Lots 1 through 6 of Block 1, Lots 1 through 13 and Lots 16 through 21 of Block 2, Lots 1 through 7 of Block 3, Lots 1 through 2 of Block 4, Lots 1 through 6 and Lot 13 of Block 5 of Prairie Meadows Subdivision, legally described as a portion of Tract A of Prairie Meadows Subdivision and a portion of Government Lot 4, all located in Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the east side of West Nike Road north of Country Road.

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 plans shall be revised to address all red line comments. In addition, the revised construction plans and the red line comments shall be returned with the Development Engineering Plan application;**

2. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow interim water service from the North Rapid Water Service Zone and to allow a dead-end water main in excess of 600 feet or the construction plans shall be revised accordingly. If the Exception(s) are obtained, then a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
 3. Prior to submittal of a Final Plat application, the applicant shall record a covenant agreement, homeowners agreement or some other agreement to identify and ensure perpetual ownership and maintenance of the drainage lots/areas and the drainage improvements;
 4. Upon submittal of a Development Engineering Plan application, a revised Master Plan shall be submitted for review and approval showing the proposed lot layout, streets, and utilities, including a 12 inch water main connection to a future water main in Country Road;
 5. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
 6. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided;
 7. Upon submittal of a Development Engineering Plan application, the grading plan shall be revised to clearly show the values on Eli Drive in order to evaluate whether the vertical alignment of Bengal Drive fully complies with AASHTO Standards;
 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 9. 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;
 10. 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,
 11. 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).
4. No. 13PL002 - Pine View Terrace
A request by Sperlich Consulting, Inc., for Lage Construction, Inc. to consider an

application for a **Preliminary Subdivision Plan** for Lots 1 through 13 and Drainage Lots 1 through 3 of Block 1 of Forest Edge Subdivision, legally described as Lot 1 of Block 1 of Pine View Terrace, located in the SW1/4 of the SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the north side of Corral Drive west of the intersection of Corral Drive and Park 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 plans shall be revised to address all red line comments. In addition, the revised construction plans and the red line comments shall be returned to the Community Planning & Development Services Department with the Development Engineering Plan application;
2. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow a public sewer main within an easement or the plans shall be revised accordingly. If the Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
3. Prior to submittal of a Final Plat application, the applicant shall record a covenant agreement, homeowners agreement or some other agreement to identify and ensure perpetual ownership and maintenance of the drainage lots and the drainage improvements;
4. Prior to submittal of a Development Engineering Plan application, the construction plans for Winestone Lane shall be revised to show the street located within a 52 foot wide right-of-way in lieu of a 50 foot wide right-of-way. In addition, a five foot wide boulevard shall be provided in lieu of the proposed 4.33 foot wide boulevard or an Exception shall be obtained. If the Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
5. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show a sidewalk along the north side of Corral Drive or an Exception shall be obtained. If the 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, a water analysis, report and plans in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval;
7. Upon submittal of a Development Engineering Plan application, a sanitary sewer analysis, report and plans in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval. The designed slope and velocity of the sewer main shall comply with Section 3.12.6 of the Infrastructure Design Criteria Manual. Prior to approval of the sewer plans, an easement shall be recorded across the adjacent school property and a copy of the recorded document shall be submitted to the Community Planning & Development Services Department;

8. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
 9. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided;
 10. Upon submittal of a Development Engineering Plan application, a drainage analysis and a drainage improvements plan shall be submitted for review and approval. In addition, the grading plan shall be revised as determined by the drainage analysis and drainage improvements plan;
 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. Upon submittal of a Development Engineering Plan application, a Fuels Mitigation Plan shall be submitted for review and approval. In addition, prior to submittal of a Final Plat application, the Fuels Mitigation Plan shall be implemented;
 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).
5. No. 13RZ001 - Section 30, T1N, R8E
A request by Karl Merbach for City of Rapid City Solid Waste to consider an application for a **Rezoning from General Agricultural District to Public District** for the N1/2 of the NE1/4, less Lots H1, H2 and H3 and the NE1/4 of the NW1/4, all located in Section 30, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of South Dakota Highway 79 and south of Catron Boulevard.

Planning Commission recommended that the Rezoning from General Agricultural District to Public District be approved.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

2. No. 12PL100 - Shultz Subdivision
A request by Dream Design International, Inc. to consider an application for a

Preliminary Subdivision Plan for proposed Lots 1 and 2 of Shultz Subdivision, legally described as SW1/4 of the NE1/4 of the SE1/4 and the N1/2 of the SE1/4 of the NE1/4 of the SE1/4 all located in Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2109 Skyline Ranch Road.

Braun stated that he would be abstaining from this item due to a conflict of interest.

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

- 1. Prior to submittal of a Development Engineering Plan application, a Variance from the Zoning Board of Adjustment shall be obtained to waive the requirement that proposed Lot 1 abut a public street for a distance of not less than 50 feet or the plat document shall be revised to comply with this requirement;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Skyline Ranch Road shall be submitted for review and approval showing the street located within a minimum 50 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or an Exception shall be obtained to waive the street improvements and to allow an easement to serve more than four lots prior to submittal of a Development Engineering Plan application. In addition, if an Exception is obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Skyline Ranch Court shall be submitted for review and approval showing the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or an Exception shall be obtained. In addition, if an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 4. 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 and contain a Certification Statement of Conformance with City Standards in compliance with the Infrastructure Design Criteria Manual;**
- 5. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;**
- 6. Upon submittal of a Development Engineering Plan application, a**

drainage plan and a grading plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;

7. 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;
8. Upon submittal of a Development Engineering Plan application, a Fuels Mitigation Plan shall be submitted for review and approval. In addition, prior to submittal of a Final Plat application, the Fuels Mitigation Plan shall be implemented;
9. Upon submittal of a Development Engineering Plan application, an existing fire flow analysis shall be provided. Depending upon the fire flow analysis, limitations on the size of residential structure(s) or the use of residential fire sprinkler protection may be necessary. In addition, confirmation as to whether the existing fire hydrant located on proposed Lot 1 is private or public and that all necessary easements are in place shall be submitted for review and approval;
10. Upon submittal of a Development Engineering Plan application, geotechnical information including percolation tests and soil profiles for proposed Lot 2 shall be submitted for review and approval identifying whether the lot is suitable to handle a traditional on-site wastewater treatment system;
11. 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,
12. 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). (9 to 0 to 1 with Beatty, Brewer, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)

*6. No. 12PD042 - Airport Addition

A request by Sperlich Consulting for Williams and Associates Architecture, Inc. to consider an application for a **Major Amendment to an Existing Planned Development to Expand the Boundaries to Allow for Building and Parking Lot Expansion** for Blocks 25R and 26R, Block 27 excepting therefrom Lot H1 in the north 98.5 feet of Block 27 and excepting therefrom Lot H1 in the south 50 feet of Block 27, the west 5 feet of Block 28, Lots A and B of Block 28 of Airport Addition, all located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1730 Haines Avenue.

Lacock presented the application and reviewed the slides. Lacock stated that in addition to the expansion, the applicant has requested an exception to allow a 5 foot setback for a commercial parking lot abutting a residential lot. The applicant

has proposed a 5 foot opaque screening fence to provide the separation between residential and commercial properties. The applicant has also requested an expansion to an electronic reader board. Lacock stated that staff recommends that the **Major Amendment to an Existing Planned Development to Expand the Boundaries to Allow for Building and Parking Lot Expansion** be approved with stipulations.

In response to a question from Braun, Tim Skinner, Director of Project Development for Black Hills Urgent Care, confirmed that the electronic reader board would only be used for on-site advertisement.

In response to a question from Popp, Fisher stated that the electronic reader board size would be increased from 30 square feet to 50 square feet. Fisher noted that the expansion to the electronic reader board does not exceed the allowable signage.

In response to a question from Brewer regarding a recent report provided to the Planning Commission regarding traffic accidents, Fisher confirmed this location is close to an intersection identified in that report as a high accident area; but that it is an arterial street and that high traffic is expected. Fisher also noted that the sign sits back from the approach and that the illumination will be regulated by the Sign Code.

Rolinger moved, Rose seconded and unanimously carried to approve the Major Amendment to an existing planned development to expand the boundaries to allow for building and parking lot expansion with the following stipulations:

- 1. If the Planning Commission determines that the proposed 50 square foot electronic reader board sign to replace the existing 30 square foot electronic reader board sign is appropriate, then a 50 square foot electronic reader board sign shall be allowed on the property. All signage shall continually conform to the Sign Code. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment. All signage not in conformance with the Sign Code or any new electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for the proposed signs;**
- 2. An Exception is hereby granted to reduce the minimum required setback for a commercial parking lot that abuts a single family residential lot from 12 feet to five feet contingent that a five foot high opaque screening fence be provided along the east lot line;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Upon submittal of a building permit, the applicant shall submit a**

- revised site plan showing a five foot sidewalk along Curtis Street or obtain an Exception from Detail 61-2 of the City of Rapid City Standard Specifications;
5. Upon submittal of a building permit, the applicant shall submit revised drawings showing all unused curb cuts being replaced with curb and gutter;
 6. Upon submittal of a building permit, a contact information display sign shall be added to the erosion and sediment control plan as per Section 1.8.5.3 of the Rapid City Storm Water Quality Manual. In addition, the erosion and sediment control plan shall be signed by the property owner, engineer and the contractor;
 7. Prior to obtaining a building permit, a Developmental Lot Agreement shall be entered into and recorded at the Register of Deeds;
 8. A minimum of 51 parking spaces shall be provided. In addition, seven 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;
 9. A minimum of 62,552 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 10. 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;
 11. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment;
 12. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 13. The Major Amendment to a Planned Development shall allow for a medical facility and a coffee hut drive through. 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. (10 to 0 with Beatty, Braun, Brewer, Marchand, Popp, Rippentrop, Rolinger, 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.

*7. No. 12PD044 - Section 34, T2N, R8E

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Ted Ruffedt, Jr. for Pennington County and Rapid City 911 to consider an application for a **Initial and Final Planned Development to Allow for a Communications Facility in a General Commercial Zoning District** for a parcel of land located in the Northwest One Quarter of the Southwest One-Quarter (NW ¼ SW ¼) of Section Thirty Four (34), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at a point on the east line of Elk Vale Road right-of-way at which the south sixteenth line of said Section Thirty Four (34), Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota intersects with said east line of Elk Vale Road right-of-way, said point being marked by a South Dakota Department of Transportation right-of-way marker, and from whence another South Dakota Department of Transportation right-of-way marker bears South 00 degrees 00 minutes 39 seconds East on the east right-of-way line, a distance of 1,325.90 feet more or less, said point being located at the intersection of the right-of-way line and the south line of said Section Thirty-Four (34), thence, northerly on the east line of said Elk Vale Road right-of-way, North 00 degrees 01 minutes 00 seconds West a distance of 913.63 feet more or less, to the point of beginning, said point being marked with a rebar with survey cap "RW FISK LS 6565"; thence, continuing northerly on the east line of said Elk Vale Road right-of-way, North 00 degrees 01 minutes 00 seconds West, a distance of 303.83 feet more or less to a point marked by a South Dakota Department of Transportation right-of-way marker; thence, continuing and northerly on the east line of said Elk Vale Road right-of-way, North 00 degrees 00 minutes 43 seconds East a distance of 78.73 feet more or a less to a point marked by a rebar with survey cap "RW FISK LS 6565"; thence, South 76 degrees 11 minutes 15 seconds East a distance of 144.96 feet more or less to a point marked by a rebar with survey cap "RW FISK LS 6565"; thence, South 64 degrees 16 minutes 17 seconds East a distance of 363.85 feet more or less to a point marked by a rebar with survey cap "RW FISK LS 6565"; thence, South 00 degrees 00 minutes 00 seconds East a distance of 190.00 feet more or less to a point marked by a rebar with survey cap "RW FISK LS 6565"; thence, South 90 degrees 00 minutes 00 seconds West a distance of 468.47 feet more or less to the point of beginning, more generally described as being located on the east side of North Elk Vale Road south of the North Elk Vale Road and Eglin Street intersection.

Lacock presented the application. Lacock noted that the plans show a 9 foot fence surrounding the proposed communication tower and noted that either the height of the fence must be reduced from 9 feet to 8 feet or the applicant must obtain a Fence Height Exception. Lacock stated that, based on the Rapid City Regional Airport Compatible Land Use Study, the height of the communication tower would have an impact on the operations of the airport, but that the recommendations of that study have not been put into the ordinance. As such the proposed height is in compliance with the Zoning Ordinance. Additionally, Lacock noted that the applicant has received a Determination of No Hazard to Aviation from the Federal Aviation Administration.

Lacock noted that the construction of this communication tower would improve public safety radio coverage in the area. Lacock noted that the Director of the Rapid City Regional Airport requests that should the Planning Commission support this application that the applicant continually maintains compliance with all Federal Aviation Administration requirements and Aeronautical Study Number 2011-AGL-7057-OE. Lacock stated that this stipulation is included in the stipulations outlined in the staff report and that staff recommends approval of the **Initial and Final Planned Development to Allow for a Communications Facility in a General Commercial Zoning District** with stipulations.

In response to a question from Brewer on the height allowed in the proposed airport study, Fisher stated that 14.4 feet would be the height limit as per the Rapid City Regional Airport Compatible Land Use Study. In response to a question from Brewer, Fisher stated that the Federal Aviation Administration has stated that this tower meets all of their regulations and does not feel it will have any adverse impact either now or in the future. Fisher stated that the Director of the Rapid City Regional Airport has voiced his concerns that this will set a precedent but does not oppose the request do to the importance of the tower to the Emergency Services.

Janelle Fink, Fisk Land Survey and Engineers, speaking as the Pennington County Emergency Services Communications representative, introduced Leann Hollinshead, Director of Pennington County Emergency Services Communication Center; Mike Maltaverne, Rapid City Fire Chief; Karl Jegeris, Rapid City Assistant Chief of Police and Brian Mueller, Pennington County Chief Deputy Sheriff representing the Emergency Services. The Emergency Service Communications staff strongly supports the communication tower as it will provide a much needed link in the coverage needs for the emergency communications network both now and for future use.

In response to a question from Braun, Fink confirmed that they are aware of and agree to the stipulation regarding compliance with all Federal Aviation Administration requirements and Aeronautical Study Number 2011-AGL-7057-OE.

Brewer noted his understanding of the need for the improvement of the communications network and supports its construction, but noted that he also feels it is important that the air space be preserved and protected.

Rolinger moved, Rose seconded and unanimously carried to approve the Initial and Final Planned Development to allow for a communications facility in a General Commercial Zoning District with the following stipulations:

- 1. The communications tower shall be constructed as shown on the site plan with a 60.1 foot setback from the future proposed minor arterial street right-of-way and a 146 foot setback from the future proposed collector street right-of-way;**
- 2. The applicant shall continually comply with all Federal Aviation**

Administration requirements and Aeronautical Study Number 2011-AGL-7057-OE;

- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit, the plans shall be revised to show a maximum 8 foot high fence or the applicant shall obtain a Fence Height Exception;**
- 5. Upon submittal of a building permit, the site plan shall show the proposed access road is a minimum 12 feet wide and all-weather surfaced;**
- 6. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 7. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 8. A minimum of two parking spaces shall be provided. One of the parking spaces shall be handicap "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 9. A minimum of 139,331 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 10. Future signage in conformance with the Sign Code shall be allowed as a Minimal Amendment. All signage not in conformance with the Sign Code or any new electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for the proposed signs;**
- 11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 12. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Development Overlay or a subsequent Major Amendment;**
- 13. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 14. The Initial and Final Planned Development Overlay shall allow for a 189 foot high communications tower. 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. (10 to 0 with Beatty, Braun, Brewer,**

**Marchand, Popp, Rippentrop, Rolinger, 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. No. 12PD046 - Skyline Pines East Subdivision

A request by Renner and Associates, LLC for The Village at Skyline Pines, LLC to consider an application for a **Final Planned Development Overlay to Allow an assisted living facility** for Tract 1 of Skyline Pines East Subdivision, located in the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Fairmont Boulevard west of Mount Rushmore Road and north of Tower Road.

Lacock presented the application. Lacock noted that the sight has major topographical constraints. Lacock noted that this is a three phase development with phase one being an assisted living main facility with a private road, phase two would add 15 duplexes to the north and a future phase three would include an additional wing on the original facility. Lacock stated that the applicant has requested a height exception to allow a portion of this facility to be 46 feet high in lieu of the allowed 35 feet. Previously approved Planned Developments on this site have requested much higher exceptions. Lacock stated that staff recommends that the **Final Planned Development Overlay to Allow an assisted living facility** be approved with stipulations.

In response to a question from Braun regarding the proposed street, Lacock confirmed that the looped street in the development will be a private road and that due to the steep topography, will not have sidewalks. However, the extension of Fairmont Boulevard will be required to have sidewalks. Lacock stated that the applicant will need to present covenant agreements showing proposed maintenance of the roads as part of the stipulations of approval.

Scull moved, Rose seconded and unanimously approved the Final Planned Development Overlay to allow an assisted living facility with the following stipulations:

- 1. An Exception is hereby granted to allow the main assisted living facility to have a height of 46 feet as shown on the applicant's site plan in lieu of a maximum height of 35 feet;**
- 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 applicant shall dedicate an access easement to the water shutoff valve located on private property. In addition, a copy of the recorded easement shall be submitted with the building permit application;**
- 4. Prior to submittal of a building permit, the applicant shall address**

redlined comments and submit revised plans for review and approval. Redlined comments shall be returned to the Community Planning and Development Services Department;

5. Prior to submittal of a building permit application, necessary easements and covenant agreements concerning street cleaning and maintenance shall be submitted to the City Attorney's Office for review and approval. Upon submittal of a building permit, a copy of the recorded documents shall be submitted;
6. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
7. Prior to issuance of a Certificate of Occupancy, the public water mains, public sewer mains and storm sewer mains shall be accepted by the City. In addition, public easements shall be dedicated for the public improvements located on private property;
8. Fugitive erosion and air quality prevention measures shall be in place at all times during construction;
9. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
10. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
11. A minimum of 39 parking spaces shall be provided. In addition, two 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;
12. A minimum of 247,100 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
13. All signage shall continually conform to the Sign Code. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment. All signage not in conformance with the Sign Code or any new electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for the proposed signs;
14. 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;
15. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;

16. All applicable provisions of the adopted International Fire Code shall continually be met; and,
17. The Final Planned Development Overlay shall allow for a three phase assisted living facility to include one main structure with a bank and pharmacy/commissary and 15 duplex units. The commercial uses within the main structure shall be for the residents of the facility only. 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 Development. (10 to 0 with Beatty, Braun, Brewer, Marchand, Popp, Rippentrop, Rolinger, 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.

*9. No. 13UR001 - Original Town of Rapid City

A request by Kennedy Design Group Inc for Jamie Gerlach to consider an application for a **Conditional Use Permit Application to Allow On-Sale Liquor in Conjunction with an Art Gallery** for Lots 17 and 18 and the north 55 feet of Lots 19 through 21 of Block 84 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 630 Saint Joseph Street, Suite 632.

Laroco presented the application and reviewed the slides. Laroco noted that there is currently an existing Condition Use Permit in this building for Vino 100. Laroco stated that they received one call in opposition to the Conditional Use Permit. Laroco stated that the applicant plans to offer painting classes and would like the option to offer a glass of wine or beer to their clients. Laroco noted that one of the stipulations is that a change of ownership would require a Major Amendment to the Conditional Use Permit. Laroco stated that staff recommends that the **Conditional Use Permit Application to Allow On-Sale Liquor in Conjunction with an Art Gallery** be approved with stipulations.

Rolinger moved, Swank seconded and unanimously approved the Conditional Use Permit Application to allow an on-sale liquor establishment in conjunction with an art studio with the following stipulations:

1. The on-sale liquor use shall be operated in conjunction with an art studio operated by Canvas 2 Paint, Incorporated as outlined in the approved operations plans. Any change in ownership of the on-sale liquor establishment shall require a Major Amendment to the Conditional Use Permit;
2. Prior to issuance of a building permit, all proposed changes to the

suite shall require the review and approval of the Historic Preservation Committee;

3. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to Occupancy;
4. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-ways and not be a hazard to the passing motorist or constitute a nuisance of any kind;
5. All signage shall require the review and approval of the Historic Sign Board. Advertising specific to the on-sale liquor use at Canvas 2 Paint shall not be permitted. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. Changes to the approved sign package which the Historic Sign Board determines is consistent with the original approved sign package may be permitted as a Minimal Amendment to the Conditional Use Permit. No electronic signage is being approved as a part of this Conditional Use Permit. The addition of electronic signage, signage which does not comply with Chapter 15.28 of the Rapid City Municipal Code, or signage that has not been approved by the Historic Sign Board shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be required for each sign;
6. All provisions of the adopted International Fire Code shall be continually maintained;
7. All provisions of the Central Business District shall continually be met, and;
8. This Conditional Use Permit shall allow for an on-sale liquor establishment to be operated in conjunction with an art studio by Canvas 2 Paint, Incorporated. Changes in the operation of the art studio which comply with the requirements of the Rapid City Municipal Code shall be permitted. Changes to the on-sale liquor portion of the establishment shall require a Major Amendment to the Conditional Use Permit. (10 to 0 with Beatty, Braun, Brewer, Marchand, Popp, Rippentrop, Rolinger, 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.

10. Discussion Items
None

11. Staff Items
Fisher noted that on Tuesday, an interviewing team interviewed proposals for the Comprehensive Plan that the City has approved to be done. Fisher requested Popp, who participated in the interviews, to provide a brief

summary.

Popp stated that there were three applicants that presented to the team and that all of the applicants offered strong skills and believes that whichever one is selected will provide great leadership for the Comprehensive Plan process.

12. Planning Commission Items
None

13. Committee Reports
None

There being no further business, Scull moved, Rose seconded and unanimously carried to adjourn the meeting at 7:38 a.m. (10 to 0 with Beatty, Braun, Brewer, Marchand, Popp, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)