

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 21, 2013

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

MEMBERS ABSENT: Carlos Beatty Jr., Sandra Beshara and Andrew Scull

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Patsy Horton, 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 Rolinger seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations. (9 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the February 7, 2013 Planning Commission Meeting Minutes.

2. No. 13PL006 - Marshall Subdivision

A request by Davis Engineering, Inc. for Donald and Carol Kobes to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A and B of the W1/2 of Lot 8 of Marshall Subdivision, legally described as the W1/2 of Lot 8 of Marshall Subdivision, located in the SE1/4 of the NE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2615 Homestead Street.

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

1. **Prior to submittal of a Development Engineering Plan application, a Variance from City Council shall be obtained to waive the requirement to construct sidewalk along Homestead Street and an Exception shall be obtained to waive the requirement to provide two additional feet of pavement or construction plans shall be submitted with the Development Engineering Plan application showing a sidewalk along the street and two additional feet of pavement. If a Variance and/or Exception is obtained, a copy of the City Council action approving the Variance and a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
2. **Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of one**

additional foot of right-of-way along Homestead Street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application.

3. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to include an 8 foot wide minor drainage and utility easement along the interior of all lot lines 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,
4. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to provide a minimum distance of five feet from the proposed lot line and the existing driveway or an Exception shall be obtained or the plat document shall be revised to show a 40 foot wide by 40 foot long shared approach centered on the common lot line between the two proposed lots. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
5. Upon submittal of a Development Engineering Plan application, drainage information shall be submitted for review and approval demonstrating that the proposed impervious area does not exceed the anticipated impervious area within the drainage basin plan or construction plans shall be submitted for review and approval demonstrating on-site detention;
6. Upon submittal of a Development Engineering Plan application, water plans demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval. In addition, the location of the water service line to the existing residence located on proposed Lot A shall be identified. If the water service line is not constructed in compliance with design standards, the water service line shall be relocated as needed 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;
7. Upon submittal of a Development Engineering Plan application, the location of the sewer service line to the existing residence located on proposed Lot A shall be identified. If the sewer service line is not constructed in compliance with design standards, the sewer service line shall be relocated as needed 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;
8. Prior to Development Engineering Plan approval, the proposed water and sewer plans shall be submitted to the Rapid Valley Sanitary District for review and approval;
9. 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;
10. Prior to submittal of a Final Plat application, the shed located on

proposed Lot B shall be removed or the plat document shall be revised to show the shed located on proposed Lot A. In addition, the shed shall be located a minimum of 8 feet from the proposed lot line to ensure that it does not encroach into the 8 foot wide minor drainage and utility easement;

11. Prior to submittal of a Final Plat application, the plat title shall be revised to read Lots A & B of Lot 8 in Marshall Subdivision;
 12. 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,
 13. 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).
3. No. 13PL008 - Good Samaritan Subdivision
A request by FMG, Inc., for The Evangelical Lutheran Good Samaritan Society to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 through 4 of Good Samaritan Subdivision, legally described as Tract B, less Lots 14 and 27 of Block 23 of Robbinsdale Addition No.10, less Minnesota Park Subdivision and Less Right-of-Way and the balance of Tract A of Robbinsdale Addition No. 10, located south of East Minnesota Street, all located in the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Minnesota Street, east of Wisconsin Avenue and west of Parkview 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 show the cul-de-sac bulb for Wisconsin Avenue located within a minimum 118 foot diameter right-of-way width and constructed with a minimum 96 foot diameter pavement width or an Exception shall be obtained. If an Exception is obtained, then a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to include an 8 foot wide minor drainage and utility easement along the interior of all lot lines 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 applicant shall coordinate with the Rapid City School District and the Rapid City Parks and Recreation Department to determine if a pedestrian access easement should be secured across the property in order to provide access from the southern terminus of Wisconsin Avenue to the public park improvements located south of the property. If all parties concur that an easement is needed, then the

- plat document shall be revised to show the pedestrian access easement;
4. Upon submittal of a Development Engineering Plan application, a grading plan shall be submitted for review and approval;
 5. Upon submittal of a Development Engineering Plan application, a drainage plan and report shall be submitted for review and approval. In particular, the plan and report shall demonstrate that anticipated drainage is in compliance with the South Robbinsdale Drainage Basin Plan or additional on-site detention shall be provided. In addition, the drainage report shall identify improvements to the channel to aid the property owner in maintenance of the channel and the construction plans shall be revised as needed. In addition, the plat document shall be revised to show drainage easements as needed. The applicant shall also secure ownership and maintenance of the drainage easements and a copy of the recorded document(s) shall be submitted with the Development Engineering Plan application;
 6. 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;
 7. Upon submittal of a Development Engineering Plan application, a geotechnical report shall be submitted for review and approval for the proposed public improvements, including pavement design and soils resistivity test results;
 8. Upon submittal of a Development Engineering Plan application, water plans demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval. If fire flows cannot be met with the 8 inch main located in Wisconsin Avenue, a loop connection of the main to the existing 8 inch main located in Parkview Park may be necessary to provide additional fire flow. In addition, the fire hydrant at the terminus of Wisconsin Avenue shall be located within right-of-way or an Exception shall be obtained to allow a fire hydrant to be located within an easement. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 9. Upon submittal of a Development Engineering Plan application, sewer plans demonstrating that sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity shall be submitted for review and approval;
 10. 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;
 11. 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;

- 12. 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,**
 - 13. 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. 13PL010 - Robbinsdale No. 10
A request by Renner and Associates, LLC for Parkview Estate LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Tracts A and B of Block 20 of Robbinsdale No.10, legally described as the unplatted balance of the W1/2 of the NW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Parkview Drive south of Minnesota Street.

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, the plat document shall be revised to show the existing right-of-way width for Minnesota Street. In addition, construction plans shall be submitted showing the street located within a minimum 100 foot wide right-of-way and constructed with sidewalk and sewer 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;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Hanover Drive shall be submitted for review and approval. In particular, the construction plans shall show the street located within a 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, 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;**
- 4. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show non-access easement(s) in compliance with the Infrastructure Design Criteria Manual or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 5. Upon submittal of a Development Engineering Plan application, the**

location of the existing sewer main along Parkview Drive in relationship to the existing and the proposed right-of-way shall be identified. In addition, the plat document shall be revised as needed to ensure that a minimum ten foot wide right-of-way and/or easement exists on both sides from the center of the sewer pipe;

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;
 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 cost estimate of the required subdivision improvements shall be submitted for review and approval;
 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).
5. No. 13CA001 - W-Y Addition
A request by John Herr for G/GSA Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Industrial** for Lot 3 of Tract D of W-Y Addition, located in the E1/2 of the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4503 and 4507 South I-90 Service Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Commercial to Industrial be approved.

6. No. 13RZ002 - W-Y Addition
A request by John Herr for G/GSA Inc. to consider an application for a **Rezoning**

from General Commercial District to Light Industrial District for Lot 3 of Tract D of W-Y Addition, located in the E1/2 of the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4503 and 4507 South I-90 Service Road.

Planning Commission recommended that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment request.

7. No. 13CA002 - Feigels Addition

A request by Tim Trithart for Community Health Center of the Black Hills to consider an application for an **Amendment to the Comprehensive Plan to Change the land use designation from Public to Commercial** for all of Block 13 of Feigels Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 725 E. Philadelphia Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Public to Commercial be approved.

8. No. 13RZ003 - Feigels Addition

A request by Tim Trithart for Community Health Center of the Black Hills to consider an application for a **Rezoning from Public District to Office Commercial District** for all of Block 13 of Feigels Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 725 E. Philadelphia Street.

Planning Commission recommended that the Rezoning from Public District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment application.

*9. No. 13UR002 - Original Town of Rapid City

A request by Debra D. Watson to consider an application for a **Major Amendment to a Conditional Use Permit to Allow a Professional Office** for the North 100 feet of Lots 14 through 16 and the Easement from Alley of Block 111 of the Original Town of Rapid City, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 804 West Boulevard.

Planning Commission approved the Major Amendment to a Conditional Use Permit to Allow a Professional Office with the following stipulations:

1. **A building permit shall be obtained prior to any construction. In addition, Historic Preservation Commission approval shall be obtained prior to any construction;**
2. **A Certificate of Occupancy shall be obtained for the change in use to a professional office;**
3. **A minimum of four parking spaces shall be provided. In addition, one**

- of the parking spaces shall be handicap “van accessible.” The approved Administrative Zoning Exception to Chapter 17.50.270 shall continue to be in effect. In particular, the Administrative Zoning Exception reduces the parking requirement from five parking spaces to four parking spaces and allows backing into the right-of-way;
4. All applicable provisions of the adopted International Fire Code shall continually be met;
 5. 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;
 6. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a 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 the Sign 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. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining the Sign Permit; and,
 7. The Major Amendment to a Conditional Use Permit shall allow a professional office with one employee. The hours of operation shall be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m. Any change in use that is a permitted use in the High Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High 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---

10. No. 13TI001 - Sections 28 and 29, T2N, R8E
A request by Ferber Engineering Co., Inc. for North Street Fire Station, LLC to consider an application for a **2nd Revised Project Plan for Tax Increment District No. 69** for that portion of SE1/4 north of Interstate 90 less Tract A of NE1/4 SE1/4 including that portion of vacated East Mall Drive being part of the

outside edge of Lot H5; Lot B-1 of Lot B of SE1/4 NE1/4; Lot A of Lot 1 and the balance of Lot 1, Lot A & B of Lot 3 and Lot 3 less Lots A & B, Lot 2, all of Silver Strike Subdivision; that portion of SW1/4 north of Interstate 90 including vacated East Mall Drive within said SW1/4 less Lot 1 of NE1/4 SW1/4, less Lots 1 & 2 of NW1/4 SW1/4; Lot 1 of NE1/4 SW1/4 including vacated East Mall Drive within said lot; NW1/4 including vacated East Mall Drive located within said NW1/4, less lots AR, B, C less E1/2 NE1/4 NW1/4, less E1/2 NW1/4 NE1/4 NW1/4; Lots B & C of NW1/4; Lot AR; E1/2 NW1/4 NE1/4 NW1/4; SE1/4 NE1/4 NW1/4; NE1/4 NE1/4 NW1/4; that portion of Lot D located in the NW1/4 NE1/4; Lot A and Lot C in NW1/4 NE1/4; Right of way of East Mall Drive; Right of way of North Street; Right of way of Distribution Lane; all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the Intersection of East Mall Drive and Dyess Avenue located in the western portion of Section 28 and the eastern portion of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of U.S. Interstate 90, east of LaCrosse Street and west of Dyess Avenue.

Horton presented the application and briefly reviewed the projects to be addressed with the reallocated funds. Horton stated that the Tax Increment Finance Committee recommends that the **2nd Revised Project Plan for Tax Increment District No. 69** be approved.

Popp moved, Rolinger seconded and unanimously carried to recommend approval of the Second Revised Project Plan for Tax Increment District No. 69. (9 to 0 with Braun, Brewer, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no)

11. No. 13PL012 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 15 through 25 of Block 3, Lots 4 through 14 of Block 4, Lots 4 through 8 of Block 14, Summerfield Drive Right-of-Way, and Conservation Way Right-of-Way of Copperfield Vistas Subdivision, legally described as the SE1/4 of the NW1/4 Less Lot A, Less Copperfield Vistas Subdivision, Less Right-of-Way and Less Government Lot 3, and the N1/2 of the NE1/4 of the SW1/4, Less Copperfield Subdivision, Less Copperfield Vistas Subdivision and Less Right-of-Way; all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the current western terminus of Conservation Way, north of New England Street and north of the current northern terminus of Summerfield Drive.

Fisher presented the application and noted staff's recommendation to approve the **Preliminary Subdivision Plan** with stipulations.

Fisher stated that this item is on the non-consent agenda to allow Planning Commissioner Braun to abstain.

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

Rolinger moved, Rose seconded and unanimously carried to recommend approval of the Preliminary Subdivision Plan 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, the construction plans shall be revised to show a minimum 5 foot wide boulevard in lieu of the proposed 4.33 foot wide boulevard 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. Upon submittal of a Development Engineering Plan application, a new and/or updated geotechnical analysis shall be submitted for review and approval that provides site specific recommendations or certification that the previous analysis is applicable and adequate for the proposed improvements;**
- 4. Upon submittal of a Development Engineering Plan application, a new or updated drainage report shall be submitted for review and approval which, at a minimum, confirms that the proposed and existing improvements comply with the drainage basin plan, proposed overall site drainage and the Infrastructure Design Criteria Manual Stormwater Criteria. In addition, the plat document shall be revised to show the dedication of common rear lot line drainage easement(s). A Covenant Agreement shall also be secured to provide maintenance and protection of the drainage easement. A copy of the recorded agreement shall be submitted with the Final Plat application;**
- 5. 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. In addition, the Rapid Valley Sanitary District water system improvements shall be designed and installed in accordance with Rapid Valley Sanitary District specifications and requirements;**
- 6. 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 sewer main shall comply with Section 3.12.6 of the Infrastructure Design Criteria Manual. The proposed sanitary sewer connection between proposed Manhole SD4 and the existing Rapid Valley Sanitary District manhole shall be eliminated;**
- 7. 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;**
- 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. Prior to submittal of a Final Plat application, the plat title shall be revised to show Lot 4 Rev, Block 14 with a different designation since this designation already exists. In addition, the revised title shall be submitted to the Register of Deed's Office for review and approval prior to submittal of a Final Plat application;**
 - 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). (8 to 0 to 1 with Brewer, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Braun abstaining)**
- *12. No. 13PD002 - Atlantis Subdivision**
A request by Fisk Land Surveying and Consulting Engineers, Inc., for Paul J. Bradsky for Atlantis, LLC to consider an application for a **Initial Planned Development to Expand an On-Sale Liquor Establishment** for Lot 1 Revised of Atlantis Subdivision, located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1300 North Elk Vale Road.

Brewer stated that he would be abstaining from this item and turned the gavel over to Marchand.

Laroco presented the application noting that the application is for expansion of an on-sale liquor establishment and therefore is on the non-consent agenda to allow the Planning Commissioners to discuss. Laroco also noted that a portion of this proposed expansion is located in Box Elder and that the Planning Commission is only reviewing the portion located in Rapid City City Limits.. Laroco stated that in addition to the expansion of the on-sale liquor, the applicant is requesting an exception to the height limits from 45 feet to 80 feet. As the proposed expansion will be built 15 feet below grade and the property sits lower than the interstate located to the north, staff feels this will lessen the impact of the height. As such staff recommends that the **Initial Planned Development to Expand an On-Sale Liquor Establishment** be approved with stipulations.

In response to a question from Braun, Laroco explained the need for the cross parking agreement between the two municipalities.

Rolinger moved, Rose seconded and unanimously carried to approve the Initial Planned Development to expand an on-sale liquor establishment with

the following stipulations:

1. An Exception to allow the building height to be increased from 45 feet to 80 feet as shown on the approved plans is hereby granted;
2. Prior to issuance of a building permit, a Final Planned Development shall be approved for the proposed expansion of the Watiki Waterpark and hotel expansion. All additional development shall comply with the requirements of the Rapid City Municipal Code;
3. Prior to issuance of a building permit, final signed and sealed construction plans shall be submitted for review and approval. In particular, plans shall be submitted showing that the all public utilities have been divided at the municipal boundary;
4. Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained;
5. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
6. Upon submittal of a Final Planned Development, a full site plan shall be submitted. In particular, a full parking plan shall be submitted. All parking shall comply with the requirements of the Rapid City Municipal Code and the approved parking plan;
7. Upon submittal of a Final Planned Development, a full landscaping plan shall be submitted to Community Planning for review and approval. All landscaping shall be installed and maintained in compliance with the Rapid City Landscaping Ordinance, or an Exception shall be obtained for any non-complying landscaping;
8. Upon submittal of a Final Planned Development, a sign and lighting package for the property must be submitted for review and approval. All signage must comply with the requirements of the Rapid City Municipal Code;
9. All applicable provisions of the International Fire Code shall be continually met;
10. All development shall comply with all the regulations of the General Commercial District unless specifically stipulated as a part of this Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment to the Planned Development, and;
11. This Initial Planned Development shall allow for the expansion of an on-sale liquor establishment in conjunction with a hotel and waterpark complex. Any changes to the use on the property which comply with the requirements of the Rapid City Municipal code shall be permitted. Any changes to the use on the property which do not comply with the Rapid City Municipal Code shall require a Major Amendment to the Planned Development. (8 to 0 to 1 with Braun, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Brewer 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.

***13. No. 13PD003 - Red Rock Shadows Subdivision**

A request by Dream Design International, Inc. to consider an application for an **Initial and Final Planned Development to Allow a Townhome Development** for Lots 1A, 1B, 2A, 2B, 3A & 3B of Block 1 of Red Rock Shadows Subdivision, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Kennemer Drive and Portrush Road.

Marchand turned the gavel over to Brewer at this time

Laroco presented the application noting that this item is on the non-consent agenda to allow Commissioner Braun to abstain. Laroco stated that staff recommends that the **Initial and Final Planned Development to Allow a Townhome Development** be approved with stipulations.

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

Rose moved, Marchand seconded and unanimously carried to approve the Initial and Final Planned Development to allow a townhome development with the following stipulations:

- 1. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 3. Prior to issuance of a Certificate of Occupancy, all required drainage improvements shall be installed by the applicant and accepted by the City;**
- 4. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;**
- 5. All provisions of the adopted International Fire Code shall be continually met;**
- 6. All provisions of the underlying zoning district shall be met unless specifically authorized as a stipulations of this Initial and Final Planned Development or a subsequent Major Amendment, and;**
- 7. The Initial and Final Planned Development Overlay shall allow for the construction of a townhome development. Any changes in use that are permitted in the underlying zoning district shall be permitted. Any changes in use that are conditional uses in the underlying zoning district shall require the review and approval of a Major Amendment to the Initial and Final Planned Development. (8 to 0 to 1 with Brewer, Marchand, Popp, Raterman, Rippentrop, Rolinger, Rose and Swank voting yes and none voting no and Braun 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.

14. Discussion Items

A. Agenda Item Summary Form

Fisher presented the Agenda Item Summary Form which will replace the cover memos currently used for Community Planning and Development items. Fisher reviewed the sections of the form and noted that the Agenda Item Summary Form will be used starting at the next Planning Commission meeting.

Fisher stated that the new form will be used by all departments and was designed to provide uniformity for all meetings.

15. Staff Items

None

16. Planning Commission Items

None

17. Committee Reports

None

There being no further business, Brewer adjourned the meeting at 7:51 a.m.