

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 7, 2013

MEMBERS PRESENT: Carlos Beatty Jr., Erik Braun, 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, John Brewer, Dennis Popp, and Linda Marchand.

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

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

**Rolinger 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 Swank seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 2 in accordance with the staff recommendations. (6 to 0 with Braun, Raterman, Rippentrop, Rolinger, Scull and Swank voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the February 21, 2013 Planning Commission Meeting Minutes and February 1, 2013 Special Planning Commission Meeting Minutes.
2. No. 13CA003 - Amendment to the Comprehensive Plan to adopt the Rapid City Area Bicycle and Pedestrian Master Plan  
A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the Rapid City Area Bicycle and Pedestrian Master Plan.**

**Staff recommends approval of the Amendment to the Comprehensive Plan to adopt the Rapid City Area Bicycle and Pedestrian Master Plan.**

**---END OF CONSENT CALENDAR---**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

- \*3. No. 13PD001 - North 80 Subdivision  
A request by Fisk Land Surveying and Consulting Engineers, Inc. for April Smart for Foster Rentals, Inc. to consider an application for an **Initial and Final Planned Development Overlay to Allow the Construction of a Restaurant** for Lot B of Lot 5 of North 80 Subdivision, located in Government Lot 2 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Stumer Road west of Shelby Avenue and east of Fifth Street.

Lacock presented the application and reviewed the slides. Lacock noted that one letter regarding the zoning of the property was received and addressed. Lacock stated that staff recommends the **Initial and Final Planned Development Overlay to allow the construction of a restaurant** be approved with stipulations.

Rose entered the meeting at this time.

In response to a question from Raterman, Lacock stated that restaurant should operate like the existing facility located on Luna Avenue.

**Braun moved, Scull seconded and unanimously carried to approve the Initial and Final Planned Development Overlay to allow the construction of a restaurant with the following stipulations:**

- 1. An Exception is hereby granted to allow a reduction in the number of required stacking lane spaces for a fast food restaurant drive-through from seven spaces to two spaces. In addition, a minimum of 73 parking spaces shall be provided. Three 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;**
- 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 construction plans shall be revised to show the relocation of the no-parking sign located in the shared access approach on the east property line. In addition, the construction plans shall be submitted for review and approval;**
- 5. Prior to submittal of a building permit, the erosion and sediment control plan shall be revised to include the owner's signature and the contractor's signature;**
- 6. Upon submittal of a building permit, the applicant shall provide support information for the proposed sand filter basin profile or the sand filter basin profile shall be revised to be in compliance with Figure 2.11 of the Storm Water Quality Manual;**
- 7. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
- 8. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
- 9. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 10. A minimum of 67,251 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;**

- 11. 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 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;**
- 12. 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;**
- 13. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;**
- 14. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 15. The Final Planned Development Overlay shall allow for a full service restaurant. 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. (7 to 0 with Braun, Raterman, 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.***

**\*4. No. 13UR003 - Original Town of Rapid City**

A request by Christine Baer to consider an application for a **Major Amendment to a Conditional Use Permit to Revise the Existing On-Sale Liquor Establishment to Allow a Second Operator** for Lots 17 and 18 of Block 72 of the Original Town of Rapid City, located in Section 35, T2N, R7E and located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 830 Main Street.

Laroco presented the application and reviewed the slides. Laroco noted that the property is being divided into two separate businesses, thus requiring the need for separate Conditional Use Permits. Laroco noted that an Exception waiving a

Traffic Impact Study has been approved and has been placed in the file.

Beatty entered the meeting at this time.

Laroco noted that staff recommends approval of the **Major Amendment to a Conditional Use Permit to Revise the Existing On-Sale Liquor Establishment to Allow a Second Operator** with stipulations.

**Scull moved, Swank seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to revise the existing on-sale liquor establishment to allow a second operator with the following stipulations:**

- 1. Prior to approval by Planning Commission, a Traffic Impact Study shall be submitted for review and approval, or an Exception waiving the required Traffic Impact Study shall be obtained;**
- 2. Prior to issuance of a building permit, the review and approval of the Historic Preservation Committee shall be obtained as necessary;**
- 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. All signage shall comply with the requirements 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 Major Amendment to the Conditional Use Permit. The addition of electronic signage or signage which does not comply with the requirements of the Rapid City Municipal Code 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 Major Amendment to the Conditional Use Permit shall allow a second operator of an on-sale liquor establishment for malt beverage and wine sales only on the property. The operation of the on-sale liquor establishment shall be in compliance with the approved operations plan. Changes to the operation of the on-sale liquor portion of the establishment shall require a Major Amendment to the Conditional Use Permit. All uses permitted in the Central Business District shall be permitted. All conditional uses in the Central Business District shall require a Major Amendment to the Conditional Use Permit. (8 to 0 with Beatty, Braun, Raterman, 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.***

5. Discussion Items

6. Staff Items

Fisher reviewed the use of the new Agenda Item Summary Form in the preparation of this Planning Commission Agenda and asked for feedback from the Planning Commissioners. The Planning Commissioners were in consensus that they found the form to be very concise and easy to use.

7. Planning Commission Items

8. Committee Reports

**There being no further business, Scull moved, Raterman seconded and unanimously carried to adjourn the meeting at 7:12 a.m. (8 to 0 with Beatty, Braun, Raterman, Rippentrop, Rolinger, Rose, Scull and Swank voting yes and none voting no)**