

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 5, 2013

MEMBERS PRESENT: John Brewer, Karen Bulman, Linda Marchand, Dennis Popp, Cody Raterman, Kay Rippentrop and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Carlos Beatty Jr., Erik Braun, Steve Rolinger, Tim R. Rose and Andrew Scull

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Robert Laroco, Patsy Horton, Nat Vander Broek, 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 Marchand seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (7 to 0 with Brewer, Bulman, Marchand, Popp, Raterman, Rippentrop, and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the August 22, 2013 Planning Commission Meeting Minutes.
2. No. 13VR001 - Section 21, T2N, R7E
A request by Renner & Associates, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of Lot A of the S1/2 of the SE1/4, Section 21, T2N, R7E, BHM, Rapid City and Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot A of the S1/2 of the SE1/4 in Section 21, T2N, R7E, BHM, and the point of beginning; Thence, first course: S 32°14'31" E, along the easterly boundary of said Lot A, a distance 137.79'; Thence, second course: S 29°53'35" E, along the easterly boundary of said Lot A, a distance 299.41', to the northwesterly corner of Tract B Rev. of Lien Industrial Park No. 2; Thence third course: S 51°56'03" W a distance 40.24'; Thence, fourth course: curving to the right, on a curve with a radius of 3745.00 feet, a delta angle of 01°55'34", a length of 125.90 feet, a chord bearing of N 37°06'10" W, and chord distance of 125.90 feet; Thence, fifth course: N 36°08'23" W a distance of 94.62' to a point on the westerly boundary of said Lot A; Thence, sixth course: N 29°56'31" W, along the westerly boundary of said Lot A, a distance of 84.79'; Thence, seventh course: N 32°14'31" W, along the westerly boundary of said Lot A, a distance of 177.91', to the northwesterly corner of said Lot A; Thence, eighth course: N 89°53'12" E, along the northerly boundary of said Lot A, a distance of 77.94', to the said point of beginning, more generally described as being located northeast of Universal Drive.

Planning Commission recommended that the Vacation of Right-of-Way be approved.

3. 13TP042 - Request authorization for three Transportation Alternatives Grant Submissions to the South Dakota Department of Transportation and Receipt of Funds and associated contract if awarded to construct bike path crossing improvements, intersection improvements and to construct a portion of the rail trail

Planning Commission recommended authorizing staff to submit and sign the three Letters of Intent and associated applications for FY2014 Transportation Alternatives Grant Program and authorize the Mayor and Finance Officer to accept the grants if awarded, with the total project costs in the amount of \$1,035,159, allowing minor language and cost adjustments to the applications to reflect suggestions from SDDOT after the mandatory site review.

4. 13TP043 - 2014 Draft Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization

Planning Commission recommended approval of the 2014 Unified Planning Work Program Draft.

5. 13TP045 - 2013 Unified Planning Work Program Amendment 2013-02

Planning Commission recommended approval of the 2013 Unified Planning Work Program Amendment 2013-02.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *6. No. 13PD034 - East Mall Business Center Subdivision and Marshall Heights Subdivision #2

A request by Renner and Associates, LLC for Robert W. Akers to consider an application for a **Final Planned Development to allow an on-sale liquor establishment as part of a water park and hotel complex** Lots 1R2 and 2R2 of Block 1 of East Mall Business Center Subdivision and Tract H of Marshall Heights Subdivision #2, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East Mall Drive and 620 East Disk Drive.

Laroco presented the application and reviewed the associated slides. Laroco noted that an Initial Planned Development application for this property was recently approved by the Planning Commission. Laroco noted that the hotel, restaurant and water park are all permitted uses and would not require a Conditional Use Permit, only the on-sale liquor use requires a Conditional Use

Permit. Laroco also noted that there is a Lot Line Adjustment Plat for this property currently being reviewed by staff to allow the Hilton Garden Inn to be on its own lot. Additionally, Laroco stated that a traffic impact study has been submitted for review as required as part of the planned development application and noted that any improvements required as a part of the Traffic Impact Study must be addressed prior to the issuance of a Building Permit. Laroco stated that there has been public comment in opposition to the application which has been provided to the Planning Commission. Laroco presented staff's recommendation to approve the **Final Planned Development to allow an on-sale liquor establishment as part of a water park and hotel complex** with stipulations.

Marchand moved, Swank seconded and unanimously carried to approve the Final Planned Development to allow an on-sale liquor establishment as part of a water park and hotel complex be approved with the following stipulations:

- 1. The previously granted Exception to increase the maximum permitted building height from 45 feet to 76 feet is hereby acknowledged;**
- 2. A building permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy;**
- 3. Prior to issuance of a building permit, all redlined comments shall be addressed. All redlined comments shall be returned to Community Planning and Development Services;**
- 4. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional engineer shall be submitted. In particular, plans shall show that handicap accessibility is being provided for all areas requiring accessibility at all times. In addition plans shall be revised to show the location of all areas reserved for the removal and storage of snow;**
- 5. Prior to issuance of a building permit, plans shall be submitted showing that the required maximum sanitary sewer release rates from the pool, as determined by City staff, will not be exceeded;**
- 6. Prior to issuance of a building permit, the Traffic Impact Study shall be approved by Public Works staff and recommendations for improvements identified in the approved Traffic Impact Study shall be reflected in the final construction plans;**
- 7. Prior to issuance of a building permit, plans shall be revised to include structural calculations signed and sealed by a registered professional engineer for all retaining walls over 4 feet in height;**
- 8. Prior to issuance of a building permit, documents securing City access to the curb-stop shall be recorded. A copy of the recorded access document shall be submitted for review and approval;**
- 9. Prior to issuance of a building permit, an Exception shall be obtained for storm water facility slopes greater than the 4:1 ratio as per the Infrastructure Design Criteria Manual or plans shall be revised showing that the slopes meet the minimum criteria as identified in the Infrastructure Design Criteria Manual. If the Exception is approved, plans shall be revised showing that**

- additional stabilization measures are being installed as necessary;
10. Prior to issuance of a building permit, a Parking/Access Agreement shall be entered into which includes the City as party to the agreement or a Developmental Lot Agreement which developmentally ties the lot to the rest of the development shall be secured. A copy of the signed Parking/Access Agreement or the recorded Developmental Lot Agreement shall be submitted to Community Planning and Development Services;
 11. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved. In addition, all parking and landscaping shall be installed. Hard surfacing shall be provided for all parking at all times, including temporary occupancy and temporary events/uses;
 12. Prior to issuance of a building permit, all necessary approvals shall be obtained for existing signage. All signage shall comply with the submitted sign package and the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be required for each sign;
 13. A minimum of 695 parking spaces shall be provided. A minimum of 14 of the parking spaces shall be handicap accessible. A minimum of 2 of the handicap accessible parking spaces shall be "van accessible". All parking shall comply with the requirements of the Rapid City Parking Ordinance and the submitted site plan;
 14. A minimum of 510,044 points of landscaping shall be provided. All landscaping shall be installed and maintained in compliance with the submitted landscaping plans and the Rapid City Landscaping Ordinance;
 15. All lighting shall be designed and installed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to traffic or constitute a nuisance of any kind;
 16. All provisions of the International Fire Code shall be maintained;
 17. All provisions of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment, and;
 18. This Final Planned Development will allow an on-sale liquor establishment as a part of a hotel and water park complex. Any change in use permitted in the General Commercial District shall be permitted with an approved building permit and contingent upon the provision that sufficient parking can be provided. 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 Final Planned Development.

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. Discussion Items

Limbaugh reviewed the handout on the Comprehensive Plan Progress Update noting that the summary will provide the Planning Commission a tool to answer questions they may receive from the public.

In response to a question from Brewer, Limbaugh reviewed how the sections have been prepared to date and how they anticipate using them as a future resource including various funding options for future development. Discussion followed.

Limbaugh reviewed the schedule of meetings and requested that the Planning Commissioners identify which meetings they will be attending. Limbaugh stressed that this is the City's Plan and that community input is crucial and that he hopes that everyone works to promote public participation.

In response to a question from Popp as to the recording of public input, Limbaugh stated that they are working on the draft and will have it available to the Planning Commission soon.

8. Staff Items

9. Planning Commission Items

10. Committee Reports

- A. City Council Report (August 19, 2012)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Capital Improvements Subcommittee
- E. Tax Increment Financing Committee

There being no further business, Marchand moved, Brewer seconded and unanimously carried to adjourn the meeting at 7:18 a.m. (7 to 0 with Brewer, Bulman, Marchand, Popp, Raterman, Rippentrop and Swank voting yes and none voting no)