

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 21, 2011

MEMBERS PRESENT: Erik Braun, John Brewer, Julie Gregg, Doug Kinniburgh, Linda Marchand, Dennis Popp, Kay Rippentrop, Steve Rolinger and Andrew Scull. Dave Davis, Council Liaison was also present.

MEMBERS ABSENT: Dennis Landguth, Pat Wyss, and Eric Christianson.

STAFF PRESENT: Vicki Fisher, Karen Bulman, Patsy Horton, Tim Behlings, Ted Johnson, Joel Landeen and Andrea Wolff.

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

Gregg 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.

Staff requested that Items 4 be removed from the Consent Agenda for separate consideration.

Motion by Marchand Seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations with the exception of Item 4. (9 to 0 with Braun, Brewer, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the April 7, 2011 Planning Commission Meeting Minutes.
2. 2012-2016 Capital Improvement Plan (CIP) – Five Year Plan

Planning Commission recommended approval of the 2012-2016 Capital Improvement Plan (CIP) – Five Year Plan.

3. No. 11PL021 - Minnesota Park Subdivision

A request by Sperlich Consulting, Inc. for Walgar Development Corporation to consider an application for a **Preliminary Plat** for proposed Lot 2 of Block 2 of Minnesota Park Subdivision, legally described as N1/2 of the SE1/4 of Section 13 and a portion of Tract B of Robbinsdale Addition No. 10, located in N1/2 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of East Minnesota Street and Wisconsin Avenue.

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

1. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the temporary turnaround located at the**

southern terminus of Wisconsin Avenue is secured within an easement;

2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of 10 additional feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;
 3. Prior to submittal of a Final Plat application, the corner ADA ramps located on the west side of Wisconsin Avenue shall be installed or surety shall be posted for the improvement; and,
 4. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.
5. No. 11PL022 - Big Sky Business Park

A request by Centerline, Inc. for Dakota Heartland, Inc. to consider an application for a **Layout Plat** for proposed Lot 1 of Block 5 of Big Sky Business Park, legally described as S1/2 of Government Lot 3 less Big Sky Subdivision and less right-of-way and the S1/2 of Government Lot 4 less Big Sky Business Park, less Lot H1, less Lot H2 and less right-of-way all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Berniece Street between Neel Street and DeGeest Drive.

Planning Commission recommended that the Layout Plat be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat application, construction plans for Neel Street shall be submitted for review and approval showing the street located within a 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, construction plans for Degeest Drive shall be submitted for review and approval showing the street located within a 76 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be submitted for review and approval;
3. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show Degeest Drive and Neel Street extending through the property in compliance with the adopted Major Street Plan or the applicant shall demonstrate the feasibility of the proposed alternate street locations and insure that the adjacent property owners concur with the proposed change in location or the Major Street Plan shall be revised to align with the proposed street locations as shown on this plat;
4. Upon submittal of a Preliminary Plat application, a Utility Master Plan including private and public utilities shall be submitted for review and approval;

5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and a water system analysis verifying source and adequate quantity for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
7. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
8. Upon submittal of a Preliminary Plat application, a grading plan showing any proposed grading and including cut and fill quantities shall be submitted for review and approval;
9. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In particular, the drainage plan shall include calculations demonstrating that discharge from any improvements will not exceed pre-development flow rates or local detention facilities shall be provided. In addition, the plat document shall also be revised to provide drainage easements as necessary;
10. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
11. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
12. Prior to submittal of a Final Plat application, all required subdivision improvements shall be completed by the applicant and accepted by the City;
13. Upon submittal of a Final Plat application, inspection fees shall be paid in compliance with Chapter 16.20.080 of the Rapid City Municipal Code;
14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
15. The approved Layout Plat for which no grading, construction or other

improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

6. No. 11SW001 - Original Town of Rapid City

A request by John Ashley to consider an application for a **Sidewalk Vendor Permit** for Sidewalk Vendor Location No. 1 located in the right-of-way east of the north 60 feet of Lot 1 of Block 84 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the Sixth Street right-of-way lying east of 601 Main Street.

Planning Commission recommended that the Sidewalk Vendor Permit request be approved with the following stipulations:

1. **A minimum 5 foot wide clear pedestrian path shall be maintained at all times;**
2. **A maximum of 60 square feet of space can be occupied by vendor and no permanent hardware shall be affixed to the sidewalk or adjacent buildings;**
3. **The vendor must have an approved 2A10BC minimum rated fire extinguisher maintained in an accessible location at all times;**
4. **A valid sidewalk vendor license approved by the Rapid City Council per Chapter 5.56 of the Rapid City Municipal Code be provided and renewed yearly. The Sidewalk Vendor Permit shall automatically expire if the Sidewalk Vendor License is suspended, revoked or expired;**
5. **Prior to the initiation of the use, a copy of the permit(s) issued by the State Department of Health for food related establishments shall be obtained and copies submitted to the Growth Management office. The permit(s) shall be renewed annually, or as required;**
6. **Prior to initiation of the use, the 6th Street reconstruction project shall be completed;**
7. **Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk vendor. In addition, the insurance shall be renewed yearly and a copy of the insurance document submitted to the City for review and approval. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;**
8. **All wastewater shall be disposed of into the sanitary sewer system;**
9. **The proposed sidewalk vendor shall conform to the plans and design criteria submitted as part of this Sidewalk Vendor Permit and shall be operated in compliance with Chapter 12.20.020(F) of the Rapid City Municipal Code at all times; and,**
10. **The Sidewalk Vendor Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per**

Chapter 12.20.020(F).11.

7. No. 11SW002 - Original Town of Rapid City

A request by John Ashley to consider an application for a **Sidewalk Vendor Permit** for Sidewalk Vendor Location No. 2 located in the right-of-way south of Lots 17-32 and the S1/2 of vacated alley abutting Lots 17-25 of Block 73 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located in the Main Street right-of-way located south of 440 Mt. Rushmore Road.

Planning Commission recommended that the the Sidewalk Vendor Permit request be approved with the following stipulations:

1. **A minimum 5 foot wide clear pedestrian path shall be maintained at all times;**
2. **A maximum of 60 square feet of space can be occupied by vendor and no permanent hardware shall be affixed to the sidewalk or adjacent buildings;**
3. **The vendor must have an approved 2A10BC minimum rated fire extinguisher maintained in an accessible location at all times;**
4. **A valid sidewalk vendor license approved by the Rapid City Council per Chapter 5.56 of the Rapid City Municipal Code be provided and renewed yearly. The Sidewalk Vendor Permit shall automatically expire if the Sidewalk Vendor License is suspended, revoked or expired;**
5. **Prior to the initiation of the use, a copy of the permit(s) issued by the State Department of Health for food related establishments shall be obtained and copies submitted to the Growth Management office. The permit(s) shall be renewed annually, or as required;**
6. **Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk vendor. In addition, the insurance shall be renewed yearly and a copy of the insurance document submitted to the City for review and approval. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;**
7. **All wastewater shall be disposed of into the sanitary sewer system;**
8. **The proposed sidewalk vendor shall conform to the plans and design criteria submitted as part of this Sidewalk Vendor Permit and shall be operated in compliance with Chapter 12.20.020(F) of the Rapid City Municipal .Code at all times; and,**
9. **The Sidewalk Vendor Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(F).11.**

8. No. 11SW003 - Original Town of Rapid City

A request by John Ashley to consider an application for a **Sidewalk Vendor Permit** for Sidewalk Vendor Location No. 3 located in the right-of-way north of Lots 1-6 and the east two feet of Lot 7 of Block 82, Original Town of Rapid City,

Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the Main Street right-of-way located north of the City owned Parking Lot located at the southwest corner of the intersection of Main Street and Mt. Rushmore Road.

Planning Commission recommended that the Sidewalk Vendor Permit request be approved with the following stipulations:

1. A minimum 5 foot wide clear pedestrian path shall be maintained at all times;
 2. A maximum of 60 square feet of space can be occupied by vendor and no permanent hardware shall be affixed to the sidewalk or adjacent buildings;
 3. The vendor must have an approved 2A10BC minimum rated fire extinguisher maintained in an accessible location at all times;
 4. A valid sidewalk vendor license approved by the Rapid City Council per Chapter 5.56 of the Rapid City Municipal Code be provided and renewed yearly. The Sidewalk Vendor Permit shall automatically expire if the Sidewalk Vendor License is suspended, revoked or expired;
 5. Prior to the initiation of the use, a copy of the permit(s) issued by the State Department of Health for food related establishments shall be obtained and copies submitted to the Growth Management office. The permit(s) shall be renewed annually, or as required;
 6. Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk vendor. In addition, the insurance shall be renewed yearly and a copy of the insurance document submitted to the City for review and approval. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;
 7. All wastewater shall be disposed of into the sanitary sewer system;
 8. The proposed sidewalk vendor shall conform to the plans and design criteria submitted as part of this Sidewalk Vendor Permit and shall be operated in compliance with Chapter 12.20.020(F) of the Rapid City Municipal .Code at all times; and,
 9. The Sidewalk Vendor Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(F).11.
9. No. 11SW004 - Original Town of Rapid City
A request by John Ashley to consider an application for a **Sidewalk Vendor Permit** for Sidewalk Vendor Location No. 5 located in the right-of-way east of Lots 1-3 of Block 94 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the Sixth Street right-of-way located east of 601 St. Joseph Street.

Planning Commission recommended that the Sidewalk Vendor Permit

request be approved with the following stipulations:

1. A minimum 5 foot wide clear pedestrian path shall be maintained at all times;
2. A maximum of 60 square feet of space can be occupied by vendor and no permanent hardware shall be affixed to the sidewalk or adjacent buildings;
3. The vendor must have an approved 2A10BC minimum rated fire extinguisher maintained in an accessible location at all times;
4. A valid sidewalk vendor license approved by the Rapid City Council per Chapter 5.56 of the Rapid City Municipal Code be provided and renewed yearly. The Sidewalk Vendor Permit shall automatically expire if the Sidewalk Vendor License is suspended, revoked or expired;
5. Prior to the initiation of the use, a copy of the permit(s) issued by the State Department of Health for food related establishments shall be obtained and copies submitted to the Growth Management office. The permit(s) shall be renewed annually, or as required;
6. Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk vendor. In addition, the insurance shall be renewed yearly and a copy of the insurance document submitted to the City for review and approval. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;
7. All wastewater shall be disposed of into the sanitary sewer system;
8. The proposed sidewalk vendor shall conform to the plans and design criteria submitted as part of this Sidewalk Vendor Permit and shall be operated in compliance with Chapter 12.20.020(F) of the Rapid City Municipal .Code at all times; and,
9. The Sidewalk Vendor Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(F).11.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

4. No. 11SV007 - Minnesota Park Subdivision

A request by Sperlich Consulting, Inc. for Walgar Development Corporation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street** for proposed Lot 2 of Block 2 of Minnesota Park Subdivision, legally described as N1/2 of the SE1/4 of Section 13 and a portion of Tract B of Robbinsdale Addition No. 10, located in N1/2 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of East Minnesota Street and Wisconsin Avenue.

Fisher presented the application noting that the applicant has provided

documentation that an adequate right of way for pedestrian and utilities access exists and as such the requirement for a pedestrian and utility access is not required as a part of the stipulations and with that staff recommended approval of the Variance to the Subdivision Regulations.

Rolinger moved, Scull seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along East Minnesota Street be approved. (9 to 0 with Braun, Brewer, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)

Fisher requested that items 10 and 11 be taken together.

*10. No. 10PD052 - Section 28, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for a portion of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, and a portion of Lot E of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at; the southeasterly corner of Lot 3 of Forefather Flats Subdivision, common to a point on the northerly edge of Interstate 90 right-of-way, and the point of beginning; Thence, first course: N00°02'40"W, along the easterly boundary of said Lot 3, a distance of 359.70 feet; Thence, second course: N89°56'14"E, a distance of 86.82 feet; Thence, third course: S00°10'04"E, a distance of 190.75 feet; Thence, fourth course: S25°39'15"E, a distance of 9.14 feet; Thence, fifth course: S56°22'25"E, a distance of 10.96 feet; Thence, sixth course: N89°46'53"E, a distance of 73.64 feet; Thence, seventh course: N00°00'00"E, a distance of 94.80 feet; Thence, eighth course: N90°00'00"E, a distance of 8.23 feet; Thence, ninth course: N00°00'00"E, a distance of 77.18 feet; Thence, tenth course: S89°23'24"E, a distance of 44.24 feet; Thence, eleventh course: N19°08'40"E, a distance of 32.41 feet; Thence, twelfth course: northwesterly, curving to the right, on a curve with a radius of 23.54 feet, a delta angle of 63°55'08", a length of 26.26 feet, a chord bearing of N36°17'51"W, and chord distance of 24.92 feet; Thence, thirteenth course: N02°40'34"E, a distance of 25.63 feet; Thence, fourteenth course: N90°00'00"E, a distance of 241.53 feet; Thence, fifteenth course: N00°00'00"E, a distance of 192.44 feet; Thence, sixteenth course: N36°20'19"W, a distance of 3.75 feet; Thence, seventeenth course: N06°05'08"W, a distance of 41.12 feet; Thence, eighteenth course: N00°00'00"E, a distance of 1.34 feet; Thence, nineteenth course: N90°00'00"E, a distance of 3.69 feet; Thence, twentieth course: N45°00'00"E, a distance of 28.28 feet; Thence, twenty-first course: S00°00'00"E, a distance of 115.69 feet; Thence, twenty-second course: southeasterly, curving to the left, on a curve with a radius of 160.00 feet, a delta angle of 62°30'13", a length of 174.54 feet, a chord bearing of S31°15'06"E, and chord distance of 166.02 feet; Thence, twenty-third course: S60°32'23"W, a distance of 19.67 feet; Thence, twenty-fourth course: S00°00'00"E, a distance of 390.94 feet, to a point on the northerly edge of said Interstate 90 right-of-way; Thence, twenty-fifth course: S79°07'35"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 20.25 feet; Thence, twenty-sixth course: N89°50'05"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 531.10 feet, to the southeasterly corner of said Lot 3, and the point of

beginning, more generally described as being located south of the intersection of East Mall Drive and Dakota Craft Drive and north of Interstate 90.

11. No. 10PL061 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision located in the W1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SE1/4 and a portion of Lot E of the S1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East Mall Drive and Interstate 90 at the southern terminus of Dakota Craft Drive.

Fisher presented the applications noting that staff is in support of both applications with the exception of the large pole sign which contains a 10' X 20' LED sign. Fisher stated that staff is unable to support the sign due to its proximity to the Interstate and the potential distraction it may create to traffic traveling on the Interstate. Fisher stated that staff recommends approval of the Planned Commercial Development - Initial and Final Development Plan (10PD052) with stipulations with the exception to the 10' X 20' LED sign and approval of the Preliminary Plat (10PL061) with stipulations.

Hani Shafi of Dream Design International, spoke regarding the LED sign stating he feels that it is far enough away from the Interstate and the on and off ramps to avoid impact or distraction to traffic on the Interstate and hopes the Planning Commission approves the request.

Rolinger state that he feels the sign is not overly large or distracting. Kinniburgh stated that he believes this sign appears to be a potential distraction and will support the staff's recommendation.

In response to a question from Braun regarding the Traffic Impact Study for this project, Fisher stated that the stipulations require that a final Traffic Impact Study be provided prior to issuance of a building permit or submittal of a Final Plat application, whichever occurs first.

Scull asked if the LED sign in question was static or moving and suggested that it be required to be static. He indicated that he believes there are other comparable LED signs in the area that are static. Shafi agreed and encouraged the Planning Commission to include the stipulation that the LED sign be static.

In response to question from Kinniburgh regarding how the stipulation requiring the LED sign to be static would be enforced, Fisher indicated that it would become a code enforcement issue.

Scull moved, Rolinger seconded and carried that the Planned Commercial Development - Initial and Final Development Plan (10PD052) be approved for a portion of the NW ¼ of the SE ¼, and a portion of Lot E of the S ½ of the SE ¼ of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the

southeasterly corner of Lot 3 of Forefather Flats Subdivision, common to the southwesterly corner of Lot E of the S ½ of the SE ¼ of Section 28, T2N, R8E, BHM., common to a point on the northerly edge of Interstate 90 right-of-way, thence S89°50'05"E, along the southerly boundary of said Lot E, common to the northerly edge of said Interstate 90 right-of-way, a distance of 221.40 feet, to the point of beginning; Thence, first course: N00°01'21"E, a distance of 307.43 feet; Thence, second course: S89°58'58"E, a distance of 265.41 feet; Thence, third course: N01°28'29"E, a distance of 148.76 feet; Thence, fourth course: N89°46'03"E, a distance of 18.49 feet; Thence, fifth course: southeasterly, curving to the left, on a curve with a radius of 160.00 feet, a delta angle of 28°33'42", a length of 79.76 feet, a chord bearing of S48°13'22"E, and chord distance of 78.94 feet; Thence, sixth course: S60°32'23"W, a distance of 23.69 feet; Thence, seventh course: S00°00'00"E, a distance of 389.63 feet, to a point on the southerly boundary of said Lot E, common to a point on the northerly edge of said Interstate 90 right-of-way; Thence, eighth course: S79°07'35"W, along the southerly boundary of said Lot E, common the northerly edge of said Interstate 90 right-of-way, a distance of 16.69 feet; Thence, ninth course: N89°50'05"W, along the southerly boundary of said Lot E, common to the northerly edge of said Interstate 90 right-of-way, a distance of 309.70 feet to the point of beginning with the following stipulations:

1. Prior to issuance of a building permit or submittal of a Final Plat application, whichever occurs first, the Cambria Suites Traffic Impact Study dated March 2011 shall be revised to address all redline comments and to identify the triggers and/or warrants for the recommended improvements. The revised Traffic Impact Study shall be sealed and signed by a Professional Engineer and submitted to the Growth Management Department for review and approval. Changes to the site plan which comply with the City's Design Standards shall be allowed as a Minimal Amendment to the Planned Residential Development;
2. Prior to issuance of a building permit or prior to submittal of a Final Plat application, whichever occurs first, the applicant shall enter into a Covenant Agreement with the City securing the applicant's participation and the timing for the improvements pursuant to the recommendations of the approved Traffic Impact Study;
3. The directional signs located at the entrance of the property shall maintain a minimum 100 foot separation or the size of the directional signs shall be reduced from nine square feet to five square feet or a Variance shall be obtained from the Sign Code Board of Appeals. The proposed LED reader board sign shall be allowed as a static sign only. The balance of the signs shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The 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;
4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 5. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved. In addition, prior to issuance of a Certificate of Occupancy, a Final Plat shall be recorded;
 6. Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained for construction activities disturbing one acre or more of surface area;
 7. An Exception is hereby granted to allow a 56 foot height for the southeast corner of the proposed hotel in lieu of a maximum 45 foot height as per the General Commercial District;
 8. The proposed structure shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development. Revisions to the design of the structure, that the Growth Management Director determines to be consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Planned Commercial Development;
 9. The looped internal access aisle shall be constructed as a part of Phase One of the development to insure Fire Department access through the site. In particular, the access aisle shall be constructed with a minimum 26 foot wide paved surface when adjacent to parking spaces. The balance of the access aisle shall be constructed with a minimum 20 foot wide paved surface. In addition, the access aisle shall be secured within an access easement prior to issuance of a Certificate of Occupancy or approval of a Final Plat creating the proposed lot, whichever occurs first;
 10. A minimum of 153,040 landscaping points shall be provided. In addition, the landscaping shall be planted in accordance with the approved plans. All landscaping shall be continually maintained in a live vegetative state and replaced in compliance with the City's adopted Landscape Ordinance;
 12. The dumpster shall be located as shown on the site plan and screened along all four sides with an 8 foot high brick veneered wall and gated as proposed;
 13. A minimum of 111 parking spaces with five of the spaces being handicap accessible shall be provided as a part of Phase One of the development. In addition, one of the handicap spaces shall be "van" handicap accessible;
 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. The currently adopted International Fire Code shall be continually met. In addition, the applicant shall coordinate any expansion or alterations of the project with the Fire Department;
 16. An Exception is hereby granted to reduce the minimum required side yard setback along the west lot line from 25 feet to 15 feet. All other provisions of the General Commercial District shall be met unless

otherwise specifically authorized as a stipulation of this Planned Commercial Development or a Major Amendment to the Planned Commercial Development;

17. The Planned Commercial Development shall allow for a hotel with meeting rooms, conference rooms, a breakfast area and a lounge area to be used exclusively by patrons of the hotel. Any other use of the property shall require a Major Amendment to the Planned Commercial Development; and,
18. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,

To recommend approval of the Preliminary Plat (10PL061) for Lot 1, Block 1 of Gateway Business Park Subdivision only with the following stipulations:

1. Prior to submittal of a Final Plat application, the Cambria Suites Traffic Impact Study dated March 2011 shall be revised to address all redline comments and to identify the triggers and/or warrants for the recommended improvements. The revised Traffic Impact Study shall be sealed and signed by a Professional Engineer and submitted to the Growth Management Department for review and approval;
2. Prior to submittal of a Final Plat application, the applicant shall enter into a Covenant Agreement with the City securing the applicant's participation and the timing for the improvements pursuant to the recommendations of the approved Traffic Impact Study;
3. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
4. Prior to submittal of a Final Plat application, a drainage easement shall be secured for the off-site storm sewer pipe located northwest of the proposed lot. In addition, a copy of the recorded easement shall be submitted to the Growth Management Department;
5. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees shall be paid as required;
6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
7. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. (8 to 1 with Braun, Brewer, Gregg, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and Kinniburgh voting no)

The Rapid City Planning Commission's action on (10PD052) is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

*12. No. 11UR008 - Original Town of Rapid City

A request by Justin Henrichsen for Independent Ale House to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** for Lot 13 of Block 94 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 625 Saint Joseph Street.

Bulman presented the application noting that the project has received approval from the Historic Preservation Committee. Bulman noted that the building is sprinkled, will have a restaurant that serves over 40 people so the restrictions associated with the sale of alcohol in the Central Business District will not apply and that the kitchen ovens will be vented to the roof of the structure to avoid impacting the tenants living above the facility. Bulman stated that staff recommends approval of the Conditional Use Permit to allow an on-sale liquor establishment with stipulations.

Rolinger moved, Marchand seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:

- 1. The on-sale liquor establishment shall operate in conjunction with a full-service restaurant. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Other permitted uses within the Central Business District shall be allowed, with the exception of conditional uses which shall require a Major Amendment to the Conditional Use Permit;**
- 2. Prior to initiation of construction, a building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
- 3. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;**
- 4. A Right to Work Permit shall be obtained for any work located in the right-of-way;**
- 5. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. Any new signs or the replacement of signs will require a variance to the Sign Code Board of Appeals if the signs do not conform to the Sign Code requirements. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. The addition of any electronic signage will require a Major Amendment to the Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. A sign permit shall also be obtained for any additional signage. Historic Sign Review shall be obtained prior to obtaining the Sign Permit;**
- 6. All applicable provisions of the currently adopted International Fire Code shall continually be met;**
- 7. All provisions of the Central Business Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment; and,**

8. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 with Braun, Brewer, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Scull 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 Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

*13. No. 11UR009 - Auburn Hills Subdivision

A request by Vern & Patricia K. Hook to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 18 of Block 3 of Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 823 Crimson Court.

Fisher presented the application. Fisher noted a letter was received from a neighbor supporting the request but noting that any utility replacement that might be required due to the project would be the responsibility of the applicant and that the applicant has indicated he was in agreement. Fisher stated that staff recommends approval of the Conditional Use Permit to allow an oversized garage with stipulations.

Rolinger moved, Brewer seconded and unanimously carried to approve the Conditional Use Permit to allow an oversized garage with the following stipulations:

1. **Prior to Planning Commission approval, a geotechnical analysis and grading and drainage plan shall be submitted for review and approval addressing soil stability, foundation design, storm water run-off and erosion and sediment control;**
2. **Prior to Planning Commission approval, a revised site plan shall be submitted showing one driveway to the property or an Exception shall be obtained to allow two driveways and to reduce the minimum required separation between driveways;**
3. **Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
4. **Prior to the issuance of a Building Permit, the applicant shall file notice with Register of Deeds indicating that the garage will only be used for residential purposes and a copy shall be submitted to the Growth Management office;**
5. **All applicable provisions of the currently adopted International Fire Code shall be continually met;**
6. **Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;**
7. **The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit; and,**

8. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 with Braun, Brewer, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Scull 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 Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

15. Staff Items

Horton noted that the Airport and Use Compatibility Plan Open House on April 20, 2011 was well attended, that the public appeared to be very receptive and they would be moving forward with the proposed plan at City Council.

Horton stated that the Conditional Use Permit subcommittee will be meeting following the Planning Commission meeting to discuss Conditional Use Permit changes that have been proposed.

Horton also noted that the Major Street Plan and the Three Mile Jurisdiction have been placed on Rapid Map and now available for public access.

Horton informed the Planning Commission that interviews are scheduled and they hope to have the planner and assistant positions filled soon.

16. Planning Commission Items

Gregg noted that she has a letter that staff prepared for Marcia Elkins that she will pass around for the Planning Commissioners to sign. Discussion followed.

Gregg stated she had attended the Airport Open House and indicated that the presentation seemed well received and appeared to have addressed the majority of the public's concerns.

Gregg thanked staff for their continued efforts.

There being no further business, Scull moved, Braun seconded and unanimously carried to adjourn the meeting at 7:27 a.m. (9 to 0 with Braun, Brewer, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger, and Scull voting yes and none voting no)