

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 23, 2011

MEMBERS PRESENT: John Brewer, Eric Christianson, Doug Kinniburgh, Dennis Landguth, Dennis Popp, Kay Rippentrop and Pat Wyss. Dave Davis, Council Liaison was also present

MEMBERS ABSENT: Erik Braun, Julie Gregg, Linda Marchand, Steve Rolinger and Andrew Scull

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Karen Bulman, Tim Behlings, Ted Johnson, Allison Marsland and Andrea Wolff.

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

Kinniburgh 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 Brewer Seconded by Christianson and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations. (7 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Popp, Rippentrop, and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 9, 2011 Planning Commission Meeting Minutes.
2. No. 01TI006 - Rushmore Business Park
Resolution No. 2011-076 to Dissolve Tax Increment District No. 33 generally described as being located south of Homestead Street and east of Conseco Finance.

Planning Commission recommended that the Resolution Dissolving Tax Increment District No. 33 be approved.

3. No. 11CA004 - Section 35, T2N, R7E
Summary of Adoption Action for an Amendment to the Comprehensive Plan to revise the Major Street Plan for SW1/4 NE1/4 less right-of-way and NW1/4 NE1/4 all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Founders Park Drive and Philadelphia Street.

Staff recommends that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

4. No. 11PL033 - S and S Subdivision
A request by Fisk Land Surveying & Consulting Engineers for James Steele to consider an application for a Preliminary Plat for proposed Lot 1 of S and S Subdivision, legally described as that portion of the SE1/4 SE1/4 SE1/4 of Section 25, T2N, R6E, BHM lying south and west of Lot H-1 of said SE1/4 SE1/4

SE1/4 located in the SE1/4 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located along the south side of Sun Ridge Road west of the intersection of Sun Ridge Road and Aztec Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, the location of the well to serve the property shall be identified. In addition, the well and service line shall be secured within a water easement as needed;**
 2. **Prior to submittal of a Final Plat application, a note shall be placed on the plat stating that a residential fire sprinkler shall be provided in all dwelling units or a Covenant Agreement shall be recorded requiring that a residential fire sprinkler be provided in all dwelling units;**
 3. **Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal;**
 4. **Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the shared water facility for review and approval; and,**
 5. **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. 11SC003 - Original Town of Rapid City
A request by Michelle Peregrine for Botticelli Ristorante Italiano to consider an application for a Sidewalk Café Permit for Main Street right-of-way located adjacent to the north 80.5 feet of Lot 12 and the east 15 feet of the north 80.5 feet of Lot 13 of Block 85 of the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 523 Main Street.

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

1. **Prior to initiation of the use, a revised Certificate of Insurance shall be submitted for review and approval naming the City as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. The coverage shall be for \$2,000,000 per occurrence or \$1,000,000 per occurrence and a \$1,000,000 umbrella. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked.**
2. **A minimum 5 foot wide clear pedestrian path shall be maintained at all times as per the applicant's site plan.**
3. **The proposed sidewalk café shall conform to the plans and design criteria submitted as part of this Sidewalk Café Permit and shall be operated in compliance with Chapter 12.20.020(E) of the Rapid City Municipal Code; and,**
4. **The Sidewalk Café Permit may be revoked for cause, consisting of**

failure to maintain the standards required for this permit as per Chapter 12.20.020(E)12.

*6. No. 11PD025 - Hills View Subdivision

A request by CETEC Engineering Services, Inc. for Jerry L. and Donna M. Olson to consider an application for a Initial and Final Planned Industrial Development for Lots 4, 5 and 15RA of Hills View Subdivision located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2540 E. Highway 44.

Planning Commission approved the Initial and Final Planned Industrial Development with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned and signed and sealed final construction plans shall be submitted to the Growth Management Department;**
- 3. Prior to issuance of a building permit, an Approach Permit shall be obtained from the South Dakota Department of Transportation;**
- 4. Prior to issuance of a building permit, an Exception to the Street Design Criteria Manual shall be obtained to allow a driveway width in excess of 28 feet or the site plan shall be revised to comply with the Street Design Criteria Manual;**
- 5. Prior to issuance of a building permit, a shared approach easement shall be secured on proposed Lot 15RB of Hills View Subdivision. In addition, a copy of the recorded shared approach easement shall be submitted to the Growth Management Department for review and approval;**
- 6. Prior to issuance of a building permit, the construction and/or architectural plans shall be revised as needed to provide fire protection as required by the International Fire Code;**
- 7. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;**
- 8. 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;**
- 9. Prior to issuance of a building permit, the applicant shall obtain authorization from the City Engineer to allow the proposed retaining wall to be constructed within an existing 8 foot wide minor drainage and utility easement or the construction plans shall be revised to show the retaining wall located outside of the existing easement;**
- 10. Prior to issuance of a building permit, structural design plans sealed and signed by a Professional Engineer shall be submitted for review and approval for all retaining walls over four feet in height;**
- 11. Prior to issuance of a building permit, the existing 8 foot wide minor drainage and utility easement located along the common lot line(s) shall be vacated as needed to allow the proposed structure or the site plan shall be revised removing the structure from the existing easement;**

12. Prior to issuance of a building permit, the construction plans shall be revised to show property line sidewalks along S.D. Highway 44 and prior to issuance of a Certificate of Occupancy, the sidewalk shall be constructed or a Variance shall be obtained from the City Council waiving the requirement;
13. A Permit to Work in the Right-of-way shall be obtained prior to any construction within the right-of-way;
14. The proposed structure shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Industrial 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 Industrial Development;
15. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Industrial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal 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;
16. Landscaping shall be planted in accordance with the approved plans as a lateral zone along S.D. Highway 44. All landscaping shall be continually maintained in a live vegetative state and replaced in compliance with the City's adopted Landscape Ordinance;
17. A minimum of 21 parking spaces with one of the spaces being a "van" handicap accessible shall be provided;
18. 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;
19. 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;
20. The Planned Industrial Development shall allow for the expansion of a precast manufacturing facility. Other uses permitted within the Light Industrial District shall be allowed as a Minimal Amendment to the Planned Industrial Development requiring the review and approval of the Growth Management Director. Conditional Uses allowed within the Light Industrial District shall require a Major Amendment to the Planned Industrial Development;
21. All provisions of the Light Industrial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Industrial Development Plan application or a subsequent Major Amendment; and,
22. The Planned Industrial 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.

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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*7. No. 11PD020 - McMahon Subdivision

A request by Mick Nagel to consider an application for a Initial and Final Commercial Development Plan for Lot A of Tract E-3R of McMahon Subdivision located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Haines Avenue and Kathryn Avenue.

Bulman presented the application and reviewed the proposed building materials, which include a brick wainscoting veneer that will be applied to the lower portion of some of the buildings and additional trim elements to meet requirements for a storage building in the General Commercial District. Bulman presented staff's recommends to approve the Initial and Final Commercial Development Plan with revised stipulations.

Bulman noted that an exception to the driveway approach has been submitted and is awaiting approval at this time. As such, the stipulations have been revised that this stipulation be approved prior to issuance of a building permit instead of prior to Planning Commission approval.

Christenson and Brewer stated that they would be abstaining from discussion and voting due to a conflict of interest.

In response to question from Wyss, Bulman read the section of the ordinance addressing required building material. Wyss indicated that he feels that the wainscoting is a minimum effort solution.

Popp moved, Rippentrop seconded and carried to approve the Initial and Final Commercial Development Plan with the following stipulations:

- 1. The storage units shall be used for the storage of personal effects and household goods;**
- 2. Prior to Planning Commission approval, revised building materials and elevations of the buildings, indicating the location of decorative materials and /or alternate coloring bands on all sides of the buildings facing adjacent properties and streets, shall be submitted for review and approval;**
- 3. Prior to Planning Commission approval, a complete sign package, indicating the location of the sign, shall be submitted for review and approval. All signage shall meet the requirements of Chapter 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;**
- 4. In the event that parking is provided, then prior to Planning**

Commission approval, a revised site plan shall be submitted identifying a minimum of two parking spaces, including one “van” accessible space, to be provided on the site. In addition, all requirements of Chapter 17.50.270 of the Rapid City Municipal Code shall continually be met;

5. Prior to obtaining a building permit, a Landscape Covenant Agreement shall be submitted for review and approval, indicating that landscaping on the adjacent property will constitute a portion of the 26,724 landscaping points to be provided for this project and that the landscaping will continue to meet all the requirements of Chapter 17.50.300 or the Rapid City Municipal Code;
6. Prior to Planning Commission approval, a stormwater design report, signed and stamped by a professional engineer, shall be submitted for review and approval;
7. Prior to obtaining a building permit, a revised site plan shall be reviewed and approved showing the relocation of the driveway approach or an exception to the Street Design Criteria Manual shall be obtained to allow the proposed driveway approach;
8. Prior to construction, a building permit shall be obtained;
9. Prior to obtaining a building permit, an easement shall be obtained for access to the fire hydrant;
10. Prior to obtaining a building permit, an air quality permit shall be obtained;
11. Prior to obtaining a building permit, all offsite easements for grading, construction and drainage shall be obtained;
12. Prior to initiation of use, a Certificate of Occupancy shall be obtained;
13. All applicable provisions of the currently adopted International Fire Code shall continually be met;
14. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Initial and Final Planned Commercial Development or a subsequent Major Amendment; and,
15. The Initial and Final 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. (3 to 2 to 2 with Kinniburgh, Popp, Rippentrop voting yes and Landguth and Wyss voting no with Christianson 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 Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

8. Discussion Items

None

9. Staff Items

Fisher introduced Fletcher Lacock and Robert Laroco to the Planning Commission. Lacock and Laroco join the Growth Management Department as a Planner I. Kinniburgh welcomed them on behalf of the

Planning Commission.

10. Planning Commission Items
A. Election of Officers

Popp moved, Rippentrop seconded and unanimously carried to nominate Brewer for Chairman. (7 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Popp, Rippentrop, and Wyss voting yes and none voting no)

Brewer moved, Popp seconded and unanimously carried to nominate Christensen, as Vice Chairperson. (7 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Popp, Rippentrop, and Wyss voting yes and none voting no)

Brewer moved, Popp seconded and unanimously carried to nominate Rolinger for Secretary (7 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Popp, Rippentrop, and Wyss voting yes and none voting no)

Fisher thanked the Planning Commissioners for their service and dedication and acknowledging time and contribution.

Davis also thanked the Planning Commission on behalf of the City Council and stated that he has enjoyed his time serving with them. Davis further asked that they offer the new liaison the same assistance and consideration that they have shown him, as the new Council may choose to appoint a new liaison.

Kinniburgh thanked staff on his and Gregg's behalf for all the work and support they provide the Planning Commission.

11. Committee Reports
None.

There being no further business, Landguth moved, Christianson seconded and unanimously carried to adjourn the meeting at 7:21 a.m. (7 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Popp, Rippentrop, and Wyss voting yes and none voting no)