



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 27, 2010

MEMBERS PRESENT: Erik Braun, John Brewer, Gary Brown, Julie Gregg, Doug Kinniburgh, Linda Marchand and Pat Wyss. Karen Gunderson-Olson, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Karen Bulman, Patsy Horton, Jim Flaaen, Mary Bosworth, Ted Johnson, Karley Halsted, Tim Behlings, Mike Schad, Dale Tech and Risë Ficken

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 12, 14, and 22 be removed from the Consent Agenda for separate consideration.

Brown moved, Brewer seconded and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 22 in accordance with the staff recommendations with the exception of Items 12, 14, and 22. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 5, 2010 Special Planning Commission Meeting Minutes and the May 6, 2010 Planning Commission Meeting Minutes.

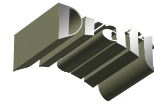
*2. No. 09PD053 - St. Martins Village

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **Planned Residential Development - Final Development Plan** on an unplatted parcel of land located in the SE1/4 SW1/4 and the SW1/4 SE1/4 and the NE1/4 SE1/4 and the NW1/4 SE1/4 and the SW1/4 NE1/4 and less Lot A of the W1/2 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of Hidden Valley Road.

Planning Commission continued the Planned Residential Development - Final Development Plan to the June 10, 2010 Planning Commission meeting.

3. No. 09SR123 - Section 35, T1N, R7E

A request by Kent Hagg for Hagg Development Inc. to consider an application for a **SDCL 11-6-19 Review to extend public utilities** on the SW1/4 NW1/4, Section 35, T1N, R7E, BHM, and the U.S. Highway 16 Right-of-way and Moon Meadows Right-of-way located adjacent to the SW1/4 NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally



described as being located at the intersection of U.S. Highway 16 and Sammis Trail.

Planning Commission continued the SDCL 11-6-19 Review to extend a public sewer main to the June 10, 2010 Planning Commission meeting.

4. No. 10CA011 - Wood Subdivision

A request by City of Rapid City to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Low Density Residential** on the east 88 feet of Lot D of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ less Lot H1 and Lot 6 of Wood Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Elk Vale Road and north of School Drive.

Planning Commission approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.

5. No. 10CA013 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to General Commercial with a Planned Commercial Development** on a portion of Tract B of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, a portion of the S $\frac{1}{2}$ of vacated St. Louis Street right-of-way, and a portion of the east 10 feet of vacated Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course curving to the left, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of N56°16'05"W, and chord distance of 369.88 feet; Thence second course: N90°00'00"W, a distance of 142.94 feet; Thence third course: N00°02'43"E, a distance of 128.60 feet; Thence fourth course: S89°30'42"E, a distance of 449.43 feet; Thence fifth course: S00°10'47"W, along the easterly boundary of said Tract B, a distance of 330.17feet to the point of beginning, more generally described as being located north of East Omaha Street between Racine Street and LaCrosse Street.

Planning Commission continued the Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to General Commercial with a Planned Commercial Development to the June 10, 2010 Planning Commission meeting.

6. No. 10CA014 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to General Commercial with a Planned Commercial Development** on a portion of Tract B of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, a portion of the east 10 feet of vacated Racine Street right-of-way, and a

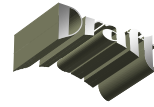


portion of Racine Street right-of-way, all located in Section 31, T2N, R8E, and a portion of Racine Street right-of-way, Lots 1 thru 4, 21 and a portion of Lots 5 thru 20 and the vacated alley located in Block 1 of Brennen and Sweeney Addition, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, T2N, R8E, BHM, common to the northeasterly corner of Block 1 of Brennen and Sweeney Addition, and the point of beginning, Thence first course: S00°16'07"W, along the easterly boundary of said Block 1, a distance of 106.27 feet; Thence second course: S89°47'39"W, a distance of 510.47 feet, to a point on the westerly edge of Racine Street Right-of-Way; Thence third course: N00°12'21"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 108.08 feet, to a point on the section line common to Section 31, T2N, R8E, BHM, and Section 6, T1N, R8E, BHM; Thence fourth course: N00°09'45"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 60.09 feet, to the southeasterly corner of Lot 1 of Eastbrooke Subdivision; Thence fifth course: S89°51'02"E, distance of 60.52 feet; Thence sixth course: N00°02'43"E, a distance of 145.48 feet; Thence seventh course: S90°00'00"E, a distance of 142.94 feet; Thence eighth course curving to the right, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of S56°16'05"E, and chord distance of 369.88 feet, to the southeasterly corner of said Tract B, common to the northeasterly corner of said Block 1, and the point of beginning, more generally described as being located north of East Omaha Street between Racine Street and LaCrosse Street.

Planning Commission continued the Amendment to the adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to General Commercial with a Planned Commercial Development to the June 10, 2010 Planning Commission meeting.

7. No. 10RZ034 - Brennan Hill Subdivision and Sweeney Addition, Section 6, T1N, R8E and Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on Tract B of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, a portion of the S $\frac{1}{2}$ of vacated St. Louis Street right-of-way, a portion of the east 10 feet of vacated Racine Street right-of-way, all located in Section 31, T2N, R8E, and the vacated alley located in Block 1 of Brennen And Sweeney Addition, in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 165.60 feet, to the northeasterly corner of Vacated Alley of Block 1, Brennen and Sweeney Addition; Thence second course: S00°05'14"W, along the easterly edge of said Vacated Alley, a distance of 62.12 feet; Thence third course: N89°56'48"W, along the southerly edge of said Vacated Alley, a distance of 20.00 feet; Thence fourth course: N00°05'14"E, along the westerly edge of said Vacated Alley, a distance of 62.11 feet; Thence fifth course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 265.11 feet; Thence sixth course: N00°02'43"E, a distance of 333.80 feet; to a point on the southerly



boundary of Lot A of Blakes Addition; Thence seventh course: S89°30'42"E, along the southerly edge of said Lot A, a distance of 449.43 feet; Thence eighth course: S00°10'47"E, along the easterly boundary of said Tract B, a distance of 330.17 feet, to the southeasterly corner of said Tract B, and the point of beginning, more generally described as being located north of East Omaha Street between LaCrosse Street and Racine Street.

Planning Commission tabled the application for a Rezoning from Low Density Residential District to General Commercial District.

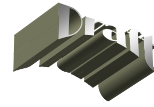
8. No. 10CA015 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to Office Commercial with a Planned Commercial Development** on a portion of Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 128.60 feet; Thence eighth course: N89°57'17"W, a distance of 545.03 feet, to a point on the westerly boundary of said Lot 1; Thence ninth course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 121.33 feet, to the northwesterly corner of said Lot 1 and the point of beginning, more generally described as being located north of East Omaha Street between Waterloo Street and Racine Street.

Planning Commission continued the Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to Office Commercial with a Planned Commercial Development to the June 10, 2010 Planning Commission meeting.

9. No. 10CA016 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to Office Commercial with a Planned Commercial Development** on a portion of Lot 1 of Eastbrooke Subdivision, and a portion of Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwestly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 95.04 feet; Thence second course: S89°57'17"E, a distance of 545.03 feet; Thence third course:



S00°02'43"W, a distance of 145.48 feet; Thence fourth course: N89°51'02"W, a distance of 62.11 feet, to the southeasterly corner of said Lot 1; Thence fifth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence sixth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence seventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04feet, to the southwesterly corner of said Lot 1, and the point of beginning, more generally described as being located north of East Omaha Street between Waterloo Street and Racine Street.

Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to Office Commercial with a Planned Commercial Development be continued to the June 10, 2010 Planning Commission meeting.

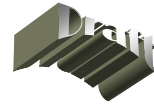
10. No. 10RZ035 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to Office Commercial District** on Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, common to a corner on the easterly edge of Waterloo Street Right-of-way, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 274.08 feet; Thence eighth course: N89°51'02"W, a distance of 60.52 feet, to the southeasterly corner of said Lot 1; Thence ninth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence tenth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence eleventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04feet, to the southwesterly corner of said Lot 1; Thence twelfth course: N00°13'38"E, along the westerly boundary of said Lot 1, common to a point on the easterly edge of said Waterloo Street Right-of-way, a distance of 216.37 feet, to the northwesterly corner of said Lot 1 and the point of beginning, more generally described as being located north of East Omaha Street between Waterloo Street and Racine Street.

Planning Commission tabled the request for a Rezoning from Low Density Residential District to Office Commercial District.

11. No. 10VR002 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a



Vacation of Right-of-way on a portion of the Racine Street right-of-way, located in the SE1/4 of the SW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Racine Street north of East Omaha Street between Waterloo Street and LaCrosse Street.

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

*13. No. 10PD035 - North 80 Subdivision

A request by Geiger Architecture for First Evangelical Free Church to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 2 of North 80 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Parkview Drive, south of Sandra Lane and west of Shelby Avenue.

Planning Commission approved the Major Amendment to a Planned Residential Development with the following stipulations:

1. **The currently adopted Fire Code shall be continually met;**
2. **A building permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **A minimum of 149 parking spaces shall be provided including a minimum of five handicap accessible spaces with one of the handicap spaces being "van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
4. **The buildings shall conform architecturally to the plans as previously approved as part of the Final Development Plan;**
5. **An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;**
6. **The landscaping shall be installed as per the previously approved landscape plan and the Rapid City Municipal Code and shall be maintained so as to present a healthy, neat appearance at all times and shall be kept free from refuse and debris;**
7. **The lighting shall be designed to be reflected within the property boundaries so as not to 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;**
8. **The Planned Residential Development shall allow the property to be used as a church. Any change in the proposed use shall require a Major Amendment to the Planned Residential Development;**
9. **All provisions of the Medium Density Residential District shall be met shall be met unless otherwise authorized as an Amendment to the Planned Commercial Development; and,**
10. **The Planned Residential Development shall expire if the use is not undertaken 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.

15. No. 10PL020 - Murphy Ranch Estates Subdivision
A request by Ron Davis of Davis Engineering, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 8 thru 10 of Block 7, Lots 1R and 7 thru 11 of Block 8 and Lots 3 thru 9 of Block 10 of Murphy Ranch Estates Subdivision, legally described as the unplatted of Tract F of the NW1/4 and Lot 1 of Block 8 of Murphy Ranch Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5670 E. Highway 44.

Planning Commission recommended that the Preliminary Plat be denied without prejudice at the applicant's request.

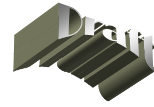
16. No. 10PL027 - Eastbrooke Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1R and 3, Eastbrooke Subdivision, legally described as Lots 1 thru 21 and the vacated alley of Block 1 of Brennen & Sweeney Addition of Section 6, T1N, R8E; Lot 1 of Eastbrooke Subdivision, a portion of the S1/2 of the vacated St. Louis Street right-of-way, a portion of the east 10 feet of the vacated Racine Street right-of-way and Tract B of the SE1/4 of the SW1/4, all located in the SE1/4 of the SW1/4 of Section 31, T2N, R8E, and in the NE1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Omaha Street between South Waterloo Street and LaCrosse Street.

Planning Commission continued the Preliminary Plat to the June 10, 2010 Planning Commission meeting.

17. No. 10PL028 - Section 19, T1N, R9E
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots A and B of White Eagle Ranch, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.

Planning Commission continued the Preliminary Plat to the June 10, 2010 Planning Commission meeting.

18. No. 10SV007 - Section 19, T1N, R9E
A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots A and B of White Eagle Ranch, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.



Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code to the June 10, 2010 Planning Commission meeting.

19. No. 10RZ022 - Melody Acres No. 2

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 32 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2800 Cactus Drive.

Planning Commission continued the Rezoning from No Use District to Mobile Home Residential District to the June 10, 2010 Planning Commission meeting.

20. No. 10SC002 - Original Town of Rapid City

A request by Aida Compton for Bully Blends Coffee & Tea to consider an application for a **Sidewalk Café Permit** on Lots 29R and 30R of Block 71 of the Original Town of Rapid City, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 908 Main Street.

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

1. A minimum 5 foot wide clear pedestrian path shall be maintained at all times as per the applicant's site plan;
2. A physical barricade shall be provided around the sidewalk café as proposed. In particular, the barricade shall consist of a 4 foot high black wrought iron rail fence. In addition, a Permit to Work in the Right-of-way shall be obtained prior to anchoring the fence to the sidewalk;
3. The sandwich board sign shall be 24 inches by 36 inches as proposed. In addition, the sign shall be located within the boundary of the barricaded sidewalk café. The sign shall contain no off-premise advertising and shall display no logo or advertising copy other than for the primary business of the occupant of the abutting property;
4. The tables and chairs shall be constructed with wrought iron and be black in color as proposed;
5. The awning shall be constructed with canvas and be blue and white in color as proposed. In addition, the awning shall be located a minimum of 7 feet above the sidewalk and shall not extend more than two-thirds the width of the sidewalk;
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 café. 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. The sale or consumption of liquor within the sidewalk café shall not occur until the associated Conditional Use Permit has been approved to allow on-sale liquor within the adjacent property pursuant to State law;
 8. 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,
 9. 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.

*21. No. 10UR008 - Rapid City Greenway Tract

A request by Kent Brugger to consider an application for a **Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District** on Tract 1 of Rapid City Greenway Tract located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Chapel Lane and Shore Drive.

Planning Commission approved the Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District with the following stipulation:

1. The tent shall be located and operated in compliance with the conditions of approval of the Special Exception to the Flood Area Construction Regulations.

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---

*12. No. 10PD034 - Airport Addition

A request by Qusi Al Haj to consider an application for a **Major Amendment to a Planned Commercial Development** on Block 26R and 27 of Airport Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1720 and 1730 Haines Avenue.

Flaen presented the request noting staff's recommendation to continue the application to the June 10, 2010 Planning Commission meeting at the time the packet was distributed to allow additional information to be submitted. Flaen advised that the applicant has submitted the required information. Flaen stated that copies of the additional information, along with staff's recommendation for approval with stipulations, were distributed on the dais.

In response to a question from Braun, Flaen stated that the automated teller machine would be removed and replaced by the coffee kiosk.



Brown moved, Wyss seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. A minimum of 26 parking spaces shall be provided including a minimum of two handicap accessible spaces with one being “van” accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
- 2. Prior to issuance of a building permit, a third-party inspection be conducted for the modular building and a copy of the report submitted to the Growth Management Department staff;**
- 3. The buildings shall conform architecturally to the plans approved as part of this Major Amendment to the Planned Commercial Development. Modifications in the building elevations and design that are consistent with the approved elevations and structural development may be approved as a Minimal Amendment to the Planned Commercial Development;**
- 4. The currently adopted International Fire Code shall be continually met;**
- 5. The lighting shall be designed to be reflected within the property boundaries so as not to 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. A building permit shall be obtained prior to the start of construction or the installation of the coffee-kiosk;**
- 7. A minimum of 29,493 landscaping points shall be provided. The landscaping shall be installed as per the approved landscape plan and shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 8. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Commercial Development. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to 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. 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;**
- 9. That no openings be allowed for the north building on the east side;**
- 10. That a five foot setback be allowed for the north building on the east side;**
- 11 A one foot by three foot sign for the tax service use shall be allowed;**
- 12. Land uses are limited to a tax service, a computer retail/service use and a drive-thru coffee kiosk. Any change in the land use will require**



- a **Major Amendment to a Planned Commercial Development**; and,
13. **The Major Amendment to the Planned Commercial Development shall expire if the use is not undertaken 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. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss 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.

*14. No. 10PD037 - Marshall Heights Tract

A request by Encompass Architects for Oglala Lakota College to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot L-1BR of Marshall Heights Tract, located in the NE1/4 of the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 127 Knollwood Drive.

Elkins advised that the applicant has requested that the application be continued to the July 22, 2010 Planning Commission meeting.

Brewer moved, Marchand seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the July 22, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss voting yes and none voting no)

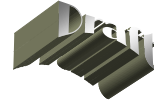
*22. No. 10UR009 - Section 29, T2N, R7E

A request by ARC International for Diocese of Rapid City and Rapid City Catholic Schools to consider an application for a **Conditional Use Permit to allow a school and church in Medium Density Residential zoning district** on the SE1/4 NW1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2101 City Springs Road.

Wyss advised that he would abstain from voting on this item due to a conflict of interest.

Elkins presented staff's recommendation to continue the application to the June 10, 2010 Planning Commission meeting.

Brewer moved, Brown seconded and unanimously carried to continue the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district to the June 10, 2010 Planning Commission meeting. (6 to 0 to 1 with Braun, Brewer, Brown, Gregg, Kinniburgh, and Marchand voting yes, with none voting no, and with Wyss abstaining)



---BEGINNING OF REGULAR AGENDA ITEMS---

*23. No. 10PD019 - Boulevard Addition

A request by Henriksen, Inc. for Jenny Day to consider an application for a **Planned Residential Development - Initial and Final Development to allow a child care center** on Lots 19 thru 24 of Block 9 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1123 Kansas City Street.

Flaen advised that the required information has been submitted and he presented staff's recommendation for approval with stipulations. Flaen provided a brief review of elements contained in the trip generation forecast completed for the proposed use, the hours of operation, the landscaping plan, parking plan and operational plan. Flaen indicated that the YMCA received approval in 2009 for a standalone child care center and outdoor play area on the adjacent property to the north.

Craig Shaffer, 1108 Kansas City Street, advised that he has owned and lived at his property for 35 years. Shaffer noted that traffic generated when the subject property was operated as a funeral home and the neighboring property was used as a church was sporadic and had a limited impact on the neighborhood. Shaffer expressed concern that a full time daycare at this location will create a significant traffic impact. Shaffer expressed concern that those individuals dropping off and picking up children will not make use of the designated on-site drop off parking. Shaffer expressed concern related to the impact that the noise generated in the playground will have on neighborhood residents that are home during the day. Shaffer stated his opposition to the proposed daycare use due to increased traffic load and noise and playground noise. Shaffer added that the YMCA childcare program use on the adjacent property to the north introduced additional bus and vehicle traffic and noise into the area.

Jared Trask, 709½ 11th Street, expressed opposition to the proposed daycare use. Trask stated that his property is located immediately adjacent to the subject property across the alley noting that they proposed playground will be located approximately twenty feet away from his house. Trask expressed concerns related to noise pollution, privacy issues and increased traffic in the alley.

In response to a request from Brewer, Flaen identified the location of Trask's home.

In response to a question from Brewer, Trask indicated that a five foot privacy fence would not screen a two story house.

Lyle Henricksen advised that he has been working with the property owner for the redevelopment of this building noting that they have looked at multiple uses ranging from an office facility to a daycare. Henricksen advised that the building has been empty for approximately four years noting that the structure is starting to show signs of deterioration. Henricksen added that the former funeral home's



open floor plan is well suited to be developed into a daycare. Henricksen stated that all 75 children will not be in the playground area at the same time. Henricksen discussed the increased traffic flow reviewing how vehicles were counted for the trip generation information. Henricksen stated his opinion that the reuse of the facility as a daycare is a good fit for the neighborhood.

J.C. Gray, 709½ 11th Street, objected to the proposed use due to traffic, noise and privacy issues. Gray expressed concern that the alley would be paved noting that his doorway opens into the alley. Gray expressed concern that the fence surrounding the play yard would include square Plexiglas panels. Gray expressed concern that the demolition process and the play yard activities during the day would create noise pollution and disturb daytime sleep schedules.

Braun requested clarification concerning how off-street drop-off and pickup of children will be enforced.

Jenny Day reviewed the parking requirements for the proposed use noting that five of the 17 parking spaces are specifically reserved for client drop-off and pickup. Day indicated she would consider staggering the drop-off times if it is determined that adequate on-site parking is not available.

In response to a question from Braun, Day stated that she will discuss the issue with her clients to ensure that on-site drop-offs and pickups are continually enforced.

Olson noted that there are daily violations by individuals who allow children to get out of the car in the street at the YMCA.

Day clarified that the YMCA daycare program serves 210 children and includes before and after school programs. Day stated that the proposed use does not include before and after school programs and will serve 75 children. Day identified anticipated peak hours noting that the drop-off and pickups at the proposed daycare facility will occur over a longer period of time than at the YMCA.

Craig Schaffer expressed concern that the drop-off and pickups will occur during existing peak traffic times in this area. Schaffer added that there is currently no enforcement for the No-Parking area on the north side of Kansas City Street. Schaffer expressed concern for the potential safety hazard created by the ingress and egress at this location.

In response to a question from Braun, Elkins stated that any commercial use proposing to take access from an unpaved alley would trigger the requirement to improve the alley to a paved surface.

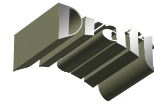
Brewer spoke in support of the proposed use noting that the sidewalks on the subject property are set back from the curb and create less of a pedestrian safety concern. Brewer noted that it is unlikely that the property will be redeveloped for residential use adding that the pavement of the alley is an improvement. Brewer added that the applicant has expressed support for the enforcement of the



proposed on-site pickup and drop-off.

Brewer moved and Wyss seconded to approve the Planned Residential Development - Initial and Final Development Plan to allow a child care center with the following stipulations:

- 1. Prior to Planning Commission approval, a revised site plan be submitted for review and approval showing the location of the proposed mechanical equipment and screening fence;**
- 2. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Commercial Development. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to 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. 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;**
- 3. The Planned Residential Development shall allow the property to be used as a child care center. A maximum of 75 children and eight staff members shall be allowed at the child care center. The hours of operation for the child care center shall be from 5:30am to 7pm, Monday through Friday with the outdoor play area to be utilized only during the hours of 9:00 a.m. to 6:00 p.m. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code;**
- 4. A minimum of 3,200 square feet of indoor play space and 2,998 square feet of outdoor play space shall be provided on the site as per Section 17.50.150.C of the Rapid City Municipal Code;**
- 5. The structure shall conform architecturally to the plans and elevations approved with the Planned Residential Development;**
- 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan. A minimum of 17 parking spaces, including one van accessible handicap space shall be provided. In addition, five parent unloading spaces shall be maintained in the parking area as shown on the submitted plans;**
- 7. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 8. All provisions of the Medium Density Residential District shall be met unless specifically authorized as a stipulation of this Planned Residential Development, or a subsequent Major Amendment;**
- 9. The front yard setback is hereby reduced from 25 feet to 20 feet for the existing building on the site. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be**



- provided;
10. **The rear yard setback is hereby reduced from 25 feet to 9 feet for the existing building on the site and from 25 feet to 4 feet for the HVAC equipment. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided;**
 11. **The rear yard setback is hereby reduced from 5 feet to 2 feet for the existing garage on the site. Any removal of the building in whole or part shall require that a minimum 5 foot rear yard setback be provided;**
 12. **The side yard setback is hereby reduced from 5 feet to 1 foot for the existing garage on the site. Any removal of the building in whole or part shall require that a minimum 5 foot side yard setback be provided;**
 13. **A maximum lot coverage of 35 percent in lieu of 30 percent shall be allowed. Any removal of the structures in whole or part shall require that a maximum of 30 percent lot coverage be maintained;**
 14. **Prior to issuance of a building permit, the owner must enter into a Developmental Lot Agreement. In addition, the agreement must be recorded at the Register of Deed's Office and a copy of the recorded document submitted to the Growth Management Department;**
 15. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
 16. **The HVAC units shall not exceed the 65 db noise level as proposed;**
 17. **All International Fire Codes shall be continually met; and,**
 18. **The Planned Residential Development shall expire if the use is not undertaken 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.**

Henricksen advised that the east/west alley on the south side of the subject property will be paved as part of the project. Henricksen clarified that the north/south alley on the east side of the property will not be paved as part of this project. Hendrickson stated that it appears that neighborhood residents currently make use the parking lot on the subject property.

Wyss expressed support for the proposed use noting that over a long period of time vacant buildings attract negative activities.

In response to a question from Braun, Elkins reviewed the provisions for off-street parking spaces allocated specifically for drop-off and pickup of children as addressed in stipulation six of staff's recommendations.

In response to Braun, Elkins indicated that the City cannot restrict use of a public parking area on a public street noting that the restrictions for drop-off and pickup could be included in the facility's operational plan.

Henricksen stated that of the 17 total parking spaces to be provided on the site, eight parking spaces will be used by full time employees. He noted that extra parking spaces will be available for drop-off and pickup use.



J.C. Gray advised that he parks his vehicles on the property. Gray stated that there is a document from the original owners of the funeral home grandfathering a parking spot for his residence. Gray discussed the lack of parking for the houses along the alley noting that the alley cannot be blocked by parked vehicles.

Discussion followed concerning the document referenced by Gray authorizing parking on the subject property and the general lack of off-street parking for the residences along the alley.

In response to Brown, Elkins stated that staff is not aware of any parking agreement or any variance for Gray's house noting that staff can research the issue.

Brown requested clarification from Day concerning how the on-site pickup and drop-off requirements will be enforced. Day stated that it is against City ordinance to stop in the street to drop-off and pick up children.

In response to a question from Brown, Day stated that each of the parents will be notified of the requirement for on-site drop-off and pickup.

In response to a question from Brown, Day advised that there will be mailings notifying the clients of the requirement for on-site drop-off and pickup.

In response to a question from Brewer, Day confirmed that the play area is separated from the residences on the east side of the subject property by the proposed parking lot.

In response to a question from Brewer, Flaaen reviewed the landscape plan. Discussion followed.

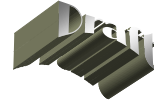
Braun asked if the application should be continued to allow staff to review the shared parking issue identified by Mr. Gray.

Elkins indicated that staff can research the issue. Elkins noted that the minimum number of required parking spaces have been identified in the parking plan.

Jim McCann advised that he lives near the corner of Kansas City Street and West Boulevard. McCann expressed concern regarding safety issues for this day care and the YMCA daycare from heavy traffic at the intersection during rush hour noting that he has observed motorists running the stop signs. He suggested that additional traffic controls may be needed.

Wayne Johnson, adjacent property owner, advised that the homes on the south side of the property are served by private sewer lines. Johnson expressed concern that the cost to improve failed sewer lines in the future will be increased for both the homeowners and the City if the alley is paved at this time.

The motion carried to approve the Planned Residential Development - Initial and Final Development Plan to allow a child care center with the



following stipulations:

- 1. Prior to Planning Commission approval, a revised site plan be submitted for review and approval showing the location of the proposed mechanical equipment and screening fence;**
- 2. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Commercial Development. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to 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. 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;**
- 3. The Planned Residential Development shall allow the property to be used as a child care center. A maximum of 75 children and eight staff members shall be allowed at the child care center. The hours of operation for the child care center shall be from 5:30am to 7pm, Monday through Friday with the outdoor play area to be utilized only during the hours of 9:00 a.m. to 6:00 p.m. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code;**
- 4. A minimum of 3,200 square feet of indoor play space and 2,998 square feet of outdoor play space shall be provided on the site as per Section 17.50.150.C of the Rapid City Municipal Code;**
- 5. The structure shall conform architecturally to the plans and elevations approved with the Planned Residential Development;**
- 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan. A minimum of 17 parking spaces, including one van accessible handicap space shall be provided. In addition, five parent unloading spaces shall be maintained in the parking area as shown on the submitted plans;**
- 7. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 8. All provisions of the Medium Density Residential District shall be met unless specifically authorized as a stipulation of this Planned Residential Development, or a subsequent Major Amendment;**
- 9. The front yard setback is hereby reduced from 25 feet to 20 feet for the existing building on the site. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided;**
- 10. The rear yard setback is hereby reduced from 25 feet to 9 feet for the existing building on the site and from 25 feet to 4 feet for the HVAC equipment. Any removal of the building in whole or part shall require**



- that a minimum 25 foot front yard setback be provided;
11. The rear yard setback is hereby reduced from 5 feet to 2 feet for the existing garage on the site. Any removal of the building in whole or part shall require that a minimum 5 foot rear yard setback be provided;
 12. The side yard setback is hereby reduced from 5 feet to 1 foot for the existing garage on the site. Any removal of the building in whole or part shall require that a minimum 5 foot side yard setback be provided;
 13. A maximum lot coverage of 35 percent in lieu of 30 percent shall be allowed. Any removal of the structures in whole or part shall require that a maximum of 30 percent lot coverage be maintained;
 14. Prior to issuance of a building permit, the owner must enter into a Developmental Lot Agreement. In addition, the agreement must be recorded at the Register of Deed's Office and a copy of the recorded document submitted to the Growth Management Department;
 15. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 16. The HVAC units shall not exceed the 65 db noise level as proposed;
 17. All International Fire Codes shall be continually met; and,
 18. The Planned Residential Development shall expire if the use is not undertaken 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. (6 to 1 with Brewer, Brown, Gregg, Kinniburgh, and Marchand voting yes and with Braun 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.

*24. No. 10PD033 - Marshall Heights Tract

A request by Cetec Engineering Services, Inc. for Bethel Assembly of God Church to consider an application for a **Major Amendment to a Planned Residential Development** on Lot C-2 and half of the vacated Marshall Boulevard and Lot 1 of Lot C-1 and half of the vacated Marshall Boulevard adjoining of Marshall Heights Tract, all in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1202 North Maple Avenue.

Fisher reviewed the requested Major Amendment to a Planned Residential Development noting that the item was continued at the last meeting to allow the applicant to provide additional engineering information. Fisher indicated that revised engineering information was provided to address concerns identified by a neighboring property owner related to drainage from the subject property. Fisher explained that the drainage improvements must be completed prior to issuance of a building permit noting that the neighboring property owner is in agreement with the conditions of approval. Fisher noted that staff recommends approval of the application with stipulations.



Marchand moved, Braun seconded and unanimously carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:

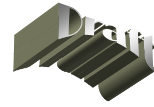
- 1. Prior to Planning Commission approval, construction plans and details, stamped by a Professional Engineer shall be submitted for review and approval for the retaining wall in excess of four feet located around the playground;**
- 2. Prior to issuance of a building permit for the existing retaining walls in excess of 4 feet, sidewalks, mechanical pads and screening, the detention pond outlet modifications shall be constructed in compliance with the original approved plans. In addition, the detention's pond outlet pipe and the inlet pipe for the 12 inch Herman Street outfall shall be uncovered to remove existing debris and to shape the pipe end areas to insure free flow conditions. The exposed 12 inch reinforced concrete pipe located along the north lot line of Lot 9, Block 7, Knollwood Heights #2 shall be removed and relayed. In addition, a minimum of 6 inches of soil cover and grass seed or sod shall be placed over the disturbed area. All work to be done on Lot 9, Block 7 shall be conducted within the existing drainage easement located along the north lot line or additional easement(s) shall be obtained from the property owner(s) as needed;**
- 3. Prior to Planning Commission approval, the parking plan shall be revised to show the access aisles located adjacent to the handicap parking spaces are designed in compliance with the City's Parking Regulations;**
- 4. Upon approval of the Major Amendment to the Planned Commercial Development, a building permit for the existing retaining walls in excess of four feet, sidewalks, mechanical pads and screening shall be obtained;**
- 5. A minimum of 151 parking spaces shall be provided with six of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of eight parent drop off spaces shall be maintained at the entrance to the building as shown on the site plan. In addition, a minimum of three planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of 100 square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 6. A minimum of 151,130 landscaping points shall continue to be provided. The landscape plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be maintained in a live vegetative state and replaced as necessary;**
- 7. The church shall continually conform architecturally to the previously approved elevations, design plans and color palette submitted as part of the Initial and Final Planned Residential Development and the subsequent Major Amendment to the Planned Residential Development;**
- 8. All signage shall conform to the design, color and location as shown**



in the sign package submitted and approved as a part of the Planned Residential 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;

9. 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;
10. The noise levels emitted from the HVAC system shall not exceed 65 Ldn at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Growth Management Director that the noise levels are in compliance with the 65 Ldn standards or shall construct all necessary improvements to comply with the standards;
11. The currently adopted International Fire Code and Building Code shall be continually met. In addition, the child care center and activities shall be restricted to the lower level as proposed until such time as fire sprinkler protection is provided to the sanctuary in the upper level;
12. A minimum of 6,720 square feet of indoor play space and a minimum of 2,700 square feet of outdoor play space shall be provided as per Section 17.50.150.C of the Rapid City Municipal Code. In addition, the fencing around the outdoor play space shall continually comply with Chapter 17.50.150.C of the Rapid City Municipal Code. In particular, the entire outdoor playground area shall be enclosed within a 42 inch high fence and shall be located a minimum distance of 25 feet from any property line which abuts right-of-way or a public street;
13. The Planned Residential Development shall allow the property to be used as a child care center and a church with a gymnasium, classrooms, concession area, youth café, office and storage as accessory uses to the church and child care center. A maximum of 150 children and 30 staff members shall be allowed as a part of the child care center. The hours of operation for the exterior playground area shall be from 6:30 a.m. to 6:00 p.m. Monday through Friday. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code; and,
14. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss 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.

*25. No. 10PD036 - Mediterranean Subdivision

A request by James K. Byrne, DDS to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1 and 2 of Mediterranean Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1805 and 1815 38th Street.

Flaaen presented the request and reviewed the slides noting that the required sign package and revised landscape plan have been submitted and were distributed on the dais. Flaaen advised that the staff recommends approval of the Major Amendment with stipulations.

In response to a question from Olson, Flaaen indicated that a drive thru window was approved with limited hours of operation as a part of the previous business use. Flaaen stated that the applicant has not requested any changes from the previous stipulations of approval for the drive thru.

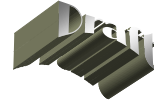
James Byrne stated that no traffic will be using the drive thru noting that the drive thru window will be used as a regular window.

In response to a question from Olson, Elkins indicated that the use of the drive thru window will continue as approved. Elkins clarified that a Major Amendment to the Planned Commercial Development will be required if there is a change in use on the property.

Discussion followed.

Braun moved, Brewer seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

1. **Prior to Planning Commission approval, a sign package shall be submitted for review and approval;**
2. **Prior to Planning Commission approval, a revised landscape plan must be submitted for review and approval. A minimum of 39,445 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
3. **The proposed screening fence shall conform architecturally to the proposed elevations, design plans and color palette submitted as a part of this Major Amendment to the Planned Commercial Development;**
4. **All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Commercial Development. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to 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. 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;

5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. The screening fence along the south and west lot line(s) shall continually conform to the architecturally to the plans and elevations, design plans and color palette submitted with the Final Development Plan. In particular, the fence shall be constructed of wood and be six feet in height, except for the first 25 feet of the fence as it extends from Canyon Lake Drive and/or 38th Street. This portion of the fence shall not be more than four feet in height;
7. The buildings shall conform architecturally to the plans and designs previously approved Final Development Plan;
8. A minimum of 6 parking spaces shall be provided. One of the spaces shall be "van handicap accessible". In addition four stacking lanes shall be provided for the drive-up window. All provisions of the Off-Street Parking Ordinance shall be continually met;
9. 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;
10. The air handling equipment shall be screened with an opaque screening fence as shown on the elevation(s);
11. The screening fence located along the south and west lot line(s) shall conform architecturally to the proposed elevations, design plans and color palette submitted with this Final Planned Commercial Development. In particular, the fence shall be constructed of wood and be six feet in height, except for the first 25 feet of the fence as it extends from Canyon Lake Drive and/or 38th Street. This portion of the fence shall not be more than four feet in height;
12. The International Fire Code shall be continually met;
13. 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;
14. The proposed structure shall be used as a dental office. In addition, all provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment; and,
15. 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. (7 to 0 with Braun, Brewer, Brown, Gregg,



Kinniburgh, Marchand, and Wyss 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.

26. No. 10PL015 - Settlers Creek Townhomes

A request by Bob Brandt for Rushmore Properties, LLC to consider an application for a **Preliminary Plat** for proposed Lot 10A and Lot 10B of Block 2 of Settlers Creek Townhomes, legally described as the unplatted parcel located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Philadelphia Street.

Fisher indicated that the stipulations of approval have not been met noting that staff recommends that the Preliminary Plat be continued to the June 10, 2010 Planning Commission meeting with the applicant's concurrence.

Brewer moved, Brown seconded and unanimously carried to continue the Preliminary Plat to the June 10, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss voting yes and none voting no)

27. No. 10SR014 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct drainage improvements on public property** on Tract 25 less Lots H1 and H2 of Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between East Boulevard and Third Street.

Fisher advised that the stipulations of approval have not been met noting staff's recommendation to continue the SDCL 11-6-19 Review to the June 10, 2010 Planning Commission meeting.

Brown moved, Marchand seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct drainage improvements on public property to the June 10, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss voting yes and none voting no)

28. No. 10SR022 - Original Town of Rapid City

A request by Wyss Associates, Inc. for ATTA to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lots 1 thru 16 and west ½ of the vacated Second Street abutting Lot 1 and the east half of that portion of the vacated Third Street abutting Lot 16 and the north half of the vacated alley, the north half of Lot 17 thru 20 and the half of alley abutting said Lots, the south half of lots 17 thru 20 and the north half of the vacated Denver



Street adjacent to said Lots, Lots 21 thru 22, the south half of the vacated alley and the north half of the vacated Denver Street adjacent to said Lots, Lots 23 thru 24, the south half of the vacated alley and the north half of the vacated Denver Street adjacent to said Lots, Lots 25 thru 32, the west half of vacated Second Street adjacent to said Lot 32, the south of vacated Alley and the north vacated Denver Street adjacent to said Lots 25 thru 32 of Block 8 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 230 Denver Street.

Fisher provided a brief review of the application and advised that the outstanding issues have been addressed. Fisher presented staff's recommendation for approval.

Wyss stated that he will abstain from voting on this item due to a conflict of interest.

Braun commented that the project is an exciting addition.

Kinneburgh moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct structures on public property. (6 to 0 to 1 with Braun, Brewer, Brown, Gregg, Kinniburgh, and Marchand voting yes, with none voting no, and with Wyss abstaining)

*29. No. 10UR010 - Original Town of Rapid City

A request by Orris Enterprises, Inc. to consider an application for a **A Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment** on Lots 17 and 18 and the north 55 feet of Lots 19 thru 21 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 at 518 and 520 Seventh Street.

Flaen reviewed the request and presented staff's recommendation for approval with stipulations.

Eric Orris advised that there was a minor change to the interior floor plan to address access for fire egress.

In response to a question from Marchand, Orris explained that as the law addressing the smoking ban is currently written, cigarette smoking will be eliminated although the establishment meets all clauses to allow the patrons at his business to continue to smoke cigars and pipes.

Brewer moved, Wyss seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment with the following stipulations:

- 1. Prior to issuance of a Building Permit, the applicant shall complete an 11.1 Review for the proposed changes to the interior of the building;**
- 2. Prior to the installation of any signage, the applicant shall obtain approval of any new signage from the Historic Sign Review Committee;**



3. **The hours of operation shall be from 10:00 a.m. to 12:00 a.m.;**
4. **All applicable provisions of the International Fire Code shall be continually met;**
5. **A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
6. **The proposed structures shall conform architecturally to the plans and elevations submitted. Any expansion to the use will require a Major Amendment to the Conditional Use Permit;**
7. **No outside patio or open air windows are allowed. Any expansion of the use will require a Major Amendment to the Conditional Use Permit;**
8. **The on-sale liquor establishment shall be limited to malt beverages and wine. A Major Amendment to the Planned Commercial Development shall be obtained if full liquor sales is proposed; and,**
9. **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. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss 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.

*30. No. 10UR011 - Original Town of Rapid City

A request by Gregg Cook for UGLY, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** the south 50 feet of Lots 25 to 27, both inclusive, in Block 63 of the Original Town of Rapid City and a strip of land immediately north thereof being 17 feet wide across Lots 25 thru 32, both inclusive, in Block 63 of the Original Town of Rapid City, and having 8 and 5/10 feet of such width on each side of the center line of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's tract as the same was laid and operated across said lots, meaning and intending hereby a portion of the southerly 17 foot wide strips of land formerly conveyed by Rapid City, Black Hills and Western Railroad Company to Chicago, Milwaukee, St. Paul and Pacific Railroad Company which deed was recorded in the Office of the Register of Deeds, Pennington County, South Dakota on July 15, 1948, in Book 81 of Deeds at page 430, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 7th Street.

Flaaen provided a brief review of the request and presented staff's recommendation to continue the application to the June 10, 2010 Planning Commission meeting to allow the applicant to submit additional information.

Kinniburgh moved, Brown seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the June 10, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss voting yes and none voting no)



31. No. 10SE005 - Rapid City Greenway Tract

A request by Dixie Holy Eagle for Great Plains Okolakiciye to consider an application for a **Special Exception to the Flood Area Construction Regulations** on Tract 20 less H1 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park north of Omaha Street between North Mt. Rushmore Road and Fifth Street.

Dale Tech presented the request to place 12 temporary teepee structures in Memorial Park. Tech advised that the Flood Plain Development Permit was denied as the teepees cannot be adequately flood-proofed. Tech identified the location of the teepees noting that the applicant is requesting that they be placed on June 19, 2010 and removed on June 23, 2010. Tech indicated that as the City participates in the National Flood Insurance Program, staff recommends denial of the request.

Tech noted that the Planning Commission has recommended approval of similar events in the past with the following stipulations:

1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works director; and,
2. That the structures for the event be removed that evening after the event has ceased.

In response to a question from Braun, Tech indicated that the applicant has not indicated that temporary electrical services will be provided.

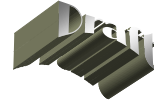
Discussion followed concerning the need for contact information for the event organizers.

Brewer moved and Braun seconded to recommend that the Special Exception to the Flood Area Construction Regulations be approved with the following stipulations:

1. **That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works director;**
2. **That the structures for the event be removed that evening after the event has ceased; and,**
3. **That contact information and telephone numbers for the event staff during the event shall be provided to the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works director.**

Elkins advised that the Special Exception to the Flood Area Construction Regulations will be forwarded to the City Council for consideration and the related Conditional Use Permit will be considered at the next Planning Commission meeting.

Elkins suggested that an additional condition of approval be added to the



recommendation to the City Council stipulating that no overnight camping will be permitted during the event. Elkins indicated that this restriction would be consistent with concerns expressed by the Flood Plain Development Committee.

Brewer amended the motion to recommend that the Special Exception to the Flood Area Construction Regulations be approved with the following stipulations:

- 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works director;**
- 2. That the structures for the event be removed that evening after the event has ceased;**
- 3. That contact information and telephone numbers for the event staff during the event shall be provided to the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works director; and,**
- 4. That no overnight camping shall be permitted.**

Braun accepted the amendment to the motion.

In response to a question by Wyss, Elkins indicated that staff has consistently recommended denial as these requests are not consistent with the Flood Plain Regulations contained in Chapter 15 of the Rapid City Municipal Code.

In response to a question by Brown, Dixie Holy Eagle indicated concurrence with the stipulations as proposed.

The motion unanimously carried to recommend that the Special Exception to the Flood Area Construction Regulations be approved with the following stipulations:

- 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works director;**
- 2. That the structures for the event be removed that evening after the event has ceased;**
- 3. That contact information and telephone numbers for the event staff during the event shall be provided to the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works director; and,**
- 4. That no overnight camping shall be permitted. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss voting yes and none voting no)**

Gregg advised that she has received a request from the audience to speak to Item 24.

Brown moved, Braun seconded and unanimously carried to reconsider Item 24. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss voting yes and none voting no)



*24. No. 10PD033 - Marshall Heights Tract

A request by Cetec Engineering Services, Inc. for Bethel Assembly of God Church to consider an application for a **Major Amendment to a Planned Residential Development** on Lot C-2 and half of the vacated Marshall Boulevard and Lot 1 of Lot C-1 and half of the vacated Marshall Boulevard adjoining of Marshall Heights Tract, all in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1202 North Maple Avenue.

Robert Garcia, 1209 Herman Street, stated that he became aware of this request when he read about it in today's newspaper. Garcia advised that his home is located directly behind the Bethel Church. Garcia expressed concern that the approved uses on the property continue to be expanded without notification to the neighbors. Garcia discussed the addition of a gymnasium, after school care and a child care center. Garcia expressed concern that further expansion of the child care use will add to the existing traffic congestion at Maple Avenue and Anamosa Street. Garcia stated that the Church has not notified surrounding property owners prior to initiating the additional changes to the uses on the property. Garcia objected to the construction of a playground for 150 children that will be located 20 yards from his home. Garcia expressed concern that the Church began the playground construction without proper approvals and proper permits. Garcia objected to the commercial nature of the childcare center on the property noting that it is creating unfair competition with for-profit child care facilities. Garcia asked that the request be denied.

Elkins indicated that this application was approved with stipulations earlier in the meeting noting that the applicants and their representatives left the meeting earlier and are not present at this time.

Braun moved and Brewer seconded to approve the Major Amendment to a Planned Residential Development with the following stipulations:

1. **Prior to Planning Commission approval, construction plans and details, stamped by a Professional Engineer shall be submitted for review and approval for the retaining wall in excess of four feet located around the playground;**
2. **Prior to issuance of a building permit for the existing retaining walls in excess of 4 feet, sidewalks, mechanical pads and screening, the detention pond outlet modifications shall be constructed in compliance with the original approved plans. In addition, the detention's pond outlet pipe and the inlet pipe for the 12 inch Herman Street outfall shall be uncovered to remove existing debris and to shape the pipe end areas to insure free flow conditions. The exposed 12 inch reinforced concrete pipe located along the north lot line of Lot 9, Block 7, Knollwood Heights #2 shall be removed and relayed. In addition, a minimum of 6 inches of soil cover and grass seed or sod shall be placed over the disturbed area. All work to be done on Lot 9, Block 7 shall be conducted within the existing drainage easement located along the north lot line or additional easement(s) shall be obtained from the property owner(s) as needed;**
3. **Prior to Planning Commission approval, the parking plan shall be**



- revised to show the access aisles located adjacent to the handicap parking spaces are designed in compliance with the City's Parking Regulations;
4. Upon approval of the Major Amendment to the Planned Commercial Development, a building permit for the existing retaining walls in excess of four feet, sidewalks, mechanical pads and screening shall be obtained;
 5. A minimum of 151 parking spaces shall be provided with six of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of eight parent drop off spaces shall be maintained at the entrance to the building as shown on the site plan. In addition, a minimum of three planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of 100 square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;
 6. A minimum of 151,130 landscaping points shall continue to be provided. The landscape plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be maintained in a live vegetative state and replaced as necessary;
 7. The church shall continually conform architecturally to the previously approved elevations, design plans and color palette submitted as part of the Initial and Final Planned Residential Development and the subsequent Major Amendment to the Planned Residential Development;
 8. All signage shall conform to the design, color and location as shown in the sign package submitted and approved as a part of the Planned Residential 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;
 9. 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;
 10. The noise levels emitted from the HVAC system shall not exceed 65 Ldn at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Growth Management Director that the noise levels are in compliance with the 65 Ldn standards or shall construct all necessary improvements to comply with the standards;
 11. The currently adopted International Fire Code and Building Code shall be continually met. In addition, the child care center and activities shall be restricted to the lower level as proposed until such time as fire sprinkler protection is provided to the sanctuary in the upper level;



12. **A minimum of 6,720 square feet of indoor play space and a minimum of 2,700 square feet of outdoor play space shall be provided as per Section 17.50.150.C of the Rapid City Municipal Code. In addition, the fencing around the outdoor play space shall continually comply with Chapter 17.50.150.C of the Rapid City Municipal Code. In particular, the entire outdoor playground area shall be enclosed within a 42 inch high fence and shall be located a minimum distance of 25 feet from any property line which abuts right-of-way or a public street;**
13. **The Planned Residential Development shall allow the property to be used as a child care center and a church with a gymnasium, classrooms, concession area, youth café, office and storage as accessory uses to the church and child care center. A maximum of 150 children and 30 staff members shall be allowed as a part of the child care center. The hours of operation for the exterior playground area shall be from 6:30 a.m. to 6:00 p.m. Monday through Friday. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code; and,**
14. **All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment.**

Olson requested that staff identify the location of the proposed outdoor playground.

Fisher identified the location of the outdoor play area noting that the size of the outdoor play area allows 54 children to be outside at any one time. Fisher added that the site plan identifies sufficient indoor play area for the children.

Brewer noted that no other comments were received from the neighborhood during the original consideration of this request earlier in the meeting. Brewer added that this item was continued at the last meeting to allow issues related to drainage from the property to be addressed.

Marchand requested that staff make the church officials aware that they must follow proper procedures prior to expanding the use on the property or initiating construction projects.

Elkins indicated that staff has had that discussion with the property owners and will revisit the issue per the direction of the Planning Commission.

Kinniburgh requested that staff review the operation of the all-way stop at this intersection.

Elkins stated that staff will review the issue with the Public Works staff.

The motion unanimously carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:

1. **Prior to Planning Commission approval, construction plans and details, stamped by a Professional Engineer shall be submitted for**



- review and approval for the retaining wall in excess of four feet located around the playground;
2. Prior to issuance of a building permit for the existing retaining walls in excess of 4 feet, sidewalks, mechanical pads and screening, the detention pond outlet modifications shall be constructed in compliance with the original approved plans. In addition, the detention's pond outlet pipe and the inlet pipe for the 12 inch Herman Street outfall shall be uncovered to remove existing debris and to shape the pipe end areas to insure free flow conditions. The exposed 12 inch reinforced concrete pipe located along the north lot line of Lot 9, Block 7, Knollwood Heights #2 shall be removed and relayed. In addition, a minimum of 6 inches of soil cover and grass seed or sod shall be placed over the disturbed area. All work to be done on Lot 9, Block 7 shall be conducted within the existing drainage easement located along the north lot line or additional easement(s) shall be obtained from the property owner(s) as needed;
 3. Prior to Planning Commission approval, the parking plan shall be revised to show the access aisles located adjacent to the handicap parking spaces are designed in compliance with the City's Parking Regulations;
 4. Upon approval of the Major Amendment to the Planned Commercial Development, a building permit for the existing retaining walls in excess of four feet, sidewalks, mechanical pads and screening shall be obtained;
 5. A minimum of 151 parking spaces shall be provided with six of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of eight parent drop off spaces shall be maintained at the entrance to the building as shown on the site plan. In addition, a minimum of three planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of 100 square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;
 6. A minimum of 151,130 landscaping points shall continue to be provided. The landscape plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be maintained in a live vegetative state and replaced as necessary;
 7. The church shall continually conform architecturally to the previously approved elevations, design plans and color palette submitted as part of the Initial and Final Planned Residential Development and the subsequent Major Amendment to the Planned Residential Development;
 8. All signage shall conform to the design, color and location as shown in the sign package submitted and approved as a part of the Planned Residential 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

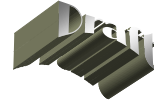


- signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code;
9. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 10. The noise levels emitted from the HVAC system shall not exceed 65 Ldn at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Growth Management Director that the noise levels are in compliance with the 65 Ldn standards or shall construct all necessary improvements to comply with the standards;
 11. The currently adopted International Fire Code and Building Code shall be continually met. In addition, the child care center and activities shall be restricted to the lower level as proposed until such time as fire sprinkler protection is provided to the sanctuary in the upper level;
 12. A minimum of 6,720 square feet of indoor play space and a minimum of 2,700 square feet of outdoor play space shall be provided as per Section 17.50.150.C of the Rapid City Municipal Code. In addition, the fencing around the outdoor play space shall continually comply with Chapter 17.50.150.C of the Rapid City Municipal Code. In particular, the entire outdoor playground area shall be enclosed within a 42 inch high fence and shall be located a minimum distance of 25 feet from any property line which abuts right-of-way or a public street;
 13. The Planned Residential Development shall allow the property to be used as a child care center and a church with a gymnasium, classrooms, concession area, youth café, office and storage as accessory uses to the church and child care center. A maximum of 150 children and 30 staff members shall be allowed as a part of the child care center. The hours of operation for the exterior playground area shall be from 6:30 a.m. to 6:00 p.m. Monday through Friday. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code; and,
 14. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss 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.

Elkins stated that staff will advise Mr. Garcia of the appeal process.

32. Discussion Items
 - A. Planning Commission Member to serve on Development Appeal Review



Board

Elkins reported that Pat Wyss has requested to be replaced on this Board due to time conflicts and requested a volunteer from the Commission.

Brewer volunteered to serve on the Development Appeal Review Board, if he is reappointed to the Planning Commission.

Elkins indicated that she would forward Brewer's name to the Mayor's Office for consideration.

There being no further business, Brown moved, Braun seconded and unanimously carried to adjourn the meeting at 8:28 a.m. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Marchand, and Wyss voting yes and none voting no)