



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 9, 2010

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

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Jim Flaaen, Monica Heller, Ted Johnson, Mike Schad, Dale Tech and Risë Ficken.

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

Elkins advised that as 11 Planning Commissioners are present Popp will vote as first alternate and Rippentrop will not vote unless another member leaves the meeting.

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.

Motion by Wyss, Seconded by Kinniburgh and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 24 in accordance with the staff recommendations. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Scull and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 26, 2010 Planning Commission Meeting Minutes.
2. No. 10SV007 - White Eagle Ranch
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 recommended that 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 be continued to the September 23, 2010 Planning Commission meeting.

3. No. 10PL028 - White Eagle Ranch
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 recommended that the Preliminary Plat be continued to the September 23, 2010 Planning Commission meeting.

4. No. 10SV009 - Tower Place

A request by Renner & Associates, LLC for Andrea K. Sabow to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road, Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tracts A, B and C of Tower Place, legally described as the E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4, more generally described as being located west of Tower Road and north of Skyline Ranch Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road and Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property be continued to the September 23, 2010 Planning Commission meeting.

5. No. 10PL032 - Tower Place

A request by Renner & Associates, LLC for Andrea K. Sabow to consider an application for a **Preliminary Plat** for proposed Tracts A, B and C of Tower Place, legally described as a portion of the E1/2 of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Tower Road and north of Skyline Ranch Road.

Planning Commission recommended that the Preliminary Plat be continued to the September 23, 2010 Planning Commission meeting.



6. No. 10SV014 - Baxter Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Baxter Subdivision, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7601 Pioneer Circle.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 23, 2010 Planning Commission meeting.

7. No. 10PL041 - Baxter Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** for proposed Lots 1 and 2 of Baxter Subdivision, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7601 Pioneer Circle.

Planning Commission recommended that the Layout Plat be continued to the September 23, 2010 Planning Commission meeting.

8. No. 10PL052 - Eisenbraun Subdivision

A request by Britton Engineering and Land Surveying, Inc. for Marty Eisenbraun to consider an application for a **Layout Plat** for proposed Tracts A and B of Eisenbraun Subdivision, legally described as the unplatted portion of the NW1/4 of the NE1/4 and the SW1/4 of the NE1/4 less the east 54.4 feet located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1/2 mile east of Reservoir Road and 1/4 mile south of Southside Drive.

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

1. **Prior to submittal of a Preliminary Plat application, proposed Tract A shall be rezoned by Pennington County to allow a 3.2 acre lot or a Variance shall be obtained from the Pennington County Zoning Board of Adjustment to reduce the minimum required lot size in the General Agriculture District from 40 acres to 3.2 acres;**
2. **Upon submittal of a Preliminary Plat application, construction plans for Mondo Street shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify a**



- temporary turnaround at the end of the street to accommodate emergency vehicles;
3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, dry sewer mains shall be provided pursuant to the adopted Source Water Protection Study recommendation. If the applicant proposes to connect to the Prairiefire wastewater system, then a copy of an agreement signed by the owners of the Prairiefire wastewater system shall be submitted for review and approval indicating that the applicant has authorization to connect to their community sewer system;
 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
 5. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
 6. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
 7. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to eliminate the reference to the Public Works Director from the "Certificate of Finance Officer" since this is a Final Plat and not a Minor Plat application;
 9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. Upon submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with



Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal, or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1, or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;

- 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

9. No. 10PL054 - Heavlin Addition No. 2

A request by Duane Brink to consider an application for a **Layout Plat** for proposed Lots 1R and 2 of Heavlin Addition No. 2, legally described as Lot 1 of Heavlin Addition No. 2 located in the SE1/4 SE1/4 SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 23299 South Airport Road.

Planning Commission recommended that the Layout Plat be continued to the September 23, 2010 Planning Commission meeting.

10. No. 10PL061 - Gateway Business Park Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the September 23, 2010 Planning Commission meeting.

*11. No. 10PD052 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for proposed Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision located in the W1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW¼ of the SE¼, and a portion of Lot E of the S½ of the SE¼ of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at; the southeasterly corner of Lot 3 of Forefather Flats Subdivision, common to a point on the northerly edge of Interstate 90 right-of-way, Thence S89°50'05"E, along the northerly edge of Interstate 90 right-of-way, a distance of 159.27 feet to the point of beginning; Thence, first course: N00°00'00"E, a distance of 127.29 feet; Thence, second course: N90°00'00"W, a distance of 15.00 feet; Thence, third course: N00°00'00"E, a distance of 25.00



feet; Thence, fourth course: N90°00'00"E, a distance of 29.55 feet; Thence, fifth course: N00°00'00"E, a distance of 97.99 feet; Thence, sixth course: N90°00'00"E, a distance of 8.23 feet; Thence, seventh course: N00°00'00"E, a distance of 96.51 feet; Thence, eighth course: S82°50'06"E, a distance of 25.80 feet; Thence, ninth course: N47°17'30"E, a distance of 28.66 feet; Thence, tenth course: northwesterly, curving to the right, on a curve with a radius of 16.00 feet, a delta angle of 44°50'02", a length of 12.52 feet, a chord bearing of N22°25'00"W, and chord distance of 12.20 feet; Thence, eleventh course: N00°00'00"E, a distance of 29.00 feet; Thence, twelfth course: N90°00'00"E, a distance of 259.94 feet; Thence, thirteenth course: N00°00'00"E, a distance of 53.93 feet; Thence, fourteenth course: easterly, curving to the left, on a curve with a radius of 120.00 feet, a delta angle of 09°50'11", a length of 20.60 feet, a chord bearing of S85°04'55"E, and chord distance of 20.58 feet; Thence, fifteenth course: N90°00'00"E, a distance of 46.50 feet; Thence, sixteenth course: S00°00'00"E, a distance of 452.71 feet, to a point on the northerly edge of said Interstate 90 right-of-way; Thence, seventeenth course: S79°07'35"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 20.25 feet; Thence, eighteenth course: N89°50'05"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 371.83 feet, to the point of beginning, more generally described as being located south of the intersection of East Mall Drive and Dakota Craft Drive and north of Interstate 90.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the September 23, 2010 Planning Commission meeting.

12. No. 10PL062 - Flannery Subdivision

A request by D.C. Scott Co. Land Surveyors for Kelly Flannery to consider an application for a **Layout Plat** for proposed Lots 2 and 3 of Flannery Subdivision, legally described as a portion of Lot 1 of the SE1/4 SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located on the south side of Sheridan Lake Road between Dunsmore Road and Croyle Avenue.

Planning Commission recommended that the Layout Plat be continued to the September 23, 2010 Planning Commission meeting.

13. No. 10VR005 - Cleghorn Canyon No. 2 Subdivision

A request by City of Rapid City to consider an application for a **Vacation of Right-of-way** for the 12 foot wide private lane to be vacated from the northeast corner of Lot B of Lot 4 of Block 2 of Cleghorn Canyon No. 2, N88°20'25"W a distance of 120.47 feet, thence N01°48'54"E a distance of 12.33 feet, thence S88°11'06"E a distance of 120.58 feet, thence S02°20'56"W a distance of 12.00 feet to a point of closing and the private lane to be vacated is adjacent to the north 202 feet of Lot 4 and the vacated street lying east and adjacent to said Lot in Block 2 and Lot B of Lot 4 of Block 2 of Cleghorn Canyon No. 2, located in the SW1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Cleghorn Canyon Road and Cleghorn Canyon Lane.



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

14. No. 10VR006 - Menard Subdivision

A request by Sperlich Consulting, Inc. for Century Resources, Inc. to consider an application for a **Vacation of Right-of-Way** for the 16 foot wide alley adjacent to a portion of Lot 3 less Lot H-1 and a portion of the NW1/4 SW1/4, and adjacent to Lot 2 of Block 2 of Menard Subdivision, located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1/2 mile west of Menards on East North Street.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:

1. **Prior to City Council approval, the Exhibit shall be revised to show "US Highway 16 and I-90 Business Loop" as "E. North Street";**
2. **Prior to City Council approval, the Exhibit shall be revised to show the alley located directly south of the area being vacated as existing alley right-of-way in lieu of "alley previously vacated"; and,**
3. **Prior to City Council approval, the Exhibit shall be revised to identify the Section, Township and Range for Lot 3.**

15. No. 10OA004 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment revising the supplementary regulations applicable to Mobile Home Parks by amending Section 17.50.110 of the Rapid City Municipal Code.**

Planning Commission continued the draft ordinance amendments to the September 23, 2010 Planning Commission meeting.

16. No. 10OA005 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to amend Section 17.18.030 to add Group Home as a Conditional Use in the General Commercial Zoning District.**

Planning Commission recommended that the Ordinance Amendment to amend Section 17.50 to add Group Homes as a Conditional Use in the General Commercial Zoning District be approved.

17. No. 10OA006 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating General Provisions for Subdivisions within the City of Rapid City by Amending Chapter 16.04 of the Rapid City Municipal Code.**

Planning Commission continued the Ordinance Amendment to the November 18, 2010 Planning Commission meeting.

18. No. 10OA007 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance**



Amendment Regulating Platting Procedure for Subdivisions within the City of Rapid City by Amending Chapter 16.08 of the Rapid City Municipal Code.

Planning Commission continued the Ordinance Amendment to the November 18, 2010 Planning Commission meeting.

19. No. 10OA008 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating Design Standards for Subdivisions within the City of Rapid City by Amending Chapter 16.12 of the Rapid City Municipal Code.**

Planning Commission continued the Ordinance Amendment to the November 18, 2010 Planning Commission meeting.

20. No. 10OA009 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating Required Improvements for Subdivisions within the City of Rapid City by Amending Chapter 16.16 of the Rapid City Municipal Code.**

Planning Commission continued the Ordinance Amendment to the November 18, 2010 Planning Commission meeting.

21. No. 10OA010 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating the Information required on Plats within the City of Rapid City by Amending Chapter 16.20 of the Rapid City Municipal Code.**

Planning Commission continued the Ordinance Amendment to the November 18, 2010 Planning Commission meeting.

22. No. 10OA011 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating Variances for Subdivision Requirements within the City of Rapid City by Amending Chapter 16.24 of the Rapid City Municipal Code.**

Planning Commission continued the Ordinance Amendment to the November 18, 2010 Planning Commission meeting.

23. No. 10OA012 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating Rural Subdivision Requirements within the City of Rapid City by Amending Chapter 16.28 of the Rapid City Municipal Code.**

Planning Commission continued the Ordinance Amendment to the November 18, 2010 Planning Commission meeting.

24. 10TP025 – Draft 2011 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization.



Planning Commission recommended approval of the draft 2011 Unified Planning Work Program.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

***25. 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** for 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.

Bulman presented the request and reviewed the staff report. Bulman advised that the stipulations have been completed noting that any changes to the approved plan will require a major amendment to the conditional use permit.

Bulman added that plans for the turn lanes as identified in the traffic impact study must be submitted prior to issuance of a building permit. She added that this Conditional Use Permit application does not include any future uses for the site such as a middle school, diocese offices, or expansion of the retreat center.

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

Landguth requested clarification concerning the five driveways proposed for the site.

Donavan Broberg identified the existing driveways noting that one new driveway is intended to align with a future street on the opposite side of the road. Broberg discussed the proposed access points and anticipated circulation through the new parking and drop-off area.

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

Scull moved, Marchand seconded and carried to approve the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district with the following stipulations:

- 1. The uses allowed on the property shall include: a school, including preschool and Kindergarten through 5th Grade and a child care center for after school hours and summer months; a church to be used in conjunction with the school; and, a Spiritual Life Center as an accessory to the church. The Spiritual Life Center shall be used for faith based retreats or religious events. The Center shall be used for retreats up to two weeks in length and include 24 double occupancy lodging rooms. Any change in use or expansion of use shall require**



- the review and approval of a Major Amendment to the Conditional Use Permit. Changes in use or expansion of use, which the Growth Management Director determines is consistent with and accessory to the original approved uses, shall be allowed as a Minimal Amendment to the Conditional Use Permit;
2. A Building Permit shall be obtained prior to any construction for the school and church use and a Certificate of Occupancy shall be obtained prior to occupancy. All plans must be stamped and signed by a Registered Professional Engineer or Architect as per SDCL 36-18A;
 3. The proposed structures shall conform architecturally to the plans and elevations approved as part of this Conditional Use Permit;
 4. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
 5. Upon submission of a Building Permit application for the school and church use, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
 6. A minimum of 359,380 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 7. Prior to Planning Commission approval, the water system analysis report shall be stamped and signed by a Registered Professional Engineer;
 8. A minimum of 179 parking spaces shall be provided. In addition, eight of the parking spaces shall be handicap accessible spaces. Four of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met. As the church will be used in conjunction with the school, the church will share parking spaces with the school. Any expansion of the school or a change in use for the church will require additional parking and a Major Amendment to the Conditional Use Permit;
 9. Upon submission of a Building Permit application for the school and church use, revised plans identifying the replacement of the fire hydrants shall be submitted for review and approval. All currently adopted International Fire Codes shall be met;
 10. Prior to Planning Commission approval, a complete sign package, to include the five (5) ground signs, one (1) electronic sign, and any proposed wall signs, shall be submitted for review and approval, or a Major Amendment to the Conditional Use Permit shall be submitted prior to any signage being placed on the property;
 11. Prior to Planning Commission approval, all required right-of-way permits and recorded easements shall be submitted;
 12. Prior to Planning Commission approval, a Floodplain Development Permit or Letter of Map Revision shall be submitted for review and approval;
 13. Upon submission of a Building Permit application for the school and church use, the revised design plans for the five driveway approaches shall be stamped and signed by a Registered Professional Engineer



or Architect. Any changes in the approved site plan or changes in use that require a Major Amendment to the Conditional Use Permit will require that the exception for the five driveway approaches be re-submitted for review and approval;

14. Upon submission of a Building Permit application for the school and church use, the applicant shall submit plans for the construction of the two turn lanes at St. Martins Drive and Sturgis Road and the improvements shall be completed prior to obtaining a Certificate of Occupancy;
15. Prior to Planning Commission approval, the final Traffic Impact Study shall be signed and stamped by a Professional Registered Engineer;
16. All provisions of the Medium Density Residential District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment; and,
17. 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. (8 to 0 to 2 with Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp and Scull voting yes, with none voting no and with Braun and Wyss abstaining)

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

- *26. No. 10UR023 - St. Elmo No. 2 Subdivision and South Boulevard Subdivision
A request by Michael M. Hickey for Walgreen Co. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** for Lots 1 thru 9 and 10 and one half of the vacated alley less Lot H1 of Block 1 of St. Elmo No. 2 Subdivision, Section 11, T1N, R7E, BHM, and Lots 14 thru 19 and half of the vacated alley of Block 5 of South Boulevard Subdivision, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1902 Mount Rushmore Road.

Flaaen presented the request and staff's recommendation for approval with stipulations. Flaaen indicated that staff received one inquiry concerning the proposed application noting that no objections were received.

Elkins advised that the City Council took an action different from Planning Commission on the Appeal of a similar Conditional Use Permit application for the LaCrosse Street Walgreen's location.

Davis provided a brief review of Council's denial of the LaCrosse Street application noting that there does not appear to be opposition from the local neighborhood for this application.

Elkins clarified that the neighborhood did not object during the Planning Commission meeting for the LaCrosse Street location.



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

1. The sale of wine and malt beverages shall be limited to off-premise consumption only. Any on-premise consumption of wine and malt beverages shall require a Major Amendment to the Conditional Use Permit;
2. The sale of alcohol shall be limited to wine and malt beverages in conjunction with the business operating as a retail store. The addition of alcohol sales beyond on-sale beer and wine shall require a Major Amendment to the Conditional Use Permit;
3. A minimum of 57 parking spaces shall continually be provided. The parking plan shall continually comply with all requirements of the Off-Street Parking Ordinance;
4. A minimum of 53,800 landscape points shall continually be provided. 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;
5. All applicable provisions of the currently adopted International Fire Code shall be continually met;
6. All provisions of the General Commercial Zoning District shall be continually met; and,
7. The Conditional Use Permit shall expire if the use as approved 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. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Scull 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.

Fisher requested that items 27 and 28 be considered concurrently.

27. No. 10SV010 - North Rapid Addition

A request by Sperlich Consulting, Inc. for Daene Boomsma to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 27R and 29R of Block 25 of North Rapid Addition, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 724 Lemmon Avenue.



28. No. 10PL033 - North Rapid Addition

A request by Sperlich Consulting, Inc. for Daene Boomsma to consider an application for a **Preliminary Plat** for proposed Lots 27R and 29R of Block 25 of North Rapid Addition, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 724 Lemmon Avenue.

Fisher advised that the variance to reduce the lot size requirement was denied by the Zoning Board of Adjustment. Fisher indicated that the applicant has requested that these items be continued to the October 7, 2010 Planning Commission meeting to allow a Zoning Variance to be obtained for a modified plan.

Kinniburgh moved, Scull seconded and unanimously carried to continue the Variance to the Subdivision Regulations and the Preliminary Plat to be continued to the October 7, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Scull and Wyss voting yes and none voting no)

29. No. 10PL050 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1R, 9, 10 and 11 of Block 8 and Lots 3, 4, 5 and 6 of Block 10 of Murphy Ranch Estates Subdivision, legally described as the unplatted portion of Tract F of the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road and on the south side of Long View Road.

Fisher advised that the stipulations of approval have not been met and recommended that this item be continued to September 23, 2010 Planning Commission meeting.

Marchand moved and Popp seconded to recommend that the Preliminary Plat be continued to the September 23, 2010 Planning Commission meeting.

Wyss expressed concern that the application has been continued a number of times and the work has not been completed. He noted that the application could be denied and a new application submitted when the work has been completed.

Elkins suggested that the motion to continue could be modified to advise the applicant that the application will be denied if the work is not completed by the September 23, 2010 Planning Commission meeting.

Marchand and Popp accepted a friendly amendment and unanimously carried to recommend that the Preliminary Plat be continued to the September 23, 2010 Planning Commission meeting and to advise the applicant that if the work has not been completed the application will be recommended for denial at the September 23, 2010 Planning Commission



meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Scull and Wyss voting yes and none voting no)

30. Discussion Items

A. Review of Conditional Use Permits

Elkins provided an overview of the working draft prepared by the Growth Management Staff outlining potential changes to Conditional and Permitted Uses as distributed to the Planning Commission. She asked for clarification from the Planning Commission on how they would like to proceed with reviewing the information.

Discussion followed.

Brewer moved to request that the Chairperson appoint a sub-committee to review changes to the allowable Conditional Uses and bring back a recommendation to the Planning Commission.

A brief discussion followed.

Kinniburgh seconded the motion.

Discussion followed.

Brewer amended his motion, Kinniburgh accepted the amendment and unanimously carried to appoint Andy Scull, Erik Braun, John Brewer, Eric Christianson and Dave Davis and to invite Gary Brown to serve on the Conditional Use Permit Review Sub-Committee. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Scull and Wyss voting yes and none voting no)

In response to a question from Wyss, Elkins clarified that the purpose of the sub-committee is to review existing Conditional Uses and bring forward a recommendation to the Planning Commission for potential changes. Discussion followed.

Brewer advised that he had reviewed the Draft 2011 Unified Planning Work Program on today's agenda. Brewer requested clarification concerning why a member of the Rapid City Planning Commission is not a representative of the Executive Policy Committee for the Metropolitan Planning Organization.

Elkins reviewed the membership of the Executive Policy Committee.

Brewer noted that Landguth serves on the Citizen's Advisory Committee for the Metropolitan Planning Organization. Discussion followed.

Landguth noted recent conflicts affecting his attendance at the Citizen Advisory Committee meetings and invited members of the Planning Commission to serve on that committee. Elkins noted that there is no limit



on the number of members for the Citizen Advisory Committee.
Discussion followed.

31. Staff Items

Elkins reminded the Planning Commission of the Special Planning Commission working session scheduled for 5:30 p.m. on September 14, 2010 to review the Landscape Ordinance. Elkins indicated that the consultant would be making a presentation noting that there are significant proposed changes from the existing ordinance. Wyss requested that there be an Executive Summary containing bullet points of significant changes provided. Discussion followed.

Scull left the meeting at this time.

Popp and Marchand indicated that they would be interested in observing the work of the Conditional Use Permit Review Sub-Committee. Elkins indicated that notices will be sent out to all Planning Commission members when sub-committee meetings are scheduled. Elkins clarified that a quorum of the Planning Commission cannot be present at the sub-committee meetings.

Brewer left the meeting at this time.

32. Planning Commission Items

None.

There being no further business, Popp moved, Kinniburgh seconded and unanimously carried to adjourn the meeting at 8:08 a.m. (9 to 0 with Braun, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, and Wyss voting yes and none voting no)