

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 24, 2010 @ 9:00 a.m.
County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Warren Fisk, Fred Weishaupl, Kevin Kuehn, Russell Andrews and Gale Holbrook.

STAFF PRESENT: Lysann Zeller, Mandi Schmierer, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MAY 10, 2010, MINUTES
Moved by Weishaupl and seconded by Fisk to approve the minutes of the May 10, 2010, Planning Commission meeting. Vote: unanimous (4 to 0).

Commissioner Holbrook appeared at the meeting at 9:05 a.m.

2. APPROVAL OF THE AGENDA
Moved by Weishaupl and seconded by Fisk to approve the May 24, 2010, Planning Commission Agenda, including the Consent Calendar, with the removal of Item #4 and Item #10. Vote: unanimous (5 to 0).

CONSENT CALENDAR

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 08-23:** Michael and Lesta Turchen.
To review an accessory structure, a garage, without a primary structure in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot H, Brechtel No. 1 Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 08-23 with the following six (6) conditions:

1. **That the address, 24002 Addie Camp Trail, be properly posted so it is visible from Addie Camp Trail in accordance with Pennington County's Ordinance #20;**

2. That the garage be used for personal use only and no commercial-type uses;
3. That the property remains free of debris and junk vehicles;
4. That all natural drainage paths are maintained;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and,
6. That this Conditional Use Permit be reviewed on a complaint-basis only.

Vote: unanimous (5 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 09-18:** Leo and Linda Schaeffbauer. To review a single-wide manufactured home as a single-family residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Hidden Springs Ranchettes #2, Section 31, T2N, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 09-18 with the following five (5) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
2. That the manufactured home has a factory installed, peaked non-reflective roof;
3. That the manufactured home have factory installed house-type siding;
4. That an address be posted in accordance with Ordinance Amendment No. 20; and,
5. That this Conditional Use Permit be reviewed upon a complaint basis only.

Vote: unanimous (5 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 09-21:** Rapid Valley Baptist Church; John Little - Agent. To review an illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lots 3 and 4 of Lot 1, Block 3, Johnson School Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 09-21 with the following seven (7) conditions:

- 1. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;**
- 2. That the sign be located as such to not impair any sight distances to and from Twilight Drive or School Drive;**
- 3. That the sign conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;**
- 4. That the sign shall be painted and maintained in muted colors in order to blend into the natural surroundings;**
- 5. That the sign be maintained to have an aesthetically pleasing appearance at all times and not appear dilapidated;**
- 6. That only on-premise advertising be allowed on the existing sign and no off-premise advertising is allowed unless an approved Zoning Variance is obtained from the Pennington County Board of Commissioners waiving the distance to the nearest dwelling unit requirement and this CUP is amended to allow for an off-premise sign; and,**
- 7. That this Conditional Use Permit be reviewed on a complaint basis only.**

Vote: unanimous (5 to 0).

- 7. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 09-03: James and Marla Simpson, d/b/a Whispering Winds Cottages. To review a Planned Unit Development Amendment to allow an RV Park, tent camping sites, shower house, and to reduce setbacks in accordance with Section 213 of the Pennington County Zoning Ordinance.**

Lot B of Lot 1 of Lot C of Lot 8 of Lot E; Lot 2 of Lot C of Lot 8 of Lot E; and the unplatted portion of Lot C of Lot 8 of Lot E, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development Amendment / PU 09-03 with the following sixteen (16) conditions:

- 1. That the uses allowed with this Planned Unit Development be an eight (8) site RV Park, an five (5) site tent camping area, six (6) attached cabins for rental purposes with restroom facilities, a duplex with a residence and rental unit, and one (1) detached rental cabin, and any associated improvements;**
- 2. That eight (8) foot setbacks be allowed along all interior (shared) lot lines of the four (4) subject properties and twenty-five (25) foot setbacks be maintained along all exterior lot lines, which abut properties under different ownership;**
- 3. That each campsite (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;**
- 4. That the interior one way road shall be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner. All other interior roads shall be a minimum of 24 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;**
- 5. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;**
- 6. That natural drainage paths be maintained and/or any alterations to the natural drainage paths be adequately compensated for in accordance with the County Drainage Engineer's comments;**
- 7. That natural drainage be diverted around the absorption area for the new on-site wastewater system so as to prevent run-off into Palmer Creek;**
- 8. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;**
- 9. That any new On-site Wastewater systems be installed in accordance with all Department of Environment and Natural Resources regulations, including a minimum 100 foot setback for the absorption area from the high water line of the Palmer Creek;**

10. That a minimum 10 foot separation be maintained at all times between each RV site;
11. That the internal road network not exceed a maximum of an eight (8) percent grade;
12. That each RV and tent site has a lot number clearly posted;
13. That the RV Park conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environmental and Natural Resources and Health;
15. That all other conditions of approval of the original PUD are still valid and applicable to the subject property with the exception of Condition #3 regarding the allowed uses and Condition #10 pertaining to setbacks; and,
16. That this Planned Unit Development Amendment be reviewed in three (3) years or upon a complaint basis.

Vote: unanimous (5 to 0).

8. **PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 09-06:** Roy and Betty Osborn; Larry Job – Agent. To review a Planned Unit Development Amendment to allow for an accessory structure prior to construction of a primary structure in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 9, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development Amendment / PU 09-06 with the following six (6) conditions:

1. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations;
2. That the garage be used for personal use only and no commercial-type uses;
3. That the property remains free of debris and junk vehicles;
4. That all natural drainage paths are maintained;

5. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and,
6. That this Planned Unit Development Amendment be reviewed on a complaint basis only.

Vote: unanimous (5 to 0).

9. **CONDITIONAL USE PERMIT / CU 10-13:** Bituminous Paving, Inc.; Rapid Creek Ranch/Jerry Bajari – Owner. To allow for a portable hot mix asphalt plant in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL 3-4; SE1/4SW1/4 less ROW, Section 9, T2S, R12E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 10-13 to the June 14, 2010, Planning Commission meeting.

Vote: unanimous (5 to 0).

END OF CONSENT CALENDAR

4. **CONDITIONAL USE PERMIT REVIEW / CU 08-26:** Kevin and Shirley Koch; Owanka Rural Water Association – Agent. To review an above-ground reservoir and pump house in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The E1/2, E1/2E1/2NW1/4, SW1/4 less Right-of-Way, Section 35, T2N, R12E, BHM, Pennington County, South Dakota.

Commissioner Weishaupl asked to have this item removed from the Consent Calendar to discuss if the structure will be an above-ground tank or a water tower.

Zeller responded that she thought the structure would be a water tower.

Discussion followed.

Moved by Weishaupl and seconded by Fisk to approve of the extension of Conditional Use Permit 08-26 with the following six (6) conditions:

1. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
2. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways;
3. That prior to a Building Permit being issued, the applicant must provide a site drainage plan to the Pennington County Drainage Engineer for review and approval;
4. That the facility be secured with a fence as least seven feet in height;
5. That a minimum of two (2) off-street parking spaces be provided. Each parking space shall be maintained in a dust free manner; and,
6. That this Conditional Use Permit be reviewed on September 13, 2010, to verify compliance with the conditions of approval.

All voting aye, the Motion carried 5 to 0.

10. LAYOUT PLAT / PL 10-16: BJK Land, LLC; Ron Bradeen – Agent. To create Lots 1A and 1B, Block 1, Thovson Subdivision, in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, Block 1, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1A and 1B, Block 1, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Commissioner Weishaupl asked to have this item removed from the Consent Calendar to discuss where access for Lot 1A will be taken from.

Schmierer stated from Thovson Road.

Moved by Weishaupl and seconded by Fisk to approve of Layout Plat 10-16 with the following eight (8) conditions:

1. That prior to applying for the Preliminary Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lot 1A to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;

2. That a site plan showing the location of all existing structures and associated utilities on proposed Lots 1A and 1B be submitted with the Preliminary Plat application;
3. That prior to County Board approval of the Final Plat, the applicant improve the Section Line to Ordinance 14 Standards or else obtain a Subdivision Regulations Variance waiving this requirement;
4. That prior to County Board approval of the Preliminary Plat, the applicant provide engineered road construction plans for any road improvements to be made or else a Subdivision Regulations Variance be obtained waiving this requirement;
5. That prior to County Board approval of the Final Plat, Thovson Road be improved to Local/Collector road standards for a Low Density Residential District, including a 66-foot-wide right-of-way with a 24-foot-wide driving surface and four (4) inches of gravel, or else a Subdivision Regulations Variance be obtained waiving this requirement;
6. That prior to County Board approval of the Final Plat, the accessory structure on proposed Lot 1A shall be removed or the applicant obtains a Conditional Use Permit for said structure;
7. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 5 to 0.

11. CONDITIONAL USE PERMIT REVIEW / CU 01-18: Randy and June Guliuzza, Aaron Guliuzza – Agent. To review a Bed and Breakfast as a home occupation in a Low Density Residential District in accordance with Section 207-C-1 of the Pennington County Zoning Ordinance.

Tract 2 of Shelter in the Hills Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from May 10, 2010, Planning Commission meeting.)

Zeller reviewed that this item had been continued from the May 10, 2010, Planning Commission meeting in order for the applicants to contact staff to verify the status of the operation of the Bed and Breakfast. Since that time, staff has been unable to contact the applicants. Zeller further explained that staff did meet with the State's Attorney's Office to address concerns with revocation of the Conditional Use Permit without the applicant's concurrence. Staff had originally recommended approval of the extension of the Conditional Use Permit, but is now recommending continuing the item to the June 14, 2010, Planning Commission meeting in order for staff to contact the applicants by certified mail, prior to recommending approval of the extension or revocation of the Conditional Use Permit.

Moved by Kuehn and seconded by Fisk to continue the review of Conditional Use Permit 01-18 to the June 14, 2010, Planning Commission meeting.

Commissioner Weishaupl questioned if two weeks will allow enough time for staff to contact the applicants and receive a response.

Zeller responded that she believed it would be.

Moved by Kuehn and seconded by Fisk to continue the review of Conditional Use Permit 01-18 to the June 14, 2010, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

12. CONDITIONAL USE PERMIT / CU 10-07: Kim Smith/I-90 Cold Storage. To allow for a 198 foot tall wind generator tower in a Heavy Industrial District in accordance with Sections 212-C and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract B in N1/2SE1/4 and the west 606.12 feet of Lot H-2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the May 10, 2010, Planning Commission meeting.)

Schmierer reviewed that this item had been continued from the May 10, 2010, Planning Commission meeting in order for the applicant to receive written permission from the adjacent property owners regarding setbacks and to submit the letters to the Planning Office. Schmierer added that the applicant has received the necessary letters and staff is recommending approval.

Staff recommended approval of Conditional Use Permit 10-07 with the following ten (10) conditions:

1. That a Building Permit be obtained prior to installation of the wind generator tower and that a professional engineer certify the structural integrity of the tower and/or anchoring system prior to issuance of the Building Permit;

2. That the applicant provides a copy the FAA Form 7460-2, Part II to the Planning Office once the structure is constructed;
3. That a security fence be installed and maintained around the wind generator tower;
4. That the wind generator total tower height not exceed 198 feet;
5. That proper setbacks be maintained, including a minimum of 25 feet from all property lines and a minimum of 58 feet from any Section Lines or else an approved Setback Variance be obtained;
6. That the applicant maintains compliance with any Federal, State or County regulations for the wind generator tower;
7. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office;
8. That prior to Planning Commission approval of this Conditional Use Permit, the applicant obtain written permission from all adjacent property owners in accordance with SDCL 43-13-24;
9. That the applicant obtains any permits needed for oversize/overweight vehicular traffic that will be required for delivery of the tower and a Haul Road Agreement from Pennington County for road damage from traffic; and,
10. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

Commissioner Weishaupl discussed Condition #4 where it states the wind generator total tower height not exceed 198 feet. He feels the tower height of 198 feet is too tall, that it will be located very close to Interstate 90, and it does not fit the area.

Schmierer responded that the height of the tower is actually 150 feet, plus the length of the blades.

Commissioner Andrews asked if the applicant has submitted the FAA Obstruction Evaluation/Airport Airspace Analysis and Determination yet.

Mr. Kim Smith, applicant, appeared and stated the FAA aeronautical study has been completed. He explained the study process is open for two years and if the structure is not built within that timeframe, he will have to apply to extend the study. When the structure is built, he will submit another form to the FAA for approval from them regarding the airspace and the FAA will grant him airspace until if and when the tower is ever removed.

Commissioner Fisk asked Mr. Smith if he would object to the rewording of Condition #4 to clarify the total height of the tower.

Mr. Smith said no, as long as the wording included the blade tips at 198 feet.

Commissioner Weishaupl also discussed approval of a prior Conditional Use Permit the applicant had submitted for a tower height of 122.

Mr. Smith responded that he applied for a new Conditional Use Permit because the wind does not blow as much at 122 feet as it does at 160 feet. He will be able to get the most optimal power from the higher tower height.

Moved by Fisk and seconded by Kuehn to approve of Conditional Use Permit 10-07 with the wording change in Condition #4.

Commissioner Holbrook asked if the tower will be supported by guy wires.

Mr. Smith stated no, it will be a monopole tower.

Commissioner Andrews discussed Rapid City's comments ensuring the fall zone is located within the subject property.

Commissioner Weishaupl commented that Rapid City would like the fall zone to be located within the applicant's property, but it is not.

Schmierer further added that the property is in Pennington County's jurisdiction where there are no fall zone requirements and the applicant will be submitting a detailed site plan when he applies for a Building Permit for the structure.

Moved by Fisk and seconded by Kuehn to approve of Conditional Use Permit 10-07 with the following ten (10) conditions:

- 1. That a Building Permit be obtained prior to installation of the wind generator tower and that a professional engineer certify the structural integrity of the tower and/or anchoring system prior to issuance of the Building Permit;**
- 2. That the applicant provides a copy the FAA Form 7460-2, Part II to the Planning Office once the structure is constructed;**
- 3. That a security fence be installed and maintained around the wind generator tower;**
- 4. That the wind generator tower height, including the blades, not exceed 198 feet;**

5. **That proper setbacks be maintained, including a minimum of 25 feet from all property lines and a minimum of 58 feet from any Section Lines or else an approved Setback Variance be obtained;**
6. **That the applicant maintains compliance with any Federal, State or County regulations for the wind generator tower;**
7. **That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office;**
8. **That prior to Planning Commission approval of this Conditional Use Permit, the applicant obtains written permission from all adjacent property owners in accordance with SDCL 43-13-24;**
9. **That the applicant obtains any permits needed for oversize/overweight vehicular traffic that will be required for delivery of the tower and a Haul Road Agreement from Pennington County for road damage from traffic; and,**
10. **That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.**

All voting aye, the Motion carried 5 to 0.

13. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 08-04: Linda Kramer. To review a Planned Unit Development Amendment to allow for three (3) additional cabins in accordance with Section 213 of the Pennington County Zoning Ordinance.

The N1/2 of the NE1/4 lying east of County Road, Section 18, T1N, R3E, BHM, Pennington County, South Dakota.

(Continued from the April 12, 2010, Planning Commission meeting.)

Schmierer reviewed that this item had been continued from the April 12, 2010, Planning Commission meeting due to the applicant not being able to attend the meeting and to also discuss Condition #13 in reference to widening the approach onto South Rochford Road.

Staff recommended the review of Planned Unit Development Amendment 08-04 be continued to the June 28, 2010, Planning Commission meeting to allow the applicant time to install the access road and widen the approach onto South Rochford Road.

Ms. Linda Kramer, applicant, appeared and discussed that the approach to the property has been widened, and stated that continuing this item to the June 28th meeting should allow her sufficient time to install the access road to the cabins.

Moved by Fisk and seconded by Kuehn to continue the review of Planned Unit Development Amendment 08-04 to the June 28, 2010, Planning Commission meeting to allow the applicant time to install the access road and widen the approach onto South Rochford Road.

Ms. Kramer further discussed that her property is used as an educational spiritual center and would like it known that she feels that she is not a commercial venture. She commented that it is hard to meet Pennington County rules and regulations in order to operate her site.

Moved by Holbrook to call the Question. Vote on Question: all voted aye. Vote on Original Motion. All voted aye. Motion passes 5 to 0.

Moved by Fisk and seconded by Kuehn to continue to the review of Planned Unit Development Amendment 08-04 to the June 28, 2010, Planning Commission meeting to allow the applicant time to install the access road and widen the approach onto South Rochford Road.

All voting aye, the Motion carried 5 to 0.

14. CONDITIONAL USE PERMIT / CU 10-10: Trevor and Laura Bryan. To allow for a Recreational Resort to operate Crystal Caverns in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The N1/2NW1/4SW1/4, Lot A of S1/2NW1/4 SW1/4 and one acre in the NE1/4SW1/4, all located in Section 12, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the April 26, 2010, Planning Commission meeting.)

Schmierer reviewed that this item had been continued from the April 26, 2010, Planning Commission meeting in order to allow the applicant time to address concerns of the Planning Commission.

Schmierer added that staff recently received an e-mail from the President of First Western Federal Bank stating the applicants, the Bryans, are no longer purchasing the property and asked that this Conditional Use Permit be continued so that the bank can proceed with the proposed application. Schmierer suggested this item be denied without prejudice in order for First Western Federal Bank to reapply for a Conditional Use Permit, as the applicant, and send out notices to the affected property owners.

Moved by Holbrook and seconded by Fisk to deny Conditional Use Permit 10-10 without prejudice.

All voting aye, the Motion carried 5 to 0.

15. PLANNED UNIT DEVELOPMENT AMENDMENT / PU 10-01: Tammy Brodie-Gusmano; Leon Brodie – Owner. To amend a Planned Unit Development to allow for additional uses to occur on the property, such as Sunday Brunches, tea parties, a patio area for BBQs, and other special events to be hosted on the property. The applicant is also requesting an on-premise lighted sign and to allow the Rushmore Soccer Club to train once a week with no more than 20 players at a time in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 6 of Tract A, Knights Acres Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the May 10, 2010, Planning Commission meeting.)

Schmierer reviewed that this item had been continued from the May 10, 2010, Planning Commission meeting since the applicant was unable to attend the meeting and requested the item be continued. Schmierer added that she did speak with the applicant on Friday, May 14th to inform her of the scheduled meeting date and she also spoke to her about the Planning Commission's concerns that if any of the conditions are amended, that the item will be continued and she will need to resend certified letters to her surrounding neighbors. Schmierer stated the applicant was agreeable to this.

Staff recommended approval of the amendment to Planned Unit Development 10-01 with the following twenty-seven (27) conditions:

1. That the setbacks from property lines be the same as outlined in Section 206.E of the Pennington County Zoning Ordinance;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
4. That the internal driveway be a minimum of 24-feet-wide with a paved driving surface;
5. That the uses for this Planned Unit Development shall include a Specialty Resort as defined in S.D.C.L. 34-18-1 (any bed and breakfast establishment, lodge, dude ranch, resort, building, or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten rental units for up to an average of twenty guests per night and in which meals are provided to only the guests staying at the specialty resort), receptions, Sunday Brunches, Senior Activity Day, Specialty Events (prom, Mother's Day, Father's Day, Valentines Day, St.

Patrick's Day, Easter egg hunts, Thanksgiving and Christmas dinners), patio area for BBQ dinner events to be hosted only on Friday and Saturday nights from 5:00 p.m.-9:00 p.m. and only between the months of May-Sept, tours of the Mansion for the area schools, and an area for the Rushmore Soccer Club to provide tactical training;

6. That the applicant ensures the residential character of the property is maintained;
7. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
8. That the pond be lined with a geomembrane/bentonite composite liner;
9. That parking be provided to accommodate up to 300 guests;
10. That the parking areas be maintained in a dust free manner;
11. That each sleeping room have a smoke/heat detector;
12. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level and shall be inspected and tagged annually;
13. That each floor where occupants are sleeping shall have two means of escape;
14. That all primary exits that lead to the exterior of the structure shall be unlocked, free from obstruction and clearly marked;
15. That the tents be erected only when needed and not on a permanent basis;
16. That all exterior lighting be directed away from neighboring property owners, which does not result in excessive glare upon surrounding property;
17. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit;
18. That prior to the operation of the Specialty Resort, the applicant provide a copy of the inspection report of the kitchen facility from the South Dakota Department of Health to the Planning Department;
19. That prior to installation of any on-site wastewater system, an approved On-Site Wastewater Construction Permit be obtained through the Pennington County Planning and Zoning office;
20. That only one activity/event occurs on the property at any given time;

21. That reservations be required and the number of people allowed to be seated in the dining area be limited to no more than 30 people at any given time for the Sunday Brunch;
22. That the hours of operation for the Sunday Brunch be from 9:00 a.m. to 2:00 p.m.;
23. That the Rushmore Soccer Club be allowed to provide tactical training once a week on-site for no more than 20 players at a time;
24. That no more than 1-acre be manicured for the Rushmore Soccer Club;
25. That prior to the additional uses occurring on the property, the applicant shall provide an approval letter from DENR confirming that the on-site wastewater treatment system is sized adequately for the additional uses on the property;
26. That only one (1) lighted, on-premise sign be allowed; and,
27. That this Planned Unit Development Amendment be reviewed on November 8, 2010, or on a complaint basis.

Schmierer further added that she did speak with the applicant prior to the start of today's meeting and was informed the applicant is unable to attend the meeting because of a broken foot and added that the applicant does not have a problem with notifying the adjacent property owners again if any of the conditions are amended, specifically Conditions #20 and #21.

Commissioner Weishaupl stated he did not have a problem with more than one event occurring at the same time on the property, but some events like soccer practice and a wedding happening at the same time would be a problem.

Commissioner Kuehn discussed the subject property in relation to the surrounding residential properties.

Schmierer responded that the area is residential in nature and by allowing additional commercial uses it becomes less compatible with the surrounding properties.

Discussion further followed on Conditions #20 and #21 and the original condition of the Planned Unit Development requiring that it maintains its residential character.

Moved by Weishaupl and seconded by Fisk to approve of Planned Unit Development Amendment 10-01 with the removal of Conditions #20 and #21.

Schmierer further addressed that with the Motion made, the original Conditions of Approval will be changing and notification needs to be sent again to the surrounding properties by the applicant, notifying them that the conditions will be changing. Schmierer requested that this item be continued to the June 14, 2010, Planning

Commission meeting in order for the applicant to resend the Notice of Public Hearing letters.

Commissioners Fisk and Weishaupl both rescinded the Motion.

SUBSTITUTE MOTION: Moved by Weishaupl and seconded by Fisk to continue Planned Unit Development Amendment 10-01 to the June 14, 2010, Planning Commission meeting to allow the applicant time to resend the Notice of Public Hearing letters to the surrounding property owners.

All voting aye, the Motion carried 5 to 0.

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commissions' recommendations from the May 10, 2010, Planning Commission meeting, including the denial of Conditional Use Permit 10-08 (Chris and Jolene Hinckley).

17. ITEMS FROM THE PUBLIC

There were no items from the public.

18. ITEMS FROM THE STAFF

A. 2010 SD Planners Conference. Schmierer informed the Planning Commission of the 2010 SD Planners Conference to be held in Pierre on October 27th and 28th.

B. Public Meeting/Open House - Updated FEMA Flood Insurance Rate Maps. Schmierer discussed the public meeting/open house scheduled for Wednesday, June 9th from 5 p.m. to 7 p.m. at the City/School Administration Building to view the new FEMA maps.

C. On-Site Wastewater Ordinance Meeting. Schmierer reminded the Planning Commission that the scheduled meeting is for Tuesday, June 1st at 6 p.m. in the Commissioners' meeting room in the Courthouse.

19. ITEMS FROM THE MEMBERSHIP

A. Signs: Commissioner Weishaupl discussed a sign located off of Elk Vale Road and wanted to know if the property is located within the City Limits of Rapid City.

Schmierer stated yes.

B. Conditional Use Permits: Commissioner Kuehn discussed Conditional Use Permits for Adult Foster Care and noted that there is a need for them.

Commissioner Holbrook asked to have this item placed on the Agenda for the June 14, 2010, Planning Commission meeting for discussion purposes.

20. DISCUSSION ITEMS

There were no discussion items.

21. ADJOURNMENT

Moved by Weishaupl and seconded by Kuehnn to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at **10:26 a.m.**

Russell Andrews, Vice Chairperson