



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 24, 2002

MEMBERS PRESENT: Ida M. Fast Wolf, Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Robert Scull, Jeff Stone, Paul Swedlund, Bob Wall, and Stuart Wevik.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Lisa Seaman, Karen Bulman, Bill Knight, Dave Johnson, Randy Nelson, and Nadine Bauer

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

Wevik reviewed the Non-Hearing Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Non-Hearing Consent Agenda for individual consideration.

Prairie Chicken moved, Wall seconded and carried unanimously to recommend approval of the Non-Hearing Consent Agenda Items 1 through 6 in accordance with the staff recommendations. (9 to 0)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the January 10, 2002 Planning Commission Meeting Minutes.
2. No. 01PL096 – Robbinsdale Addition No. 8
A request by Gary Rasmusson to consider an application for a **Final Plat** on Lots 31R through 35R, and Lots 40 through 42, of Block 11, and Lots 1R through 4R, and Lot 26 of Block 13, Robbinsdale Addition No. 8 (formerly Lots 31 through 35, and Lot 36 Rev. of Block 11, and Lots 1 through 4 of Block 13, of Robbinsdale Addition No. 8) Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Sitka Street and Hemlock Street.

Planning Commission recommended that the Final Plat be continued to the February 7, 2002 Planning Commission meeting.

3. No. 01PL110 - Vista Lake Subdivision
A request by Fisk Land Surveying for Dakota Land Development to consider an application for a **Preliminary and Final Plat** on Lots 1-7, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Jackson Boulevard/Highway 44 West north of the Fish Hatchery.

Planning Commission recommended that the Preliminary and Final Plat be continued to the February 7, 2002 Planning Commission meeting to allow the applicant to submit additional information.

4. No. 01PL123 - Rice Valley View Properties Addition
A request by Rice Valley View Properties to consider an application for a **Preliminary and Final Plat** on Lot 6A of Lot 6 of the Rice Valley View Properties



Addition, located in Section 6, T1N, R8E, BHM in the City of Rapid City, Pennington County, South Dakota legally described as Lot 6 of Rice Valley View Properties, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1033 Omaha Street.

Planning Commission recommended that the Preliminary and Final Plat be continued to the February 7, 2002 Planning Commission meeting to allow staff time to review the revised drainage design plans.

5. No. 02PL002 - Stoney Creek Subdivision Phase II

A request by Dream Design International to consider an application for a **Layout Plat** on Lot 24 of Block 3, Lots 4 and 5 of Block 4, and Lots 1 through 22 of Block 6, Stoney Creek Subdivision Phase II, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as the E1/2 of the SW1/4 less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Catron Boulevard and Sheridan Lake Road.

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

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, a master water plan shall be submitted for review and approval and the plat shall be revised to show utility easement(s) as necessary;
2. Upon Preliminary Plat submittal, 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. In addition, a master wastewater plan shall be submitted for review and approval and the plat shall be revised to show utility easement(s) as necessary.
3. Upon Preliminary Plat submittal, a minimum pad elevation for Lot 5, Block 4 shall be provided to insure sanitary sewer gravity flow;
4. Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In particular, conveyance of off-site drainage shall be addressed. In addition, drainage easements shall be provided as required;
5. Upon Preliminary Plat submittal, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. A complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, street light conduit and sidewalk improvements. In particular, the right-of-way for Nugget Gulch shall be a minimum of 60 feet in width to meet the minimum width requirements for a collector road, or an amendment to the Major Street Plan shall be approved eliminating Nugget Gulch as a collector road;



6. Upon Preliminary Plat submittal, geotechnical information shall be submitted for review and approval;
7. Upon Preliminary Plat submittal, grading plans and an erosion control plan shall be submitted for review and approval;
8. Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Nugget Gulch except for approved approach locations. In addition a non-access easement shall be shown along the first fifty feet of the corner lots located at the Harvard Avenue/Nugget Gulch intersection, the Columbia Court/Harvard Avenue intersection and the Cornell Court/Harvard Avenue intersection;

Fire Department Recommendation:

9. Prior to Final Plat approval by the City Council, a fire mitigation plan shall be submitted for review and approval;
10. Upon Preliminary Plat submittal, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval. In addition, a fire mitigation plan shall be submitted for review and approval;

Register of Deed's Office Recommendation:

11. Prior to Final Plat approval by the City Council, the plat shall be revised eliminating "Phase II" from the title;

Urban Planning Division Recommendations:

12. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
13. Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential with a Planned Development Designation;
14. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
15. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

6. **No. 02RD001 - Stoney Creek Subdivision Phase I**

A request by Dream Design International to consider an application for a **Resolution changing the road named Bendt Drive to University Parkway** on Bendt Drive right of way, Stoney Creek Subdivision Phase I, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Catron Boulevard and Sheridan Lake Road.

Planning Commission recommended that the Resolution changing the road named Bendt Drive to University Parkway be approved with the stipulation



that the applicant shall replace all required street signs.

---END OF NON HEARING ITEMS CONSENT CALENDAR---

---HEARING ITEMS CONSENT CALENDAR---

Wevik reviewed the Hearing Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Hearing Consent Agenda for individual consideration.

Staff requested that Items 9 and 13 be removed from the Hearing Consent Agenda for separate consideration. Swedlund requested that Item 16 be removed from the Hearing Consent Agenda for separate consideration.

Wall moved, Scull seconded and carried unanimously to recommend approval of the Hearing Consent Agenda Items 7 through 16 in accordance with the staff recommendations with the exception of Items 9, 13, and 16. (9 to 0)

7. No. 01PD065 – Cleghorn Canyon Subdivision - Fish Hatchery Subdivision
A request by Fisk Land Surveying for Dakota Land Development to consider an application for an **Initial and Final Development Plan - Planned Residential Development** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Jackson Boulevard/Highway 44 West north of the Fish Hatchery.

Planning Commission recommended that the Initial and Final Development Plan - Planned Residential Development be continued to the February 7, 2002 Planning Commission meeting in order to be heard in conjunction with the associated Preliminary and Final Plat.

8. No. 02SV001 - Cleghorn Canyon Subdivision - Fish Hatchery Subdivision
A request by Fisk Land Surveying for Dakota Land Development to consider an application for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street on Feather Ridge Court and to waive the requirement to install sidewalk, curb and gutter, street light conduit, dry sewer and water on the access easement** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Jackson Boulevard/Highway 44 West north of the Fish Hatchery.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow sidewalks on one side of the street be continued to the February 7, 2002 Planning Commission meeting to be heard in conjunction with an associated Preliminary and Final Plat.

10. No. 01SV036 - Red Rock Estates - Phase III



A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide** on Lots 7-9, Block 7 and Lots 4-6, Block 8 and Lot 1, Block 9 and Lot 1, Block 10 and Lots 1-38, Block 11 and Lots 1-13, Block 12 and Lots 1-5, Block 13 and Lots 1-6, Block 14 and Lot P and Outlot G and dedicated streets, Red Rock Estates legally described as a portion of Tract 1 of the Red Ridge Ranch and the unplatted portion of SW1/4 and the unplatted portion of NW1/4 and the unplatted portion of the W1/2 NE1/4 all in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sheridan Lake Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots twice as long as they are wide be approved.

11. No. 02PL001 - Park Meadows Subdivision

A request by CETEC Engineering for Park Hill Development, Inc. to consider an application for a **Final Plat** on Lot 1 of Block 1; Lots 1, 2, 3, 4A, 4B, 5, 6, and 7A, 7B of Block 2; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 3; and Lots 1, 2, 3, and 4 of Block 4 and dedicated right-of-way of Park Meadows Subdivision located in the NE1/4 of SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted portion of NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying between Wilma Street, Oakland Street and Hoefer Avenue.

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

Engineering Division Recommendations:

1. Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement: 1) along the south 50 feet of the west lot line and the south lot line, except for the approved approach location, of Lot 4B, Block 2; 2) the south 50 feet of the west lot line, the south lot line, except for an approved approach location, of Lot 7B, Block 2; 3) the east 50 feet of the south lot line and the south 50 feet of the east lot line of Lot 1, Block 1; and, 4) the west 50 feet of the north lot line and the north 50 feet of the west lot line of Lot 4, Block 4;
2. Prior to City Council approval of the Final Plat, a physical barrier shall be placed at the east end of Sydney Drive until such time as the site grading is complete and the silt pond is eliminated;

Urban Planning Division Recommendations:

3. Prior to City Council approval of the Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow the lot length to be greater than twice the lot width, or the plat shall be revised to comply with the length to width requirement;
4. Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted for review and approval; and,



5. **Prior to City Council approval, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.**

12. No. 02SV002 - Park Meadows Subdivision

A request by CETEC Engineering for Park Hill Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide** on Lot 1 of Block 1; Lots 1, 2, 3, 4A, 4B, 5, 6, and 7A, 7B of Block 2; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 3; and Lots 1, 2, 3, and 4 of Block 4 and dedicated right-of-way of Park Meadows Subdivision located in the NE1/4 of SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted portion of NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying between Wilma Street, Oakland Street and Hoefer Avenue.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide be approved.

14. No. 02RZ002 - Section 22, T2N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on 1548.92 feet of the 100 foot wide Lange Road right-of-way adjacent and parallel to the north side of Interstate 90 along Lot B of W1/2 SW1/4 including Lot Z, and along R & L Subdivision Lots 1 and 2 and 3, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Lange Road north of Interstate 90 and east of Deadwood Avenue North.

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be continued until the February 21, 2002 Planning Commission meeting to allow time to initiate an amendment to the Comprehensive Plan.

15. No. 02RZ003 - S.G. Interstate Plaza (Section 27, T2N, R7E)

A request by Fountain Springs Development to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** on property legally described as beginning at the northeast corner of Tract 13-Revised of S.G. Interstate Plaza, thence first course: N13°28'08"E, a distance of 281.01 feet, thence second course: N76°58'30"W, a distance of 400.01 feet, thence third course: S1°30'07"E, a distance of 349.33 feet, thence fourth course: N45°59'38"E, a distance of 22.36 feet, thence fifth course: S84°18'59"E, a distance of 300.31 feet to the point of beginning. Said parcel containing 2.493 acres, more or less, all located in the W1/2 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of North Plaza Drive and Fountain Plaza Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Light Industrial District be approved.



---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

9. No. 01PL122 Red Rock Estates - Phase III

A request by Dream Design International to consider an application for a **Preliminary and Final Plat** on Lots 7-9, Block 7 and Lots 4-6, Block 8 and Lot 1, Block 9 and Lot 1, Block 10 and Lots 1-38, Block 11 and Lots 1-13, Block 12 and Lots 1-5, Block 13 and Lots 1-6, Block 14 and Lot P and Outlot G and dedicated streets, Red Rock Estates, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the Red Ridge Ranch and the unplatted portion of SW1/4 and the unplatted portion of NW1/4 and the unplatted portion of the W1/2 NE1/4 all in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sheridan Lake Road.

Discussion followed concerning the revision to stipulation #5.

Further discussion followed concerning water pressure, water flow tests, and fire protection capabilities. Johnson discussed the plans for a booster pump station, reservoirs, elevation and water capacity for the area.

Johnson stated that staff feels that there is adequate water capacity to serve the level of development with the infrastructure that is in place now. Knight added that the Fire Department has conducted pumper tests in the area and determined that there is adequate water for fire protection. Knight added that the Fire Department reserves the right to stop construction if there is not adequate water pressure for fire protection.

Wall moved, Mashek seconded and unanimously carried to recommend that the Preliminary and Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to City Council approval of the Preliminary Plat, revised construction plans and design reports for the required subdivision improvements shall be submitted and the red lined initial submittal documents returned. No construction of improvements shall be initiated prior to approval of the construction plans;**
2. **Prior to City Council approval of the Preliminary Plat, a revised sewer plan shall be submitted for review and approval. In particular, the revised plan shall address the sewer basin service area and sewer main sizing. In addition, revisions to the master sewer plan shall be submitted for review and approval showing the sewer system layout and the future extensions to the north, west, east and south of the subject property;**
3. **Prior to City Council approval of the Final Plat, a utility easement shall be recorded at the Register of Deed's Office granting a utility easement for the sewer line. In particular, the utility easement shall**



include that portion of the sewer line to be located on the unplatted balance of the property. In addition, an access easement shall be recorded at the Register of Deed's Office to allow access to the sewer line;

4. Prior to City Council approval of the Preliminary Plat, revisions to the master water plan shall be submitted for review and approval showing the water system layout including the transmission main extending to Sheridan Lake Road and the proposed upper storage reservoir.
5. Prior to City Council approval of the Final Plat, a utility easement shall be recorded at the Register of Deed's Office to allow a reservoir to be located in the southwest corner of the subject property. In addition, a Memorandum of Understanding shall be signed by the applicant identifying when utility easement(s) shall be recorded at the Register of Deed's Office for the future water transmission line from the Red Rock Estates to Sheridan Lake Road, to the proposed upper storage reservoir lot and for the site of the future upper storage.
6. Prior to City Council approval of the Preliminary Plat, calculations, reports and/or other information to document the extent of necessary drainage improvements, including detention facilities, necessary to manage storm runoff from the subdivision shall be submitted for review and approval. In addition, a drainage plan addressing the design of all drainage components shall be submitted for review and approval;

Fire Department Recommendation:

7. A Special Exception shall hereby be granted to allow a 750 foot and a 900 foot long cul-de-sac, respectively, in lieu of the maximum 500 foot long cul-de-sac length required by the Street Design Criteria Manual with the stipulation that prior to City Council approval of the Final Plat, the applicant shall enter into a covenant (with the City) running with the property requiring that all residence(s) located beyond 500 feet to be sprinkled;

Urban Planning Division Recommendations:

- 8 Prior to City Council approval of the Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow the lot length to be greater than twice the lot width, or the plat shall be revised to comply with the length to width requirement;
9. Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted for review and approval; and,
10. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid. (9 to 0)

13. No. 02RZ001 - Section 32, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from**



No Use District to Heavy Industrial District on the east 613 feet of the north 511 feet of the SW1/4 SW1/4, and NW1/4 SE1/4 SW1/4 all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of S.D. Highway 44 East, east of Cambell Street and south of U.S. Highway 16.

Discussion followed concerning an error in Item #4 of the staff report. Elkins advised Item #4 makes reference to a recent amendment to the Comprehensive Plan identifying Heavy Industrial land uses as the appropriate future land use in this area. Elkins explained that this rezoning to Heavy Industrial is consistent with the revised land use plan for this area. Elkins added that staff recommends approval of the Rezoning from No Use District to Heavy Industrial District.

Scully moved, Stone seconded and unanimously carried to recommend that the Rezoning from No Use District to Heavy Industrial District be approved. (9 to 0)

16. No. 02VR001 - Original Town of Rapid City

A request by Thurston Design Group for Rapid City Arts Council to consider an application for a **Vacation of Right of Way** on the alley adjacent to Lots 1-5 and Lots 28-32 of Block 103 of the Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 Seventh Street.

Swedlund advised that he had pulled this item from the Consent Calendar because he had received a call from Linda Anderson and Duane Ice, Dahl Fine Arts Center, regarding the recommendation to deny the Vacation of Right of Way without prejudice. Swedlund stated that both Anderson and Ice expressed concerns regarding utility issues and any delay in the project. Swedlund noted that he is also a member of the Rapid City Arts Council.

Fred Thurston, Thurston Design Group, advised that he is representing the Dahl Fine Arts Center. Thurston reviewed the project and discussed the expansion of the arts in Rapid City.

Lengthy discussion followed concerning the conceptual design phase, the concerns of the utility companies, relocation of the alley and utilities, fund raising activities, the time frame for hiring an architect and engineer to undertake the design and engineering plans and the conceptual the master plan for the site.

Thurston requested that the Planning Commission recommend approval of the Vacation of Right of Way with stipulations to allow the Dahl Fine Arts Center time to raise the funds to hire an architect and engineer to start the design plans necessary to allow the utilities to be relocated.

Elkins advised that the letters from the utility companies indicate major issues with the location of the utilities and added that none of the utility companies have agreed to the vacation until those issues are addressed. Elkins added that no design plans have been submitted for review. Discussion followed concerning options available to the applicant. Elkins stated that if the applicant can submit



design plans to the Planning Department for review by Friday, January 25, 2002, it would be appropriate for the Planning Commission to continue this item to the February 21, 2002 Planning Commission meeting.

In response to a question by Swedlund, Elkins stated that the utilities are entitled to use the right of way and added that these are major active utility lines in the right of way. Elkins explained that the Dahl Fine Arts Center is the applicant and therefore responsible for paying for all of the costs associated with relocating or burying the utility lines. Elkins added that in the past, the Planning Commission has indicated that they wanted to be assured that all health and public safety issues were being adequately addressed before they took action. Elkins advised that this project is feasible but there are a number of design and economic issues that will ultimately decide if this is the appropriate action to take.

In response to a question by Swedlund, Thurston stated that he cannot have design plans submitted by tomorrow. Thurston stated that he was concerned with the perception the public will have regarding the delay and the affect it will have on donations. Thurston added that he had already received calls from serious donors who were concerned with the status of the project.

Wevik stated that he understands the position that the Dahl Fine Arts Center is in concerning fundraising and funding the relocation of the utilities. Wevik stated that he supports the Dahl Fine Arts Center's expansion project but feels that there needs to be design plans for relocating the utilities and recommends that that this item be continued until detailed plans can be submitted. Swedlund concurred and added that the utility issues are not insurmountable.

Wall advised that Thurston will have a copy of the Planning Commission minutes showing that there is support for the expansion project and that the Planning Commission did not deny the vacation because they did not agree with the project but denied the request without prejudice because the design plans need to be submitted prior to approval.

Fisher advised that she did receive a call from Al Scovel, representing Faith Temple of God Church, who has expressed concerns about relocating the utilities. Thurston stated that he has scheduled a meeting with Scovel and Bishop Kelly of the Faith Temple of God Church. Thurston assured the Planning Commission that the Dahl Fine Arts Center will resolve all of the utility issues and will be good neighbors.

Discussion followed concerning continuing the item or denying the item without prejudice. Thurston stated that he supports denying the application without prejudice, which will allow the Dahl Fine Arts Center time to complete the design plans.

Wall moved, Hoffman seconded and unanimously carried to deny the Vacation of Right of Way be denied without prejudice. (9 to 0)

Elkins requested that Items 17-20 be considered concurrently.



17. No. 01PD052 - Section 23, T1N, R7E
A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the S1/2 NW1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.
18. No. 01PL103 - Enchanted Pines Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary and Final Plat** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.
19. No. 01RZ057 - Section 23, T1N, R7E
A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on the S1/2 NW1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.
20. No. 01SV026 - Section 23, T1N, R7E
A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement for water, sewer, paving, curb, gutter, sidewalks, and street light conduit and to allow lots more than twice as long as they are wide** on the S1/2 NW1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchanted Pines Drive.

Elkins advised that the applicant requested that Items 17-20 be continued to the February 7, 2002 Planning Commission meeting.

Wall moved, Mashek seconded and unanimously carried to recommend that the Planned Residential Development - Initial and Final Development Plan, Preliminary and Final Plat, Rezoning from General Agriculture District to Low Density Residential District Variances to the Subdivision Regulations be continued to the February 7, 2002 Planning Commission meeting. (9 to 0)

21. No. 02UR001 - Marshall Heights Tract
A request by Paul Bradsky and Fisk Land Surveying for Manna Inc. to consider an application for a **Use On Review to allow an on-sale liquor establishment in conjunction with a full service restaurant** on Lot 1 of Lot K2-C of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of North Maple Avenue and Interstate 90.

Seaman presented the request, reviewed the slides and identified adjacent land



uses. She explained that the applicant is requesting a full service family style restaurant that will serve wine and beer. She added that the applicant has indicated that he will not be obtaining a video lottery license. Seaman explained that she had received four calls regarding this application; one caller was opposed to the application and the other three callers were not opposed.

Paul Bradsky, representing Manna Inc., stated that the Christopher family is the applicant and added that they also own the Fish Here Pet Center in the Rushmore Mall.

In response to a question from Prairie Chicken, Bradsky advised that this was an application for a new beer and wine license.

Scully moved, seconded by Stone to recommend that the Use On Review to allow an on-sale liquor establishment in conjunction with a full service restaurant be approved with the following stipulations:

Fire Department Recommendations:

1. Prior to issuance of a Building Permit, a revised site plan showing the location of existing fire hydrants within 500 feet of the subject property shall be submitted for review and approval;
2. Prior to issuance of a Building Permit; an interior floor plan showing the fire loading shall be submitted for review and approval;

Building Inspection Department Recommendations:

3. That prior to any construction, a Building Permit shall be obtained, and prior to occupancy a Certificate of Occupancy shall be obtained;
4. Upon submittal of a building permit, Architect/Engineer stamped plans shall be submitted.
5. That prior to issuance of a Certificate of Occupancy, the building shall comply with all requirements of the Uniform Building Code;

Urban Planning Division Recommendations:

6. The primary use of the structure shall be a restaurant with the on-sale liquor use being allowed only as an accessory use to the restaurant, and that no video lottery shall be allowed;
7. The Use on Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years;
8. That the expansion of the restaurant to provide outdoor service shall require a Major Amendment to the Use on Review; and,
9. That all requirements of the Off-Street Parking and Landscaping Ordinance shall be continually met.

In response to a question from Wall, Kim Christopher, one of the owners, stated that the restaurant is owned by himself, his wife, three daughters, and son. Christopher added that the restaurant is not a franchise and will have a general family restaurant menu.



A brief discussion followed concerning the location of the restaurant south of the Interstate, proximity to the residential area and the convenience store directly across the street from the proposed restaurant which has an off-sale liquor license.

The vote on the motion carried unanimously to recommend approval of the Use On Review to allow an on-sale liquor establishment in conjunction with a full service restaurant be approved with the following stipulations:

Fire Department Recommendations:

1. Prior to issuance of a Building Permit, a revised site plan showing the location of existing fire hydrants within 500 feet of the subject property shall be submitted for review and approval;
2. Prior to issuance of a Building Permit; an interior floor plan showing the fire loading shall be submitted for review and approval;

Building Inspection Department Recommendations:

3. That prior to any construction, a Building Permit shall be obtained, and prior to occupancy a Certificate of Occupancy shall be obtained;
4. Upon submittal of a building permit, Architect/Engineer stamped plans shall be submitted.
5. That prior to issuance of a Certificate of Occupancy, the building shall comply with all requirements of the Uniform Building Code;

Urban Planning Division Recommendations:

6. The primary use of the structure shall be a restaurant with the on-sale liquor use being allowed only as an accessory use to the restaurant, and that no video lottery shall be allowed;
7. The Use on Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years;
8. That the expansion of the restaurant to provide outdoor service shall require a Major Amendment to the Use on Review; and,
9. That all requirements of the Off-Street Parking and Landscaping Ordinance shall be continually met. (9 to 0)

22. **Discussion Items**

- A. Rezoning of U.S. Interstate 90

Bulman reviewed the staff memo regarding the rezoning of Interstate 90. A brief discussion followed concerning adjacent zoning and rezoning the property to General Agricultural Zoning District as a holding zone.

Scull moved, Stone seconded and unanimously carried to direct staff to proceed with the Rezoning of U.S. Interstate 90 to General Agriculture Zoning District. (9 to 0)



23. Staff Items

- A. Correction to the Minutes of the December 12, 2001 Special Planning Commission Meeting

Elkins advised that Mashek had questioned the vote in the minutes of the December 12, 2001 Special Planning Commission Meeting. Elkins stated that Karen Jones listened to the tape and that minutes should read that the vote was: Hoffman, Wall and Prairie Chicken voting no and Mashek, Stone, Kooiker, Swedlund and Fast Wolf voting yes. Elkins requested a motion authorizing staff to correct the minutes of December 12, 2001 to reflect the correct vote.

Mashek moved, seconded by Prairie Chicken and unanimously carried to authorize staff to correct the minutes of the December 12, 2001 Special Council meeting to reflect the correct vote.

- B. Update on Planning Department Staffing

Elkins stated that Vicki Fisher has been promoted to Planner III and Lisa Seaman was recently promoted to Planner II. Seaman will be working on Future Land Use. Elkins advised that there are two vacant positions that have been advertised and will close on February 1, 2002. Elkins added that Trish Anderson, a previous Planning staff member, has been hired and will be working 20 hours per week. Anderson will begin working on Friday, January 25, 2002 and will be assisting with Historic Preservation and Beautification.

24. Planning Commission Items

- A. Planning Commissioners' website email addresses - Sam Kooiker

Wall moved, and Hoffman seconded and unanimously carried to continue the discussion on the Planning Commissioners' website email addresses to the February 7, 2002 Planning Commission meeting. (9 to 0)

- B. Update on the Sign Review Task Force

Mashek advised that the Sign Review Task Force had their first meeting Wednesday, January 23, 2002. Mashek advised that the Task Force members are Mel Dryer, Tom Murphy, Eric Farr, Pam Lange, Jason Green, Jeff Hoffman, Mike Derby and herself. Mashek stated that they discussed concerns and issues regarding size, height, spacing and the variance process, permitting fees to support additional code enforcement and enforcement of the current code. The Task Force will also be reviewing ordinances from Colorado Springs, Bozeman and from Scenic America.

A brief discussion followed concerning meeting notifications. Elkins advised that staff will check into the notification of Task Force members and make sure that all members are notified of the next meeting.



Discussion followed concerning the Task Force reviewing off premise signs, the sign code and continuing the moratorium.

C. Joint Training Session

In response to a question from Wevik, Elkins advised that the joint training session for the City and County Planning Commission is scheduled for January 31, 2002 from 11:30 a.m. to 1:00 p.m.

There being no further business Swedlund moved, Prairie Chicken seconded and unanimously carried to adjourn the meeting at 8:00 a.m. (9 to 0)