



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 4, 2002

MEMBERS PRESENT: Ida Marie Fast Wolf, Jeff Hoffmann, Dawn Mashek, Bob Scull, Jeff Stone, Bob Wall, Stuart Wevik and Ron Kroeger, City Council representative

PLANNING COMMISSION PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Dave Johnson, Randy Nelson, Dave LaFrance, Jason Green, Bill Knight, and Nadine Bauer

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

---NON HEARING ITEMS CONSENT CALENDAR---

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.

Staff requested that Items 1 and 9 be removed from the Non-Hearing Consent Agenda for separate consideration.

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

2. No. 02AN004 - Section 3, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on Government Lot 1 (aka NE1/4 NE1/4); Government Lot 2 (aka NW1/4 NE1/4); the S1/2 of Government Lots 3 and 4 (aka S1/2 N1/2 NW1/4); SW1/4 NE1/4, SW1/4 NW1/4, all located in Section 3, T1N, R8E, BHM, Pennington County, South Dakota, and the SE1/4 NW1/4 less Lot 1 Block 13 of Big Sky Subdivision and less Lot 1 Block 14 of Big Sky Subdivision and less the adjacent platted Degeest Street R.O.W., all located in Section 3, T1N, R8E, BHM, Pennington County, South Dakota, and the SW1/4 SE1/4, Section 34, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Planning Commission recommended that the Petition for Annexation be approved contingent on payment of the necessary reimbursement to the Rapid Valley Fire District.

3. No. 02DU001 - 11-6-19 SDCL Review

A request by Basin Electric Power Cooperative to consider an application for a **11-6-19 SDCL Review** to review for compliance with the adopted Comprehensive Plan in accordance with 11-6-19 SDCL to allow the construction of a utility substation located in the SW1/4 of Section 28, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.



Planning Commission recommended that the 11-6-19 SDCL Review be continued to the April 25, 2002 Planning Commission meeting to allow the applicant to submit additional information.

4. No. 01PL096 - Robbinsdale Addition No. 8

A request by Gary Rasmusson to consider an application for a **Final Plat** on legally described as 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 May 23, 2002 Planning Commission meeting at the applicant's request.

5. 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 May 9, 2002 Planning Commission meeting at the applicant's request.

6. No. 02PL005 - Wise's Addition

A request by Thurston Design Group, LLC for Youth & Family Services, Inc. to consider an application for a **Preliminary and Final Plat** on Lot 2R and Lot 3 of Block 21, Wise's Addition, located in the W1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 3 Rev. and 4 Rev. of Block 6 and Lot 2 of Block 21, Wise's Addition located in the SW1/4 of the NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 120 East Adams Street and 202 East Adams Street.

Planning Commission recommended that the Preliminary and Final Plat be continued to the April 25, 2002 Planning Commission meeting to allow the applicant time to revise the plat to include additional utility easements for the water line improvements.

7. No. 02PL009 - Chapel Lane Village Subdivision

A request by Polenz Land Surveying for Chuck Farrar to consider an application for a **Preliminary and Final Plat** on Lots 16P Revised and Lot 17P revised in Block 2 of Chapel Lane Village Subdivision, Section 8, T1N, R7E,



BHM, Rapid City, Pennington County, South Dakota legally described as Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE/14 of NE/14 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3210 Kirkwood Drive.

Planning Commission recommended that the Preliminary and Final Plat be continued to the April 25, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

8. No. 02PL011 - Minnesota Ridge Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Preliminary Plat** on Lots 23 thru 30 and Lots 41 thru 48, Minnesota Ridge Subdivision, located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Tract C of Robbinsdale Addition No. 10 located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Minnesota Street and 5th Street.

Planning Commission recommended that the Preliminary Plat be continued to the April 25, 2002 Planning Commission meeting to allow the applicant to submit additional information.

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

1. Approval of the March 21, 2002 Planning Commission Meeting Minutes

Elkins recommended that the Approval of the March 21, 2002 Planning Commission Meeting minutes be continued to the April 25, 2002 Planning Commission meeting.

Scull moved, Mashek seconded and carried unanimously to continue the approval of the March 21, 2002 Planning Commission minutes to the April 25, 2002 Planning Commission meeting. (9 to 0)

9. No. 02PL022 - Robbinsdale Addition No. 10

A request by Renner & Sperlich Engineering Co. for Gary Rassmusson to consider an application for a **Preliminary and Final Plat** on Lot 26 of Block 23, and Lot 6 of Block 24, Robbinsdale Addition No. 10, located in the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast and northwest corners of the intersection of Maple Avenue and East Minnesota Street.

Fisher advised that the stipulations of approval have not been met and staff



recommends that the Preliminary and Final Plat be continued to the April 25, 2002 Planning Commission meeting.

Wall moved, Stone seconded and carried unanimously to recommend that the Preliminary and Final Plat be continued to the April 25, 2002 Planning Commission meeting.

---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 14, 17, 18, and 21 be removed from the Hearing Consent Agenda for separate consideration. Kooiker requested that Items 12 and 16 be removed from the Hearing Consent Agenda for separate consideration. Wall requested that Item 20 be removed from the Hearing Consent Agenda for separate consideration.

Hoffman moved, Stone seconded, and carried unanimously to recommend approval of the Hearing Consent Agenda Items 10 through 25 in accordance with the staff recommendations with the exception of Items 12, 14, 16, 17, 18, 20 and 21. (9 to 0)

10. No. 02CA017 - Sections 4 and 5, T1N, R7E
A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 21.28 acre parcel from General Agriculture District to Public District** on legally described as a tract of land located in the E 1/2 of Section 5 and the W 1/2 of Section 4, all in T1N, R7E, Black Hills Meridian, Pennington County, South Dakota, more fully described as: Beginning at the North 1/16 Section corner of Section 4 and 5, T1N, R7E, said point being marked with a 2 inch diameter United States Department of Interior and Bureau of Land Management cadastral survey steel cap marker dated 1998, and also as shown on the plat of dedicated street right of way signed and approved by the Common Council of the City of Rapid City on the 19th day of May, 1969, said point being the True Point of Beginning; THENCE FIRST COURSE: A bearing of S00°01' W, on the Section line, and a distance of 1314.04 feet to the 1/4 Section corner; THENCE SECOND COURSE: A bearing of S00°04' W, on the Section line, and a distance of 657.02 feet to the 1/32 Section corner; THENCE THIRD COURSE: A bearing of S89°51'30" E on the 1/32 Section line to the 1/16 Section line; THENCE FOURTH COURSE: Southerly on the 1/16 Section line to the 1/32 Section corner; THENCE FIFTH COURSE: A bearing of S89°40' W on the 1/32 Section line to a point 50 feet westerly of a centerline curve to the left with a radius of 286.48 feet and an arc length of 251.96 feet; THENCE SIXTH COURSE: Along a line 50 feet left of a center line curve to the left with a radius of 286.48 feet and an arc length of 106.37 feet; THENCE SEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N13°34' 30" W and a distance of 616.51 feet; THENCE EIGHTH COURSE: Along a line



50 feet left of a centerline curve to the left with a radius of 904.67 feet and an arc length 464.61 feet; THENCE NINTH COURSE: Along a line 50 feet left of a tangent line bearing N43°00' W and a distance of 7.96 feet; THENCE TENTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 477.46 feet and an arc length of 337.64 feet; THENCE ELEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N83°31' W and a distance of 125.76 feet; THENCE TWELFTH COURSE: Along a line 50 feet left of a centerline curve to the right with a radius of 238.73 feet and an arc length of 365.20 feet; THENCE THIRTEENTH COURSE: Along a line 50 feet left of a centerline tangent line bearing N04°08' E and a distance of 80.03 feet; THENCE FOURTEENTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 11,459.15 feet and an arc length of 823.33 feet; THENCE FIFTEENTH COURSE: Along a line 50 feet left of a tangent line bearing N00°01' E and a distance of 859.22 feet to the 1/16 Section line of Section 5; THENCE SIXTEENTH COURSE: Easterly on the 1/16 Section line of Section 5 and a distance of 50 feet to the previously described True Point of Beginning, more generally described as being located east of Hillview Drive immediately south of Stevens High School.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a 21.28 acre parcel from Agriculture Land Use designation to Public Land Use designation be approved.

11. No. 02RZ017 - Sections 4 and 5, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Public District** on a tract of land located in the E 1/2 of Section 5 and the W 1/2 of Section 4, all in T1N, R7E, Black Hills Meridian, Pennington County, South Dakota, more fully described as: Beginning at the North 1/16 Section corner of Section 4 and 5, T1N, R7E, said point being marked with a 2 inch diameter United States Department of Interior and Bureau of Land Management cadastral survey steel cap marker dated 1998, and also as shown on the plat of dedicated street right of way signed and approved by the Common Council of the City of Rapid City on the 19th day of May, 1969, said point being the True Point of Beginning; THENCE FIRST COURSE: A bearing of S00°01' W, on the Section line, and a distance of 1314.04 feet to the 1/4 Section corner; THENCE SECOND COURSE: A bearing of S00°04' W, on the Section line, and a distance of 657.02 feet to the 1/32 Section corner; THENCE THIRD COURSE: A bearing of S89°51'30" E on the 1/32 Section line to the 1/16 Section line; THENCE FOURTH COURSE: Southerly on the 1/16 Section line to the 1/32 Section corner; THENCE FIFTH COURSE: A bearing of S89°40' W on the 1/32 Section line to a point 50 feet westerly of a centerline curve to the left with a radius of 286.48 feet and an arc length of 251.96 feet; THENCE SIXTH COURSE: Along a line 50 feet left of a center line curve to the left with a radius of 286.48 feet and an arc length of 106.37 feet; THENCE SEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N13°34' 30" W and a distance of 616.51 feet; THENCE EIGHTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 904.67 feet and an arc length 464.61 feet; THENCE NINTH



COURSE: Along a line 50 feet left of a tangent line bearing N43°00' W and a distance of 7.96 feet; THENCE TENTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 477.46 feet and an arc length of 337.64 feet; THENCE ELEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N 83 31' W and a distance of 125.76 feet; THENCE TWELFTH COURSE: Along a line 50 feet left of a centerline curve to the right with a radius of 238.73 feet and an arc length of 365.20 feet; THENCE THIRTEENTH COURSE: Along a line 50 feet left of a centerline tangent line bearing N04°08' E and a distance of 80.03 feet; THENCE FOURTEENTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 11,459.15 feet and an arc length of 823.33 feet; THENCE FIFTEENTH COURSE: Along a line 50 feet left of a tangent line bearing N00°01' E and a distance of 859.22 feet to the 1/16 Section line of Section 5; THENCE SIXTEENTH COURSE: Easterly on the 1/16 Section line of Section 5 and a distance of 50 feet to the previously described True Point of Beginning, more generally described as being located east of Hillview Drive immediately south of Stevens High School.

Planning Commission recommended that the Rezoning from No Use District to Public District be approved in conjunction with an Amendment to the Comprehensive Plan to change the land use designation from Agriculture Use to Public Use.

13. No. 02OA003 - Expiration of approved Layout Plats and Preliminary Plats
A request by City of Rapid City to consider an application for an **Ordinance Amendment** amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.037 pertaining to expiration of approved Layout Plat and Preliminary Plats.

Planning Commission recommended that the Ordinance Amendment be continued to the April 25, 2002 Planning Commission meeting.

15. No. 02PD003 - Wise's Addition
A request by Thurston Design Group, LLC for Youth and Family Services to consider an application for a **Planned Commercial Development - Final Development Plan** on the east 26' of Lot 2 of Block 21, Lot 3 Revised and Lot 4 Revised of Block 6, Wise's Addition, located in the SW1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 120 East Adams Street and 202 East Adams Street.

Planning Commission recommended that the Planned Commercial Development - Final Development Plan be continued to the April 25, 2002 Planning Commission meeting.

19. No. 02RZ005 - Feigel Subdivision
A request by FMG, Inc. for N.W. Engineering to consider an application for a **Rezoning from Light Industrial District to Medium Density Residential District** on Lot 1 and 2 of Block 3 of Feigel Subdivision; and the remaining



balance of Block 3 of Feigel Subdivision; and the south 40' of previously vacated Madison Street right of way between Riley Avenue and Cambell Street; and the previously vacated 16' east-west right of way through Lots 1 and 2 of Block 3 of Feigel Subdivision and remaining balance of Block 3 of Feigel Subdivision; and the north 40' of previously vacated Watertown Street right of way located between Riley Avenue and the west lot line of Lot 3 of Block 2 of Feigel Subdivision; all located in the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East North Street and east of Riley Avenue.

Planning Commission recommended that the Rezoning from Light Industrial District to Medium Density Residential District be approved.

22. No. 02SV012 - Stoney Creek Subdivision Phase II

A request by Dream Design International, Inc. for Stoney Creek Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk along Catron Boulevard** on the E/12 SW1/4 less Stoney Creek Subdivision Phase I and 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 Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk along the west 350 feet of Catron Boulevard be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along the balance of Catron Boulevard be approved with the following stipulation:

Engineering Division Recommendation:

1. **That a sidewalk be constructed along the north side of Catron Boulevard.**

**23. No. 02UR004 - Owen Mann Tract

A request by Craig Dahlke to consider an application for a **Conditional Use Permit to allow a private garage in excess of the allowable maximum cumulative size of 1,000 square feet** on Lot 3, Block 1 of Owen Mann Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 310 Kinney Avenue.

Planning Commission recommended that the Conditional Use Permit to allow a private garage in excess of the allowable maximum cumulative size of 1,000 square feet be approved with the following stipulations:

Engineering Division Recommendations:

1. **Prior to issuance of a Building Permit, provide site, grading and drainage plans;**
2. **Prior to issuance of a Building Permit, provide retaining wall construction plans prepared by a Professional Engineer;**



3. Obtain a right-of-way work permit prior to any work in the right-of-way;

Building Inspection Department Recommendations:

4. Prior to any construction, the applicant shall obtain a Building Permit;

Urban Planning Division Recommendations:

5. No plumbing shall be allowed in the garage;
6. Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and,
7. That the garage shall be constructed of the same materials and painted the same color as the residence.

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 Planning Department by close of business on the seventh full calendar day following action by the Planning Commission.

****24. No. 02UR005 - Cliffside Subdivision**

A request by City of Rapid City to consider an application for a **Conditional Use Permit to allow structures in the Flood Hazard Zoning District** on Lots 6 thru 11 of Lot X of Cliffside Subdivision; Lots 1-6 of Lot Y of Cliffside Subdivision; Lot Z in the NE1/4 NE1/4 of Section 18, T1N, R7E; and, Tract M-1 in the NW1/4 NW1/4 of Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of SD Highway 44 West and east of Trout Court.

Planning Commission recommended that the Conditional Use Permit to allow structures in the Flood Hazard Zoning District be continued to the May 9, 2002 Planning Commission meeting.

****25. No. 02UR006 - South Boulevard Addition - St. Elmo #2 Subdivision**

A request by Robert Sharp & Associates to consider an application for a **Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment** on Lots 14-16 and 1/2 vacated alley, Block 5, South Boulevard Addition, Section 12, T1N, R7E; Lots 1-5 and 1/2 vacated alley, Block 1, St. Elmo #2; Lots 6-10 less Lot H-1, Block 1, St. Elmo #2; Lots 17-19 and 1/2 vacated alley, Block 5, South Boulevard Addition, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1902 Mount Rushmore Road.

Planning Commission recommended that the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:

Engineering Division Recommendations:



1. Provide a minimum of ten portable chemical toilets;
2. Provide a copy of the maintenance contract for the portable toilets to the City prior to the event;

Fire Department Recommendations:

3. Prior to issuance of a Temporary Use Permit, the applicant shall provide a Tent Inspection Checklist and Tent Inspection Plan Review to the Fire Department for their review and approval;

Building Inspection Division Recommendations:

4. The applicant shall obtain a Temporary Use Permit for each event;
5. The applicant shall comply with all provisions of the Uniform Fire Code Article 32 which will be attached to the Temporary Use Permit;
6. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event;
7. Access shall be provided in accordance with all requirements of the American with Disabilities Act;

Transportation Planning Division Recommendations:

8. Prior to Planning Commission approval, the petitioner shall submit parking lease agreements for review and approval by the City Attorney's office;

Urban Planning Division Recommendations:

9. The outdoor event shall cease no later than 11:00 PM;
10. The Major Amendment to the Use on Review is approved for May 4, 2002 or an alternate day of May 11, 2002 if weather related. Any additional outdoor events during 2002 would require an additional Major Amendment to the Use on Review; and,
11. This Major Amendment to the Use on Review is approved for a one day Cinco De Mayo event for the year 2003 and 2004 with the contingency that no complaints are received during the previous event year. Any substantiated complaints will require that a Major Amendment to the Use on Review be submitted prior to approval of the event for the following year.

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 Planning Department by close of business on the seventh full calendar day following action by the Planning Commission.

---END OF HEARING CONSENT CALENDAR---

12. No. 02OA002 - Administrative Approval of Final Plats
A request by City of Rapid City to consider an application for an **Ordinance Amendment** amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats.



Kooiker stated that he realized that this item was being continued to the April 25, 2002 Planning Commission meeting but wanted to reiterate his concerns about administrative approval of Final Plats. He stated that in his opinion there needs to be a mechanism to allow applicants to appeal if there is disagreement over a stipulation. Kooiker stated that he does not support the Ordinance Amendment in its present form.

Scull moved, Stone seconded and carried unanimously to recommend that the Ordinance Amendment be continued to the April 25, 2002 Planning Commission meeting. (8 to 1 with Kooiker voting no)

14. No. 01PD064 - South Boulevard Addition

A request by Bryan K. Gonzales for Pride Neon, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** to revise the sign package on legally described as Lot 2 Revised of Blocks 14-15, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 640 Flormann Street.

Elkins stated that stipulations of approval have not been met and that the staff recommends that the Major Amendment to a Planned Commercial Development be continued to the April 25, 2002 Planning Commission meeting.

Scull moved, Stone seconded and carried unanimously to recommend that the Major Amendment to a Planned Commercial Development to revise the sign package be continued to the April 25, 2002 Planning Commission meeting. (9 to 0)

**16. No. 02PD010 - Kashmir Subdivision

A request by Derby Advertising, Inc. dba Canyon Lake Chophouse to consider an application for a Major Amendment to a Planned Commercial Development to allow the expansion of outdoor seating on Lots D, E, F, G and K of Kashmir Subdivision located in the NE1/4 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

Kooiker asked if this item was related to Item 28. Carrie Cisle, applicant, stated that Items #16 and #28 are related and that she would like the items considered concurrently.

Kooiker moved, Mashek seconded and carried unanimously to consider Item 16 in conjunction with Item 28. (9 to 0)

**17. No. 02PD011 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Plan to allow a utility substation with reduced setbacks and to allow a vehicle to back into the right-of-way** on a parcel of land located in the unplatted portion of the N1/2



SW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the southeast corner of Lot 1, Block 4 as shown on the plat of Red Rock Estates as recorded in the Pennington County Office of the Register of Deeds in Book 29, Page 202; said point is also lying on the northerly right-of-way line of Prestwick Road as shown on said Plat; thence N26 01'35"W, along the easterly lot line of said Lot 1 Block 4, 52.52 feet to a point on said lot line; thence departing said lot line, N53 54'29"E, 78.79 feet; thence S36 07'25"E, 53.56 feet to a point lying on said northerly right-of-way line of Prestwick Road; thence southwesterly along said northerly right-of-way line the following two (2) courses; thence S50 02'00"W, 11.75 feet to a point of curvature; thence southwesterly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 11 42'48", an arc length of 76.46 feet to the point of beginning, containing 0.104 acres more or less, more generally described as being located located west of Sheridan Lake Road and north of Prestwick Road.

Fisher advised that the stipulations of approval have not been met and staff recommends that the Planned Residential Development - Initial and Final Plan be continued to the April 25, 2002 Planning Commission meeting.

Hoffman moved and Stone seconded to recommend that the Planned Residential Development - Initial and Final Plan to allow a utility substation with reduced setbacks and to allow a vehicle to back into the right-of-way be continued to the April 25, 2002 Planning Commission meeting.

Hani Shafi, Dream Design International Inc., requested that Planning Commission approve the Planned Residential Development - Initial and Final Plan with revised stipulations to avoid a delay in construction.

Elkins advised that if the Planning Commission feels comfortable with approving the Planned Residential Development - Initial and Final Plan without seeing the plan and changes, then staff does not have any objections to approving the application with revised stipulations.

Swedlund asked Elkins how the motion should be phrased. Elkins suggested that the Planning Commission recommend approval per staff's recommendation contingent upon stipulations 1, 2, 5 and 6 being met prior to a building permit being issued.

Swedlund moved, Kooiker seconded and carried unanimously to recommend that the Planned Residential Development - Initial and Final Plan to allow a utility substation with reduced setbacks and to allow a vehicle to back into the right-of-way be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a building permit, the applicant shall sign an



agreement identifying the commitment to transfer ownership and maintenance of the water booster station to the City by a specific date;

2. Prior to issuance of a building permit, a 20 foot wide maintenance easement located along the north of the proposed structure shall be recorded at the Register of Deed's Office;

Fire Department Recommendations:

3. All Uniform Fire Codes shall be continually met;
4. Prior to issuance of a Certificate of Occupancy, the facility's address shall be posted. Said numbers shall be a minimum of seven inches in height and displayed on a contrasting background;

Urban Planning Division Recommendations:

5. Prior to issuance of a building permit; the architectural plans for the proposed structure shall be revised to provide a raised panel metal door, fan plates in the east and west end(s) of the structure and an alternate color band of brick along the front of the structure. All other design features shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development;
6. Prior to issuance of a building permit, the landscaping plan shall be revised to provide blue spruce in lieu of "large pine". In addition, two additional large trees (blue spruce) shall be provided along the east side of the proposed structure, three additional shrubs shall be provided along the front of the proposed structure and four additional shrubs shall be provided along the proposed parking area;
7. A minimum 25 foot front yard setback, a minimum 25 foot side yard setback and a minimum five foot rear yard setback shall be provided. All other provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Planned Residential Development or a subsequent Major Amendment; and,
8. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0)

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 Planning Department by close of business on the seventh full calendar day following action by the Planning Commission.



****18. No. 02PD012 - Fountain View Subdivision**

A request by Lyle Henriksen to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Tract A and Tract B, Fountain View Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Harmony Heights Lane.

Fisher stated that the stipulations of approval have not been met and staff recommends that the Planned Residential Development - Initial and Final Development Plan be continued to the April 25, 2002 Planning Commission meeting.

Kooiker asked what stipulations have not been met. Fisher stated that there are significant construction plan revisions such as site grading, paving, hydraulic design, red line drawings and drainage concerns that need to be addressed before proceeding to the building stage.

Stone moved, Kooiker seconded and carried unanimously to recommend that the Planned Residential Development - Initial and Final Development Plan be continued to the April 25, 2002 Planning Commission meeting. (9 to 0)

20. No. 02UR003 - Feigel Subdivision

A request by FMG, Inc. for N.W. Engineering to consider an application for a **Major Amendment to a Conditional Use Permit to allow the expansion of a mobile home park** on Lot 1 and 2 of Block 3 of Feigel Subdivision; and the remaining balance of Block 3 of Feigel Subdivision; and the south 40' of previously vacated Madison Street right of way between Riley Avenue and Cambell Street; and the previously vacated 16' east-west right of way through Lots 1 and 2 of Block 3 of Feigel Subdivision and remaining balance of Block 3 of Feigel Subdivision; and the north 40' of previously vacated Watertown Street right of way located between Riley Avenue and the west lot line of Lot 3 of Block 2 of Feigel Subdivision; all located in the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East North Street and east of Riley Avenue.

Wall asked if the Engineering Division staff had addressed Atlas Food Group's concerns regarding water runoff at Ponderosa Restaurant, 1118 E. North Street.

Dave Johnson stated that the Engineering Division has not contacted Atlas Food Group regarding their concerns. Johnson explained that the Drainage Engineer has reviewed the application and indicated that there are adequate easements and areas shown on the plans to handle the drainage. Johnson further explained that a detailed drainage design will need to be completed as part of the building permit application. Johnson added that he did not object to contacting Atlas Food Group to discuss their concerns.

Wall stated that he would recommend that the Major Amendment to a



Conditional Use Permit to allow the expansion of a mobile home park be approved per staff recommendations with one additional stipulation that the Engineering Division contact Atlas Food Group to discuss drainage concerns.

Wall moved, Hoffman seconded and carried unanimously to recommend that the Major Amendment to a Conditional Use Permit to allow the expansion of a mobile home park be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Grading Permit or Building Permit, the applicant shall submit revised street, grading, water and sewer plans for review and approval;
2. A Grading Permit or Building Permit shall be obtained prior to the construction of the water supply system, sewer system, drainage improvements and road improvements;
3. Prior to issuance of a Grading Permit or Building Permit, the applicant shall submit a drainage plan for review and approval;

Fire Department Recommendations:

4. Prior to issuance of any Building Permits for mobile homes or the placing of mobile homes on lot sites, fire hydrants shall be installed and operational providing a minimum fire flow of 1000 gpm at 20 psi;
5. Prior to the issuance of Building Permits for mobile homes, addresses shall be posted on each lot in a location that is readily visible from the street;

Building Inspection Department Recommendations:

6. Building permits are required and shall be obtained for this project/development as required by the Rapid City Municipal Code;

Air Quality Division Recommendations:

7. Prior to the issuance of any building permits or grading permits, an Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed;

Urban Planning Division Recommendations:

8. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met; and,
9. All provisions of Sections 17.50.110 and 15.48 of the Rapid City Municipal Code shall be continually met. (9 to 0)

Planning Commission Recommendation:

10. That the Engineering Division contact Atlas Food Group to discuss drainage concerns;
21. No. 02SV011 - Rimrock Ranch Subdivision
A request by Fisk Land Surveying & Consulting Eng. for Thomas Lee to consider an application for a **Variance to the Subdivision Regulations to allow a lot more than twice as long as it is wide** on Lots 2A and 2B of Lot 2



of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota legally described as Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 6905 West Highway 44.

Fischer advised that the applicant has requested that the Variance to the Subdivision Regulations be continued to the April 25, 2002 Planning Commission meeting.

Scull moved, Hoffman seconded and carried unanimously to recommend that the Variance to the Subdivision Regulations to allow a lot more than twice as long as it is wide be continued to the April 25, 2002 Planning Commission meeting. (9 to 0)

---BEGINNING OF REGULAR AGENDA ITEMS---

26. No. 01PL127 - Sunset Heights Subdivision

A request by Doug Sperlich for Jeff Stone to consider an application for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as SW1/4 SE1/4, less Broadmoor Subdivision, less Block 1 of Broadmoor Southwest & less Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

Elkins advised that staff recommends that the Preliminary Plat be continued to the April 25, 2002 Planning Commission meeting to allow the applicant time to submit additional information.

Kooiker moved, Mashek seconded and carried to recommend that the Preliminary Pat be continued to the April 25, 2002 Planning Commission meeting to allow the applicant time to submit additional required information. (8 to 0 with Stone abstaining)

**27. No. 02PD007 - Woodridge Subdivision

A request by All Around Construction, Inc. to consider an application for a **Major Amendment to a Planned Residential Development to reduce the approved parking** on Lot 110 of Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately 600 feet south of West Flormann on Woodridge Drive.

Elkins advised that at the last Planning Commission meeting there were some questions regarding parking, street widths and Fire Department access. Elkins stated that staff has been in contact with the Fire Department and there are no objections to the Major Amendment to a Planned Residential Development to



reduce the approved parking.

Scull moved and Stone seconded to recommend that the Major Amendment to a Planned Residential Development to reduce the approved parking be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, the applicant shall submit plans for review and approval for utility cuts in the adjacent roadway;
2. Prior to issuance of a Building Permit, the applicant shall identify the source of the topographic mapping;
3. Prior to issuance of a Building Permit, the applicant shall submit for review and approval geotechnical information;
4. Prior to issuance of a Building Permit, the applicant shall submit for review and approval grading and drainage plans that have been prepared by a Registered Professional Engineer;

Fire Department Recommendations:

5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed plan of underground water lines for hydrants and the sprinkler system;

Building Inspection Department Recommendations:

6. That the applicant obtain a building permit prior to any construction and a Certificate of Occupancy prior to occupancy; and,

Urban Planning Division Recommendations:

7. That all requirements of the Off-Street Parking Ordinance shall be continually met.

Swedlund asked if any of the area landowners were present today with concerns about covenants. Elkins stated that neither the applicant nor any of the area landowners were present today. Elkins indicated that staff had been told that the area landowners, the Homeowner's Association and the applicant have resolved their differences. Elkins added that staff had been informed that there have been discussions between the applicant and the Homeowner's Association concerning the applicant assisting in paving parking in other areas of the development.

Kooiker asked if there was anything in writing that the applicant and the Homeowner's Association had resolved their differences. Elkins advised that staff is not aware of anything in writing concerning the resolution of their differences.

Hoffman moved, Mashek seconded and carried unanimously to recommend that the Major Amendment to a Planned Residential Development to reduce the approved parking be approved with the following stipulations:



Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, the applicant shall submit plans for review and approval for utility cuts in the adjacent roadway;
2. Prior to issuance of a Building Permit, the applicant shall identify the source of the topographic mapping;
3. Prior to issuance of a Building Permit, the applicant shall submit for review and approval geotechnical information;
4. Prior to issuance of a Building Permit, the applicant shall submit for review and approval grading and drainage plans that have been prepared by a Registered Professional Engineer;

Fire Department Recommendations:

5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed plan of underground water lines for hydrants and the sprinkler system;

Building Inspection Department Recommendations:

6. That the applicant obtain a building permit prior to any construction and a Certificate of Occupancy prior to occupancy; and,

Urban Planning Division Recommendations:

7. That all requirements of the Off-Street Parking Ordinance shall be continually met.

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 Planning Department by close of business on the seventh full calendar day following action by the Planning Commission. (9 to 0)

Elkins indicated that the applicant has requested that Items 16 and 28 be reviewed concurrently.

****16. No. 02PD010 - Kashmir Subdivision**

A request by Derby Advertising, Inc. dba Canyon Lake Chophouse to consider an application for a Major Amendment to a Planned Commercial Development to allow the expansion of outdoor seating on Lots D, E, F, G and K of Kashmir Subdivision located in the NE1/4 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

****28. No. 02UR007 - Rapid City Greenway Tract**

A request by Derby Advertising, Inc. dba Canyon Lake Chophouse to consider an application for a **Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District for 15 event days per year** Tract 1 of Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.



Elkins presented the requests for Item 16 and Item 28 and reviewed the slides including the area zoning, aerial photograph and site photos.

Elkins reviewed the staff report and staff's recommendation for denial of the application for a Conditional Use Permit to allow a temporary structure in a Flood Hazard Zoning District. Elkins explained that staff had concerns about the impacts that the expansion of the restaurant would have on parking and the incompatibility with restaurant activities and alcoholic beverages with park uses. Elkins discussed enforcement issues and the impact this could have on the park.

Swedlund asked why Item 16 was deferred and its relationship to Item 28. Elkins stated that stipulation #2 for Item 16 requires that the applicant provide a traffic impact study of the intersection of Chapel Lane and Jackson Boulevard if there is any further expansion of the use on the property and the applicant is concerned that a traffic impact study will be required for Item 28.

Elkins reviewed the staff report and stipulations for Item 16, Major Amendment to a Planned Residential Development. Elkins stated that the applicant submitted a detailed floor plan and based on that information and additional parking that has been provided by the applicant, staff supports the request to allow the expanded 860 square feet of outdoor patio area.

Swedlund asked if a traffic study would be required if both Items 16 and 28 were approved. Elkins advised that a traffic study would have to be completed for Item #28 if both were approved.

Carrie Cisle, new owner of the Canyon Lake Chophouse, passed out information to the Planning Commission that she prepared to clarify the use of the proposed 30 foot x 30 foot canopy. Cisle reviewed the Canyon Lake Chophouse's position regarding special events, wedding receptions, dance floor, parking, floodplain issues, security, park use, traffic impacts, and alcohol consumption and asked that the Planning Commission approve both Items 16 and 28.

Cisle added that she sent out 59 certified letters and has received two letters that were opposed to the application.

Kooiker asked if this was an expansion of capacity or the movement of existing people from inside the restaurant to outside. Cisle advised that they would be taking existing customers and allowing them to sit outside. Kooiker advised that he was not opposed to the movement of existing people. Kooiker asked if staff had any concerns regarding flood plain issues. Elkins advised that the proposed temporary structure would be located outside of the floodway; however, the applicant would need to obtain a Floodplain Development Permit. Elkins advised that the flood plain issues would be addressed through the permit process.

Kooiker asked where the deck is located in relation to the canopy. Cisle reviewed the slides and advised that a patio starts just outside of the bar door



and down a slight embankment.

Kooiker asked where the property was located for Item 16 and 28. Elkins advised that there are two different properties involved. Elkins advised that the expansion of outdoor seating in Item 16 is located on the Canyon Lake Chophouse's property. She added that the location of the canopy in Item 28 is located on City park property.

Wevik asked if the applicant was expanding the deck. Cisle advised that the deck is existing.

Kooiker asked how long the Conditional Use Permit would be valid. Elkins advised that Conditional Use Permits are continual unless stipulated otherwise. Elkins explained that on occasion a Conditional Use Permit will be approved for one year to determine what kind of impact it will have on the surrounding area. She added that in some cases after one year the Planning Commission has extended the Conditional Use Permit to three years and then after the three years if acceptable extend the Conditional Use Permit indefinitely. Elkins stated that a standard requirement is that the Conditional Use Permit runs with the property and is indefinite.

Hoffman asked how late music would be provided. Cisle explained that they have an agreement with area property owners and the motel that the restaurant will have music only until 10:00 p.m.

Stone asked if a private security firm would be provided to monitor the special events. Cisle stated that she has adequate staff and assistant managers to monitor the special events.

Swedlund stated that he did not see a relationship between Item 16 and Item 28 and the need for a traffic impact study.

Swedlund moved, Wall seconded to recommend that the Major Amendment to a Planned Commercial Development to allow the expansion of outdoor seating be approved with the following stipulations:

Fire Department Recommendations:

1. Prior to Planning Commission approval, the applicant shall provide a revised site plan showing the location of two exits from the deck;

Transportation Planning Division Recommendations:

2. That any further expansion of the use on the property will require the applicant provide a traffic impact study of the intersection of Chapel Lane and Jackson Boulevard;

Urban Planning Division Recommendations:

3. That the use of the property continues as shown on the approved site plan or a Major Amendment to the Planned Commercial Development shall be obtained;



4. **Prior to Planning Commission approval, the applicant shall revise the site plan to show the location of five handicap accessible parking spaces;**
5. **That all the stipulations of approval of the previously approved Planned Commercial Development #1296 and all the conditions of Major Amendment #1609 must be continually met; and,**
6. **Prior to the opening of the outdoor seating area the applicant shall provide a total of five handicap accessible parking stalls.**

Elkins stated that the applicant has expressed concern that stipulation #2 in Item 16 will prejudice the approval of Item 28. Elkins clarified that a traffic impact study would be required if there was any further expansion of the Canyon Lake Chophouse.

Cisle expressed concerns that the 30 foot x 30 foot canopy requested in Item 28 would also require a traffic study. Elkins advised that the canopy is not located on the Canyon Lake Chophouse property and would not fall under stipulation #2 of Item 16.

Kooiker stated that in his opinion stipulation #2 should be removed and considered at the appropriate time that the Canyon Lake Chophouse expands its facility.

Elkins stated that the Planning Commission could remove stipulation #2 as it is not needed for this particular application and merely puts the applicant on notice that if there are any further expansions a traffic impact study would be required.

Kooiker made a substitute motion, Scull seconded to recommend approval of the Major Amendment to a Planned Commercial Development to allow the expansion of outdoor seating with the following stipulations:

Fire Department Recommendations:

1. **Prior to Planning Commission approval, the applicant shall provide a revised site plan showing the location of two exits from the deck;**

Urban Planning Division Recommendations:

2. **That the use of the property continues as shown on the approved site plan or a Major Amendment to the Planned Commercial Development shall be obtained;**
3. **Prior to Planning Commission approval, the applicant shall revise the site plan to show the location of five handicap accessible parking spaces;**
4. **That all the stipulations of approval of the previously approved Planned Commercial Development #1296 and all the conditions of Major Amendment #1609 must be continually met; and,**
5. **Prior to the opening of the outdoor seating area the applicant shall provide a total of five handicap accessible parking stalls.**



Wall asked if there are any plans for a signalized intersection at Chapel Lane and Jackson Boulevard and if the City would participate in a traffic impact study. Elkins stated that this intersection is monitored in terms of the intersection meeting warrants for a signalized intersection. Elkins explained that the City would not participate in a traffic impact study as that is the responsibility of the developer proposing the expansion. She added that she is not aware of any specific plans to date to signalize the intersection.

In response to a question by Wall, Cisle advised that the deck has always been there but the Chophouse was unable to seat people on the lower deck until a review and recalculation of the square footage of the building had been completed. Cisle advised that this review determined how much useable space was available. Cisle stated that they previously had outdoor seating for 60 people and with the approval they will have outside seating for 100 people. Cisle added that the Chophouse has acquired additional parking spaces.

Discussion followed concerning parking and removal of stipulation #2 as recommended by staff for Item 16.

The vote on the motion carried unanimously to recommend approval of the Major Amendment to a Planned Commercial Development to allow the expansion of outdoor seating with the following stipulations:

Fire Department Recommendations:

1. Prior to Planning Commission approval, the applicant shall provide a revised site plan showing the location of two exits from the deck;

Urban Planning Division Recommendations:

2. That the use of the property continues as shown on the approved site plan or a Major Amendment to the Planned Commercial Development shall be obtained;
3. Prior to Planning Commission approval, the applicant shall revise the site plan to show the location of five handicap accessible parking spaces;
4. That all the stipulations of approval of the previously approved Planned Commercial Development #1296 and all the conditions of Major Amendment #1609 must be continually met; and,
5. Prior to the opening of the outdoor seating area the applicant shall provide a total of five handicap accessible parking stalls. (9 to 0)

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 Planning Department by close of business on the seventh full calendar day following action by the Planning Commission.

Discussion followed concerning Conditional Use Permits being approved for varying time frames. Elkins stated that she would not recommend that



Planning Commission routinely do this with other types of Conditional Use Permits particularly where the applicant is making permanent improvements.

Swedlund stated that he would like to approve this application but expressed some concern about injecting private commercial uses into the park. Swedlund added that the property is beautiful and it would be an excellent place to have a wedding reception. Swedlund expressed his support for expanding the opportunities for the public to use the parks in this manner but would like to see an added stipulation concerning the intended uses of the tent.

Elkins suggested that the Planning Commission approve the request with the following stipulations: 1) A Floodplain Development Permit shall be obtained prior to the installation of the canopy; 2) No alcohol beverages shall be allowed in the park; 3) No music shall be allowed after 10:00 p.m.; 4) That the applicant shall provide management or security on site at all times when the canopy is being utilized; 5) That the Conditional Use Permit shall be subject to renewal in one year; and, 6) That the Conditional Use Permit shall be used for private receptions and parties and not open to general restaurant business.

Swedlund asked if the applicant agreed to the revised stipulations. Cisle advised that she was comfortable with the revised stipulations.

Swedlund moved and Hoffman seconded to recommend approval of the Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District for 15 event days per year with the following stipulations:

- 1. A Floodplain Development Permit shall be obtained prior to the installation of the canopy;**
- 2. No alcohol beverages shall be allowed in the park;**
- 3. No music shall be allowed after 10:00 p.m.;**
- 4. That the applicant shall provide management or security on site at all times when the canopy is being utilized;**
- 5. That the Conditional Use Permit shall be subject to renewal in one year; and,**
- 6. That the Conditional Use Permit shall be used for private receptions and parties and not open to general restaurant business.**

Mashek expressed her concerns with increased traffic, parking issues, enforcement, utilizing public property in this manner and the associated negative impacts on public property and surrounding area. Mashek added that she did not plan to support approval of the Conditional Use Permit.

Hoffman asked about security and the public having access to the canopy area. Cisle stated that she would be agreeable to placing a security fence around the canopy to limit access.



Wall asked if there were any complaints received last year during the Country Fair event. Elkins advised that she was not aware of the staff receiving any complaints from resident regarding the Country id not receive any complaints from the area residents regarding Country Fair event.

Discussion followed concerning a continuance and the time involved in submitting an application for a Floodplain Development Permit. Elkins stated that Engineering Division has indicated that a Floodplain Development Permit is similar to a building permit and typically approved within 7-10 days.

Wall recommended that the Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District for 15 event days per year be continued to the April 25, 2002 Planning Commission meeting. The motion died for lack of a second.

Kooiker stated that he concurred with Swedlund's concerns regarding access to the park but supports approval of the Conditional Use Permit.

Wevik expressed his concerns with utilizing park property for a commercial venture and the potential impacts on the park. Wevik stated that he would support the motion to approve based on the Planning Commission reviewing the Conditional Use Permit in one year.

The vote on the motion carried to approve the Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District for 15 event days per year with the following stipulations:

- 1. A Floodplain Development Permit shall be obtained prior to the installation of the canopy;**
- 2. No alcohol beverages shall be allowed in the park;**
- 3. No music shall be allowed after 10:00 p.m.;**
- 4. That the applicant shall provide management or security on site at all times when the canopy is being utilized;**
- 5. That the Conditional Use Permit shall be subject to renewal in one year; and,**
- 6. That the Conditional Use Permit shall be used for private receptions and parties and not open to general restaurant business. (8 to 1 with Mashek voting no)**

29. Discussion Items

A. Distribution of Graphics Packet

Discussion followed concerning the distribution of the graphics packet.

Kooiker, Stone, Hoffman, Mashek and Wall advised that they no longer need a graphics packet sent to them. Wevik and Swedlund stated that they would still like to have a graphics packet

B. Special Planning Commission Meeting



Elkins advised that there will be a Special Planning Commission Meeting on May 2, 2002 at 7:00 a.m. to review the draft proposal from the consultant regarding cellular towers.

Elkins added that even though the weather did not cooperate, the Open House was attended by a number of concerned individuals involved in the business. Elkins stated that she received comments from several attendees who expressed their appreciation for the City taking the time to bring in outside consultants to address the issues and deal with this changing technology.

30. Staff Items
None

31. Planning Commission Items
A. Planning Department Staffing

Swedlund asked what the status was for the position openings within the Planning Department. Elkins advised that Karen Bulman has been hired as a current Planner I. Elkins added that Lisa Seaman was promoted and the vacant Planner I/II position is being advertised again. Elkins added that the filing deadline for this position is May 5, 2002.

Swedlund expressed his opinion that the Planning Commission should be more involved in filling those vacant staff positions. Swedlund added that he is interested in the applicant's qualifications.

Wevik suggested that this be a topic for further discussion at a future Planning Commission training session. Wevik added that in his opinion the Planning Commission is bordering on hiring decisions and Planning Department management issues which he perceives to be outside of the scope of the Planning Commission.

Swedlund stated that the perspective and qualifications that an applicant brings to a job makes a big difference in how they approach planning and feels that the Planning Commission should be involved in the hiring process. Swedlund added that in his opinion it is important for the Planning Commission to be involved in staffing issues as he believes that the type of person hired sets the tone for the City's planning process.

Hoffman stated that he does not believe that hiring or releasing personnel is within the scope of the Planning Commission.

Elkins suggested that the training session be held on Tuesday, April 23, 2002 at 11:30 a.m. to 1:00 p.m. There was concurrence from the Planning Commission.

B. Masonry Mailboxes in the Right-of-Way



Swedlund stated that he was recently asked about the City requiring masonry mailboxes to be removed from the right-of-way.

Elkins explained that the Code Enforcement Division had sent out several letters to people who had constructed mailboxes in the right-of-way and site distance triangle that are not breakaway and posed a safety hazard. Elkins added that the City Council is reviewing possible ordinance amendments again that would allow the structures to remain if they are located outside of the sight triangles.

32. Committee Reports

A. City Council Report (March 18, 2002)

The City Council concurred with the recommendations of the Planning Commission with the exception of the following:

No. 02PL003 - A request by Dream Design International, Inc. for a Layout Plat on the SE1/4NE1/4 & W1/2SE1/4 of Section 14, T2N, R7E BHM, Pennington County, South Dakota; and NE1/4 NE1/4 of Section 23, T2N, R7E, BHM Pennington County, South Dakota; and SW1/4 NW1/4, less Haines Avenue Right of Way and NW1/4 SW1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lots 5 and 6 of Madison's Subdivision, in the City of Rapid City, as shown on the final plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue.

On March 7, 2002 the Planning Commission recommended that the Layout Plat be approved with stipulations. On March 18, 2002 the City Council acknowledged the applicant's request to withdraw the Layout Plat.

There being no further business, Kooiker moved, Scull seconded and unanimously carried to adjourn the meeting at 8:25 a.m. (9 to 0)