

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 22, 2000

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MEMBERS PRESENT: Karen Bulman, Pam Lang, Dave Parker, Mel Prairie Chicken, Robert Scull, Paul Swedlund and Stuart Wevik.

STAFF PRESENT: Marcia Elkins, Blaise Emerson, Vicki Fisher, Lisa Seaman, Dan Hodge, Randy Nelson, Dave Johnson, Doug Aldrich and Risë Ficken

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

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

Prairie Chicken requested that Item 3 be removed from the Consent Agenda for separate consideration. Bulman requested that Item 8 be removed from the Consent Agenda for separate consideration. Lang requested that Item 1 be removed from the Consent Agenda for separate consideration.

Wevik moved, Bulman seconded and carried unanimously to recommend approval of the Consent Agenda Items 1 through 17 in accordance with the staff recommendations with the exception of Items 1, 3 and 8. (7 to 0)

2. No. 00PL089 - Valley Ridge Subdivision

An application by Dream Design International for a **Final Plat** on Lots 4-8, Block 1 and Lots 10-17, Block 3, Lot 8, Block 4 and Lots 1-15, Block 5 and Lots 4-7, 18, Block 6 and Lots 1-7, Block 7 and Lot 1, Block 8, all located in Valley Ridge Subdivision, located in NE1/4 of SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the current western terminus of South Pitch Drive and Solitaire Drive.

Planning Commission recommended that the Final Plat be continued to the December 7, 2000 Planning Commission meeting to allow the petitioner to address all stipulations of the Preliminary Plat approval.

4. No. 00UR037 - Rapid City Greenway Tracts

An application by City of Rapid City for a **Major Amendment to a Use On Review to all public recreational structures, including: a softball field, an expanded parking lot, restrooms, a concession stand, a skateboard park, basketball courts, exercise stations, bike paths and lighting, as well as allowing transient amusement enterprises, including carnivals and festivals** on Tract 24 of Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of 3rd Street and New York Street.

Planning Commission recommended that the Major Amendment to a Use On Review be continued to the January 4, 2001 Planning Commission

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meeting to allow the petitioner to submit additional information and a revised site plan.

5. No. 00PL101 - Olesen Subdivision

An application by James L. Olesen for a **Layout Plat** on Tract B of Olesen Subdivision located in the NW1/4 of the SW1/4 of Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located approximately two miles south of South Dakota Highway 44 on Reservoir Road.

Planning Commission recommended that the Layout Plat be continued to the January 4, 2001 Planning Commission meeting to allow the petitioner to submit the additional required information.

6. No. 00RZ045 - Nielsen Subdivision

An application by City of Rapid City for a **Rezoning from No Use District to Park Forest District** on Lot 2R of Block 3 of Nielsen Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located at 6301 Tittle Springs Place.

Planning Commission recommended that the Rezoning from No Use District to Park Forest District be approved.

7. No. 00PL108 - Fairway Hills PRD and Sandstone Ridge Subdivision

An application by Fisk Engineering for Sun-Rise Construction for a **Lot Split** on Lot 5 Revised of Sandstone Ridge Subdivision and Lot 26-R1 Revised of Fairway Hills P.R.D., formerly all of Lot 5 of Sandstone Ridge Subdivision and all of Lot 26-R1 of Fairways Hills P.R.D. located in the SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sheridan Lake Road and Holiday Lane.

Planning Commission recommended that the Lot Split be continued to the December 7, 2000 Planning Commission meeting to allow the request to be heard in conjunction with a Major Amendment to a Planned Residential Development at the applicant's request.

9. No. 00PD054 - Fairway Hills PRD and Sandstone Ridge Subdivision

An application by Ennis and Associates for Mike Tennyson, Pat Hall and Ken Kirkeby for a **Major Amendment to a Planned Residential Development to reduce the side yard setback from 30 feet to 15 feet** on Lot 5 of Sandstone Ridge Subdivision and a portion of Lot 26 R-1 of Fairway Hills P.R.D., located in the Southeast One-Quarter (SE1/4) of the Northwest One-Quarter (NW1/4) of Section Fifteen (15), Township One North (T1N), Range Seven East (R7E), of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, as shown on the plat recorded in Book 23 of Plats on Page 187, more fully described as follows: Beginning at the northwest corner of said Lot 26 R-1, said corner being marked by a rebar with a 1019 cap, Thence, S 87°42'21" E, along the northerly property line of Lot 26 R-1, a distance of 166.92 feet to the northeasterly corner of Lot 26 R-1, said corner being marked by a rebar with a 1019 cap, Thence, S 74°13'13" W, a distance of 162.90 feet to a point on the

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westerly line of Lot 26 R-1, said corner being marked by a rebar with 2199 cap; Thence, N11°07'57"W, along the westerly line of Lot 26 R-1, a distance of 51.96 feet, to the point of beginning. Said tract of land contains 4,218 square feet more or less, located at the intersection of Sheridan Lake Road and Holiday Lane.

Planning Commission recommended that the Major Amendment to a Planned Residential Development to reduce the side yard setback from 30 feet to 15 feet be continued to the December 7, 2000 Planning Commission meeting to allow the applicant to submit additional information and to meet the mailing notification requirement.

10. No. 00PL112 - GLM Subdivision

An application by Ken Lipp for a **Preliminary and Final Plat** on Lot 10A, 10B, and 10C of the GLM Subdivision formerly Lot 10 of the GLM Subdivision, located in the SW1/4 of the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3110 Eglin Street.

Planning Commission recommended that the Preliminary and Final Plat be denied without prejudice.

11. No. 00PL114 - The Ranchettes at Willow Wood

An application by American West Communities for a **Layout Plat** on a portion of the S1/2 of the NE1/4 and a portion of the SE1/4 less Tract 1 of Bradeen Subdivision and less right-of-way, all located in Section 22, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1/2 mile north of the intersection of Lamb Road and East 53rd Street on the west side of East 53rd Street.

Planning Commission recommended that the Layout Plat be denied due to floodway issues and high ground water concerns.

12. No. 00SV026 - The Ranchettes at Willow Wood

An application by American West Communities for a **Variance to the Subdivision Regulations to waive the requirement for street improvements, curb, gutter, sidewalks, dry sewer, and street light conduit** on a portion of the S1/2 of the NE1/4 and a portion of the SE1/4 less Tract 1 of Bradeen Subdivision and less right-of-way, all located in Section 22, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1/2 mile north of the intersection of Lamb Road and East 53rd Street on the west side of East 53rd Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement for street improvements, curb, gutter, sidewalks, dry sewer, and street light conduit be denied without prejudice.

13. No. 00RZ048 - Section 27, T1N, R7E

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An application by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on N1/2, NW1/4 east of Sheridan Lake Road, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Una Del Drive and Sheridan Lake Road.

Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.

14. No. 00PD055 - Woodridge of Cathedral Heights

An application by Robert Pagan for a **Major Amendment to a Planned Residential Development to reduce the rear yard setback from 25 feet to 8 feet** on Lot 35R of Woodridge of Cathedral Heights located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of Flormann Street and Ponderosa Place.

Planning Commission recommended that the Major Amendment to a Planned Residential Development to reduce the rear yard setback from 25 feet to 8 feet be continued until the December 7, 2000 Planning Commission meeting to allow the applicant to submit the additional required information.

15. No. 00PD056 - Northern Heights Subdivision

An application by Barbara Van Ekeren for a **Major Amendment to a Planned Commercial Development to reduce the rear yard setback** on Lot 2 of Lot A of Block 6 of Northern Heights Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Haines Avenue and Anamosa Street.

Planning Commission recommended that the Major Amendment to a Planned Commercial Development to reduce the rear yard setback be continued to the December 7, 2000 Planning Commission meeting to allow time for the applicant to submit additional information.

16. No. 00AN011 - Section 18, T1N, R8E

An application by City of Rapid City for a **Resolution of Intent to Annex** on Lot A Revised, Lot B, and Well Lot of the N1/2 of Government Lot 4, Section 18, T1N, R8E, BHM, Pennington County, South Dakota, located 4310 and 4314 Parkview Drive.

Planning Commission recommended that the Resolution of Intent to Annex be approved.

17. No. 00RD004 - Section 14, T1N, R7E

An application by City of Rapid City for a **Resolution naming the unnamed right-of-way Highlights Lane** on the north/south segment of road lying entirely within the U.S. Highway 16 right of way and connecting the intersection of City View Drive and Fox Run Drive with U.S. Highway 16, located in the N1/2 of the NE1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South

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Dakota, located at the intersection of City View Drive, Fox Run Drive and U.S. Highway 16.

Planning Commission recommended that the Resolution naming the unnamed right-of-way Highlights Lane be approved.

---END OF CONSENT CALENDAR; BEGINNING OF REGULAR AGENDA ITEMS---

1. Approval of the November 9, 2000 Planning Commission Meeting Minutes.

Lang requested that the November 9, 2000 Planning Commission minutes be corrected to reflect that she voted no on Item 6.

Bulman moved, Scull seconded and unanimously carried to approve the November 9, 2000 Planning Commission minutes as corrected. (7 to 0)

3. No. 00PL100 - Section 18, T1N, R8E

An application by Rick Kahler for South Elm Development LLC for a **Layout, Preliminary and Final Plat** on Lot C of the N1/2 of Government Lot 4 (formerly a portion of Lot B of the N1/2 of Government Lot 4) located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 1/4 mile south of the intersection of Minnesota Street and Parkview Drive.

Prairie Chicken requested clarification concerning staff's recommendation.

Discussion followed.

Wevik moved, Scull seconded and unanimously carried to recommend that the Layout, Preliminary and Final Plat be continued to the December 7, 2000 Planning Commission meeting to allow the applicant additional time to submit the required information. (7 to 0)

8. No. 00PD053 - MJK Subdivision

An application by Ron Baker for Baker Planned Communities for a **Planned Residential Development - Initial and Final Development Plan** on Parcel D of MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of East Minnesota Street and Odde Drive.

Bulman requested clarification concerning whether the applicant could provide the additional engineering information for review and comment in time for consideration at the December 7, 2000 Planning Commission meeting.

Elkins explained that the applicant was working closely with staff and she indicated that she believes the request can be considered at the December 7, 2000 Planning Commission meeting.

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Bulman moved, Scull seconded and unanimously carried to recommend that the Planned Residential Development - Initial and Final Development Plan be continued to the December 7, 2000 Planning Commission meeting to allow time for the applicant to submit additional engineering information.

18. No. 00UR020 - Rapid City Greenway Tracts

An application by Black Hills Heritage Festival for a **Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival** on Tract 20, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at Memorial Park - west of Fifth Street between Omaha Street and New York Street.

Elkins advised that this item was continued earlier this year to allow the Flood Plain Boundary Policy Committee appointed by the City Council to review the existing flood plain policy. She reviewed the actions of the Flood Plain Boundary Policy Committee and the adoption of a revised Policy by the City Council. She added that staff recommends that the Major Amendment to a Use on Review be continued to the January 4, 2001 Planning Commission meeting to allow the applicant to submit a new site plan showing all structures located outside of the floodway consistent with the adopted policy.

Laura Neubert, applicant, advised that she understands the issues and expressed concern that this determination impacts event planning.

Bulman moved, Prairie Chicken seconded and unanimously carried to recommend that the Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival be continued to the January 4, 2001 Planning Commission meeting to allow the petitioner to submit a revised site plan and related information. (7 to 0)

19. No. 00RZ046 - Section 17, T1N, R8E

An application by City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on Lot C of NW1/4 SW1/4 less right-of-way, Section 17, T1N, R8E, BHM, Pennington County, South Dakota, located at 4302 S. Highway 79.

Emerson presented the request and reviewed the slides. He identified surrounding zoning and uses. He noted that the Future Land Use Committee has reviewed this property with respect to the surrounding zoning and uses and has recommended that the property be zoned Light Industrial. He explained that restaurants are not permitted uses in the Light Industrial Zoning District and noted that the existing business would become a legal non-conforming use. He presented the staff recommendation that the Rezoning from No Use District to Light Industrial District be approved.

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Joe Crawford, property owner, advised that he received approval from Pennington County to rezone the property from Light Industrial to Highway Service prior to annexation into the Rapid City limits. He noted that the business has been in operation at this location for five years. He expressed concern that the property value would be greatly reduced if the zoning was changed to Light Industrial. He stated that he feels the property should be zoned commercial. He discussed the contribution his business makes to the Rapid City economy and tax base.

Tony Crawford, applicant's attorney, stated that he feels the rezoning approved by Pennington County should be maintained. He suggested that rezoning the subject property to General Commercial district would be consistent with the commercial zoning immediately across the street. He expressed concern that the proposed Light Industrial zoning would be detrimental to the property. He asked the Planning Commission to consider the diminishment in property value. He expressed concern that the Light Industrial zoning would not allow the applicant to implement future plans for the property. He requested that the Planning Commission zone this property General Commercial.

Discussion followed.

In response to a question from Swedlund, Emerson advised that no comments concerning this request were received from the neighboring property owners.

Joe Crawford stated that he could obtain signatures from surrounding property owners in support of his business.

Discussion followed concerning the limitations of a legal non-conforming commercial use in the Light Industrial Zoning District and what Light Industrial use could be located on this property.

Joe Crawford advised that he intends to remove the existing structure and build a two story restaurant at this location in the next two years.

Bulman moved to recommend that the Rezoning from No Use District to Light Industrial District be approved.

The motion died due to a lack of a second.

Discussion followed.

Scull moved and Swedlund seconded to recommend that the Rezoning from No Use District to Light Industrial District be denied and to authorize staff to advertise for public hearing to Rezone the property from No Use District to General Commercial District.

Elkins identified the existing Light and Heavy Industrial zoning surrounding the subject property. She identified the alignment of the proposed Southeast Connector noting that access to these properties will be extremely limited.

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Discussion followed concerning the potential conflicts associated with General Commercial land uses being located adjacent to industrial land uses.

Scull modified the motion to recommend that the Rezoning from No Use District to Light Industrial District be denied and to authorize staff to advertise for public hearing to consider a Planned Development Designation and a Rezoning of the property from No Use District to General Commercial District. Swedlund accepted the modification.

Discussion followed concerning the Planned Development Designation.

The motion carried as modified. (4 to 3 with Parker, Swedlund, Scull and Prairie Chicken voting yes and with Lang, Wevik and Bulman voting no)

20. No. 00PD051 - Mountain Springs Subdivision

An application by Sun-Rise Construction for Kenneth L. Kirkeby and Patrick R. Hall for a **Major Amendment to a Planned Residential Development to allow an eight unit condo complex** on Lot 12 of Block 3 of Tract BR of Mountain Springs Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the east side and at the dead end of City Springs Road in Kirkwood Meadows.

Emerson advised that the applicant has requested that this item be continued to the December 7, 2000 Planning Commission meeting.

Bulman moved, Parker seconded and unanimously carried to recommend that the Major Amendment to a Planned Residential Development to allow an eight unit condominium complex be continued to the December 7, 2000 Planning Commission meeting at the applicant's request. (7 to 0)

21. No. 00UR038 - Owen Mann Tract

An application by Jim Scull, Jr. for a **Use on review to allow a Church in the Office Commercial Zoning District** on Lot 13 Less Lot H-3, Block 1 of Owen Mann Tract located in the SE1/4 SE1/4 of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of 32nd Street and West Chicago.

Seaman presented the request and reviewed the staff report and slides. She identified zoning and existing uses in the area of the subject property noting that Building Inspection staff was notified that a church use was occurring on the site without proper approval. She indicated that staff recommends that the Use on Review be approved with stipulations.

Scull stated that he would abstain from voting on this item.

Discussion followed concerning what portion of the access would be required to be paved and possible alternatives to fund the paving project.

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Bulman moved, Wevik seconded and carried to recommend that the Use on Review to allow a Church in the Office Commercial Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, a revised site plan shall be provided that shows that the approach to the parking area on the eastside of the building has been removed;
2. Applicable Old Lime Creek Drainage Basin Fees shall be paid upon issuance of a building permit;

Fire Department Recommendations:

3. Prior to City Council approval, a revised site plan shall be submitted identifying the location of fire hydrants within 250 feet of the Kinney Street access;

Building Inspection Division Recommendations:

4. Prior to City Council approval, a complete set of interior floor plans shall be submitted;
5. A building permit for change of use shall be obtained prior to any construction;
6. A Temporary Certificate of Occupancy shall be obtained prior City Council approval;
7. A final Certificate of Occupancy shall be obtained prior to the expiration of the temporary Certificate of Occupancy;
8. Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted;

Urban Planning Division Recommendations:

9. Prior to City Council approval, a revised site plan shall be submitted identifying a minimum of nine parking spaces with one being a van accessible handicap space;
10. Prior to City Council approval, a revised site plan shall be submitted showing paved access to the Kinney Avenue parking area; and,
11. Prior to City Council approval, a revised site plan shall be submitted identifying the location of the off-street parking lot lighting.
12. Prior to issuance of a Temporary Occupancy Permit, the petitioner shall either complete the improvements or post financial surety in the amount necessary to cover the cost of the improvements and then complete the improvements within one paving season. (6 to 0 with Scull abstaining)

Fisher requested that Items 22 and 23 be considered concurrently.

22. No. 00PL113 - Moon Meadow Estates
An application by Fisk Engineering for Paul and Ladonna Hummel for a **Layout Plat** on Lot 16RA and 16RB of Block 3 of Moon Meadow Estates located in the NE1/4 of Section 33, T1N, R7E, BHM, Pennington County, South Dakota, located at 3329 Moon Meadows Drive.
23. No. 00SV025 - Moon Meadow Estates

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An application by Fisk Engineering for Paul and Ladonna Hummel for a **Variance to the Subdivision Regulations to waive the requirement for paving, sidewalk, curb and gutter, dry sewer, water and street lights** on Lot 16RA and 16RB of Block 3 of Moon Meadow Estates located in the NE1/4 of Section 33, T1N, R7E, BHM, Pennington County, South Dakota, located at 3329 Moon Meadows Drive.

Fisher presented the request, reviewed the slides and discussed the configuration of the property. She identified the rugged topography and access easement on the property. She reviewed staff's recommendation for approval of the Layout Plat with stipulations and the recommendation for approval, in part, of the Subdivision Regulations Variance.

Discussion followed concerning the paving requirement for properties within the City's three mile platting jurisdiction.

Bulman moved, Parker seconded and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Upon submittal of the Preliminary Plat, information on the existing well shall be submitted for review and approval;
2. Upon submittal of the Preliminary Plat, the plat shall be revised to create a well lot;
3. Upon submittal of the Preliminary Plat, engineering evaluation for an on-site wastewater system(s) shall be submitted for review and approval;
4. Upon submittal of the Preliminary Plat, a topographic survey by a licensed surveyor and grading plans shall be submitted for review and approval;
5. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval;
6. Upon submittal of the Preliminary Plat, a complete drainage plan shall be submitted for review and approval;
7. Prior to City Council approval of the Preliminary Plat, drainage easement(s) shall be shown on the plat as required by the Engineering Division;

Fire Department Recommendations:

8. Upon submittal of the Preliminary Plat, the plat shall be revised to show a cul-de-sac or a hammerhead turnaround at the end of the common access easement;
9. Prior to Final Plat approval, Mt. Wilson Lane and the common access easement shall be constructed with a 20 foot wide paved surface with curb and gutter, or a Subdivision Regulations Variance shall be obtained;

Transportation Planning Division Recommendations:

10. Prior to Final Plat approval by the City Council, a non-access easement shall be shown along Moon Meadows Road;

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11. **Prior to Final Plat approval by the City Council, the plat shall be revised dedicating an additional 17 feet of right-of-way along Moon Meadows Road;**

Urban Planning Division Recommendations:

12. **Prior to Final Plat approval by the City Council, a written notarized agreement, signed by the owners of the well, shall be recorded at the Register of Deed's Office identifying that the well may serve the subject property(s);**
13. **Prior to Final Plat approval by the City Council, a legal document, signed by the property owner(s) of Lot 15R, Block 3 of Moon Meadow Estates, shall be recorded at the Register of Deed's Office identifying that the access easement may serve as access to the subject property(s);**
14. **Prior to Final Plat approval by the City Council, the cupola shall be removed from proposed Lot 16RA;**
15. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted and all subdivision inspection fees paid; and,**
16. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted;**

to recommend that the Variance to the Subdivision Regulations to waive the requirement for paving, sidewalk, curb and gutter, dry sewer, water and street light conduit on Mt. Wilson Lane be approved with the stipulation that a non-access easement be located along the east lot line of the subject property; and,

to recommend that the Variance to the Subdivision Regulations to waive the requirement for sidewalk, curb and gutter, dry sewer, water and street light conduit on the common access easement be approved. Planning Commission recommended that the Variance to the Subdivision Regulations to waive the paving requirement on the common access easement de denied. (7 to 0)

24. **No. 00UR039 - Plaza Subdivision**

An application by Century Resources, Inc. for a **Use on Review to allow an On-Sale Liquor Establishment in conjunction with a full service restaurant on property described by metes and bounds beginning at the southeast corner of Lot 2 of the Plaza Subdivision, located in the SW1/4 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, thence N 12° 16' 06" E 60.16 feet along the lot line, thence S 87° 44' 45" W 25.83 feet to the true point of beginning, thence S 87° 44' 45" W 34.64 feet, thence N 2° 15' 15" W 100.00 feet, thence N87° 44' 45" E 59.00 feet, thence S 1° 33' 51" W 8.04 feet, thence S 12° 16' 06" W 95.01 feet returning to the true point of beginning, containing 4752.89 square feet, more or less, located at 1221 Omaha Street.**

Elkins advised that this item was not placed on the consent agenda in accordance with the Planning Commission's policy to consider all requests for

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on-sale liquor establishments separately. She stated that staff recommends approval with stipulations.

In response to a question from Lang, Elkins explained that the parking requirements could be met, depending what the uses are located in the building. She noted that the applicant must document that they are going to have adequate parking for the proposed restaurant and strip mall uses prior to issuance of a building permit.

Discussion followed concerning what parking requirements would need to be met.

Rex Conrad, adjoining property owner, noted that he has no objection to the proposed restaurant, but expressed concern that alcohol consumption could be a problem for his business. He noted that individuals who are intoxicated are not permitted to operate his racing vehicles.

Wevik moved, Parker seconded 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:

Urban Planning Division Recommendations:

1. Prior to issuance of a building permit, including foundation or grading permits, the applicant shall provide a site plan showing that the minimum number of required parking stalls are being provided;
2. 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. Outdoor seating shall require a Major Amendment to the Use on Review;
3. 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;

Building Inspection Division Recommendation:

4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; and,
5. Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted.

Kevin Baumgartner advised that he submitted a letter in opposition to the requested on-sale liquor establishment. He reviewed his concerns and the contents of the letter in detail.

Discussion followed concerning of the Parking Ordinance requirements and the potential for shared use parking arrangements in The Plaza shopping center.

The motion unanimously carried 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:

Urban Planning Division Recommendations:

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1. **Prior to issuance of a building permit, including foundation or grading permits, the applicant shall provide a site plan showing that the minimum number of required parking stalls are being provided;**
2. **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. Outdoor seating shall require a Major Amendment to the Use on Review;**
3. **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;**

Building Inspection Division Recommendation:

4. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; and,**
5. **Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted. (7 to 0)**

25. Discussion Items

A. Zoning Ordinance Amendments

Elkins stated that staff has identified a number of inconsistencies in the Zoning Ordinance and has the staff available at this time to begin to address these issues.

Elkins advised that the setback requirements in the area regulations of the Park Forest Zoning District are not consistent with the setbacks established for all other residential zoning districts. She requested that the Planning Commission authorize staff to advertise for a public hearing to consider amendments to Section 17.08.040 to include a minimum side yard setback of twelve feet for two-story or greater dwellings.

Parker moved, Bulman seconded and unanimously carried to authorize staff to advertise for a public hearing to consider amendments to Section 17.08.040 to include a minimum side yard setback of twelve feet for two-story or greater dwellings. (7 to 0)

Elkins indicated that all residential districts with the exception of Park-Forest allow churches or similar places of worship as a Use On Review. She noted that staff feels that allowing Churches as a Use on Review in the Park Forest Zoning District will provide greater consistency within the Zoning Ordinance and allow this zoning district greater flexibility.

Parker moved, Wevik seconded and unanimously carried to authorize Staff to advertise for amendments to the City Zoning Ordinance to revise Section 17.08.030 to allow churches or similar places of worship, with accessory structures, but not including missions or revival tents as a Use On Review. (7 to 0)

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Elkins stated that the Light Industrial Zoning District currently requires that parking lot and loading areas be included in lot coverage calculations. She noted that this is not the case in any other Zoning District. She requested that the Planning Commission consider ordinance amendments to the Light Industrial Zoning District to exclude off-street parking and loading facilities in lot coverage calculations.

Scull moved, Wevik seconded and unanimously carried to authorize Staff to advertise for amendments to the Zoning Ordinance to revise Sections 17.22.040E and 17.24.040E to exclude off-street parking and loading facilities from the lot coverage calculation. (7 to 0)

Elkins advised that the Neighborhood and Community Shopping Center Districts do not allow child care centers. She noted that staff feels that child care centers are an appropriate service and meets the intent of these districts. She requested that the Planning Commission consider ordinance amendments to these zoning districts to allow child care centers as a Use on Review.

Bulman moved, Parker seconded and unanimously carried to authorize Staff to advertise for a public hearing to consider amendments to Sections 17.30.030 and 17.32.030 to include childcare centers as an additional use permitted on review. (7 to 0)

26. Staff Items

Elkins thanked the Fire Department for their time, efforts and presentation at the last Planning Commission training session. She noted that the next session would likely include discussions on rural road issues and parliamentary procedure.

The Planning Commission indicated that the next training session should be scheduled in January.

Elkins asked if the Planning Commission had any questions or concerns regarding the paperless agendas, or their laptop computers. Discussion followed concerning the paperless agendas and printers.

Elkins wished the Planning Commission a Happy Thanksgiving.

27. Planning Commission Items

Lang reminded the Planning Commissioners that if they are unable to attend their scheduled Council meeting they must make arrangements for a substitute. She emphasized the importance of having Planning Commission representation at the City Council meetings.

28. Committee Reports

None.

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There being no further business, Parker moved, Wevik seconded and unanimously carried to adjourn the meeting at 8:38 a.m. (7 to 0)