

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 23, 2014

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Linda Marchand, John Pinkard, Dennis Popp, Kay Rippentrop, Steve Rolinger and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Brett Monson, Tim Rose, Andrew Scull

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Sarah Hanzel, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

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

Marchand 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.

Staff requested that Items 2 be removed from the Consent Agenda for separate consideration.

Brewer requested that Items 4 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger, seconded by Brawn and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Items 2 and 4. (9 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the October 6, 2014 Planning Commission Meeting Minutes.
3. No. 14AN004 - Countryside Subdivision
A request by Countryside Home Owner's Association and Robert Paulson to consider an application for a **Petition for Annexation** for all of Countryside Subdivision including Crossbill Circle, Kingbird Court, Meadowlark Drive, Pinon Jay Circle, Raven Circle, Raven Court, Sandpiper Drive, Tanager Court, Tanager Drive and Waxwing Lane Rights-Of-Way and all included and adjacent Rights-Of-Way located in Section 29, T1N, R7E, BHM, Pennington County, South Dakota; and a Tract of land situated immediately north of and adjacent to Sheridan Lake Drive, situated in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, with the west boundary thereof commencing at Sheridan Lake Road and proceeding north on the west boundary of said SW1/4 of the SE1/4 for a distance of 749 feet and then proceeding east on a line perpendicular to the west boundary of said SW1/4 of the SE1/4 for a distance of 1,000 feet and then proceeding due south for a distance of 319 feet to Sheridan Lake Drive and then

proceeding west along the boundary of Sheridan Lake Drive to the point of beginning, and being a portion of Lot 2 of the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, shown on the plat filed in Plat Book 3, Page 197; excepting therefrom Lots H-1 and P-1 of said Lot 2 of the SW1/4 of the SE1/4 of said Section 29, shown on the plat filed in Highway Plat Book 6, Page 178, Pennington County, South Dakota., more generally described as being located north of Sheridan Lake Road between Muirfield Road and Clarkson Road.

Planning Commission recommended approving the Petition for Annexation with the following stipulation:

- 1. The legal description be revised to eliminate all adjacent rights-of-way and permanent easements associated with Sheridan Lake Road.**

*5. No. 14UR019 - Rapid City Greenway Tract

A request by FMG, Inc for City of Rapid City on behalf of Joe Jacobson to consider an application for a **Conditional Use Permit to allow improvements to existing baseball field facilities located in the Flood Hazard District** for Tract 8 of Rapid City Greenway Tract, located in Section 3, (also in Sections 4 and 10) T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of 32nd Street between Canyon Lake Drive and Jackson Boulevard.

Planning Commission approved the Conditional Use Permit to allow improvements to existing baseball field facilities located in the Flood Hazard District with the following stipulations:

- 1. A building permit shall be obtained prior to construction. A certificate of completion shall be obtained prior to initiation of any uses;**
- 2. Prior to issuance of a building permit, the location of the existing 16 inch Rapid City water main shall be verified;**
- 3. All construction and/or development shall be in compliance with the approved Floodplain Development Permit;**
- 4. An air quality permit shall be obtained prior to a disturbance of earth greater than one acre;**
- 5. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance;**
- 6. All parking shall continue to comply with the requirements of the Rapid City Parking Ordinance;**
- 7. All signage shall continue to comply with the requirements of the Rapid City Sign Code;**
- 8. All requirements of the International Fire Code shall be continually maintained;**
- 9. All requirements of the Park Forest District and Flood Hazard District shall be continually maintained, and;**
- 10. This Conditional Use Permit shall allow for the relocation and reconstruction of dugouts and the relocation of fencing at the existing baseball facilities located in the Flood Hazard District. Uses**

permitted in the Park Forest District and the Flood Hazard District shall be permitted contingent upon approval of a building permit. Conditional uses in the Park Forest District and the Flood Hazard District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

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

6. 14TP037 – Approve the Final 2015 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization

Planning Commission recommended approval of the 2015 Unified Planning Work Program.

---END OF CONSENT CALENDAR---

- *2. No. 14PD032 - Elks Crossing

A request by Dream Design International, Inc. to consider an application for a **Final Planned Development Overlay to create single family residential lots** for Lots 6 thru 21 of Block 7, Lots 16 thru 29 of Block 9 of Elks Crossing, legally described as a portion of the E1/2 of the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly corner of Lot 1 of Block 9 of Elks Crossing, and the point of beginning; Thence, first course: N39°36'54"W, northeasterly boundary of said Lot 1 of Block 9, a distance of 5.29 feet, to the southwesterly corner of Vinecliff Drive Right-of-Way; Thence, second course: N50°23'06"E, along the southerly edge of said Vinecliff Right-of-Way, a distance of 52.00 feet, to the southwesterly corner of Lot 5 of Block 7 of Elks Crossing; Thence, third course: N50°23'06"E, along the southerly boundary of said Lot 5, a distance of 127.19' to the easterly corner of said Lot 5, common to a point along the southwesterly boundary of Lot 1 of Block 3 of Plum Creek Subdivision; Thence, fourth course: S46°39'34"E, along the southwesterly boundary of said Lot 1 of Block 3, a distance of 38.67 feet, to the southerly corner of said Lot 1 of Block 3; Thence, fifth course: S46°39'34"E, a distance of 57.29 feet; Thence, sixth course: S00°06'48"W, a distance of 1239.83 feet, to a point on the northerly edge of East Minnesota Street Right-of-Way; Thence, seventh course: N89°55'18"W, along the northerly edge of said East Minnesota Street Right-of-Way, a distance of 94.98 feet; Thence, eighth course: N44°55'18"W, along the northerly edge of said East Minnesota Street Right-of-Way, a distance of 14.14 feet; Thence, ninth course: N00°04'42"E, along the northerly edge of said East Minnesota Street Right-of-Way, a distance of 18.67 feet; Thence, tenth course: N89°55'18"W, along the northerly edge of said East Minnesota Street Right-of-Way, a distance of 52.00 feet; Thence, eleventh course: S00°04'42"W, along the northerly edge of said East Minnesota Street Right-of-Way, a distance of 18.67 feet; Thence, twelfth course: S45°04'42"W, along the northerly edge of said East Minnesota

Street Right-of-Way, a distance of 14.14 feet; Thence, thirteenth course: N89°55'18"W, along the northerly edge of said East Minnesota Street Right-of-Way, a distance of 100.02 feet, to the southeasterly corner of Lot 15 of Block 9 of Elks Crossing; Thence, fourteenth course: N00°06'48"E, along the easterly boundary of Lots 2 through 15 of Block 9 of Elks Crossing, a distance of 1135.06 feet, to the northeasterly corner of said Lot 2, common to a southerly corner of said Lot 1, Block 9; Thence, fifteenth course: N50°23'06"E, along the southeasterly boundary of said Lot 1 of Block 9, a distance of 81.45 feet, to the point of beginning, more generally described as being located between the current southern terminus of Vinecliff Drive and East Minnesota Street.

Fisher stated that this item was removed from the consent agenda to allow Braun to abstain due to a conflict of interest.

Swank moved, Bulman seconded and carried to approve the Final Planned Development Overlay to create single family residential lots with the following stipulations:

1. **A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for each property;**
3. **Prior to issuance of Certificate of Occupancy, site stabilization shall be achieved;**
4. **An air quality permit shall be obtained for any disturbance of earth greater than one acre;**
5. **All provisions of the International Fire Code shall be continually maintained;**
6. **All provisions of the Low Density Residential II District shall be continually maintained unless specifically stipulated as a part of a subsequent Major Amendment to the Planned Development, and;**
7. **This Final Planned Development shall allow for the development of single family residential lots. Any uses permitted in the Low Density Residential II District shall be permitted contingent upon an approved building permit. Any conditional uses in the Low Density Residential II District shall require the review and approval of a Major Amendment to the Planned Development. (8 to 0 to 1 with Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no and Braun abstaining)**

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

4. No. 14RZ010 - Countryside Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** for all of Countryside

Subdivision including Crossbill Circle, Kingbird Court, Meadowlark Drive, Pinon Jay Circle, Raven Circle, Raven Court, Sandpiper Drive, Tanager Court, Tanager Drive and Waxwing Lane Rights-Of-Way and all included and adjacent Rights-Of-Way located in Section 29, T1N, R7E, BHM, Pennington County, South Dakota; and a Tract of land situated immediately north of and adjacent to Sheridan Lake Drive, situated in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, with the west boundary thereof commencing at Sheridan Lake Road and proceeding north on the west boundary of said SW1/4 of the SE1/4 for a distance of 749 feet and then proceeding east on a line perpendicular to the west boundary of said SW1/4 of the SE1/4 for a distance of 1,000 feet and then proceeding due south for a distance of 319 feet to Sheridan Lake Drive and then proceeding west along the boundary of Sheridan Lake Drive to the point of beginning, and being a portion of Lot 2 of the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, shown on the plat filed in Plat Book 3, Page 197; excepting therefrom Lots H-1 and P-1 of said Lot 2 of the SW1/4 of the SE1/4 of said Section 29, shown on the plat filed in Highway Plat Book 6, Page 178, Pennington County, South Dakota., more generally described as being located north of Sheridan Lake Road between Muirfield Road and Clarkson Road.

In response to Brewer's question regarding fire protection of the Countryside area, Behlings stated that the current protection is provided by Whispering Pines Volunteer Fire Department and that he believes that the current water system provides sufficient fire flow for the current development. Behlings also stated that the area will be served by the Rapid City Fire Department and the Rapid City Police Department following its annexation. Cushman addressed the improvements that will be done in association with this annexation noting that Public Works has reviewed the suitability of the water system and believes it is acceptable.

Rich Marsh, AE2S, stated that Countryside will connect to the Rapid City water system following the annexation noting that the Red Rock booster stations will be upsized and that the analysis that was done shows that the fire flows were approved to meet the 1500 gallons per minute fire flow requirements. Fisher clarified that the request for services to the area which includes the Police Department, Fire Department and garbage collection have been reviewed by the City. The associated departments have not indicated any opposition to the annexation request.

Rolinger moved, Brewer seconded and unanimously carried to recommend approving the rezoning from No Use District to Low Density Residential I District in conjunction with the associated petition of annexation. (9 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rolinger and Swank voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

7. No. 14TI001 - Appeal of Tax Increment Review Committee's decision to create a Tax Increment District
A request by Dream Design Technologies for Technology House 2, LLC to

consider an application for an Appeal of Tax Increment Review Committee's denial of creating a Tax Increment District for property generally described as being south of E. Saint Joseph Street between Myrtle Avenue and Maple Avenue.

Braun stepped down from the dais at this time.

Hanzel presented the application and reviewed the associated slides noting that the Tax Increment Committee had denied the application which is why the item is before the Planning Commission to direct staff to create a Tax Increment District.

Hanzel stated that the Tax Increment funds would be used to assist with property acquisition, demolition, alley reconstruction, professional fees, financing interest, contingency and necessary and convenient costs and reviewed the area included within the proposed Tax Increment District. Hanzel noted that the Rapid City Police Department and the Rapid City Fire Department have provided a letter of support for the TIF based on the number of calls for service in the area.

Hanzel stated that the estimated property value after build out would be approximately \$9.8 million dollars compared to the current estimated value of \$491,900. Hanzel reviewed the estimated tax revenue projections for the payoff of the Tax Increment Financing based on 6%, 7.5% and 9% interest. Estimates show the loan would be paid off between 10 and 13 years.

Hanzel reviewed the check list submitted with the application stating that the applicant indicates the request meets all of the applicable statutory requirements as well as the City's adopted Tax Increment Finance Guidelines and noted that staff's review found the application to meet two of the six Local Criteria, three of the Additional Criteria and two of Discretionary Criteria. Hanzel reviewed the current Tax Increment Districts noting that these currently equal 3.85% of the total taxable valuation and stated that staff recommends approval of the application.

Bulman stated that she supports the Tax Increment Financing but requested that the proposal be reviewed and reworked to be more thorough.

Rolinger clarified that his vote on the Tax Increment Finance Committee was for approval of this request and stated that he feels that this is a prime example of proposed use of a Tax Increment Financing.

In response to Bulman's inquiry regarding the assessment value in November 1, 2014, which sets the taxes for 2015, Pat Hall, responded that the value of these properties will continue to go down prior to the November 1, 2014 date of tax value for 2015. Pat spoke to his support and the need for this application.

Ron Buskerud, speaking as a member of the Tax Increment Finance Committee, stated that he is generally not a strong supporter of Tax Increment Finance requests but noted that he had also voted to support this application and that he feels that this project should be approved.

In response to a question from Council Person Scott regarding the amount being requested versus the actual value, Hall stated that the estimator is based on the revenue value of the property, not the single homeowner value or assessed valuation, so that when the properties are purchased they will be offering a price based on the revenue value of those properties which explains the amount requested for property acquisition. Hall confirmed that the purchase price has been locked in, stating that delays may increase costs but that those costs are being incurred by the developer and not included as a part of the Tax Increment Financing.

Rolinger moved, Brewer seconded and unanimously carried to approve the request to create a Tax Increment District to assist in the development of property located along E. St. Joseph Street and that the Planning Commission direct staff to prepare the project plan.

8. Discussion Items

9. Staff Items

Changes to Historic Preservation Committee

Hanzel reviewed the Lehe Study of the Historic Preservation Program and his recommendations and requested the Planning Commission's acknowledgement of the study.

Hanzel summarized the recommendations and the staff memo.

Hanzel noted the reason this was being brought before the Planning Commission was that one of the recommendations is that the appointments of member to the Historic Preservation Committees be assigned by the Planning Commission.

Bulman spoke to her concerns regarding the codifying of the Historic Preservation criteria and questioned the City's willingness to fund the education of staff associated with preservation issues as these decisions will fall to them.

Discussion followed regarding the general consensus of the Planning Commission members concerns about codifying the Historic Review Process and the Planning Commission being the appointing body for members of the Historic Preservation Committee.

In response to the general concern regarding the Planning Commission being the appointing body for the Historic Preservation Committee Limbaugh stated that it would allow them to vet the candidates, but noted that the final approval would lay with the City Council.

Popp left the meeting at this time.

Brewer requested that this item be brought back as an Agenda Item.

Discussion followed.

Limbaugh stated that the recommendation of codification would place the Historic Preservation Committee requirements in Chapter 17 of the Rapid City Municipal Code, which is the Zoning section, bringing the items to Planning Commission. Limbaugh noted that State Historic Preservation Office is on board with the recommendations and will be available to support City staff. Cushman stated that the codification of the Historic Preservation process would be vetted by numerous bodies including Planning Commission and City Council. Hanzel noted that work sessions and meetings will be included in the process and that the Planning Commission would be included.

Hanzel informed the Planning Commission that there will be a Main Streets Summit Meeting on October 30 and 31, 2014.

10. Planning Commission Items

11. Committee Reports

- A. City Council Report (October 6, 2014)
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
- C. Zoning Board of Adjustment
- D. Capital Improvements Subcommittee
- E. Tax Increment Financing Committee

There being no further business, Brewer moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:20 a.m. (7 to 0 with Brewer, Bulman, Marchand, Pinkard, Rippentrop, Rolinger and Swank voting yes and none voting no)