

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 9, 2013

MEMBERS PRESENT: Carlos Beatty Jr., Erik Braun, John Brewer, Linda Marchand, Dennis Popp, Kay Rippentrop, Tim R. Rose, Andrew Scull, and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Steve Rolinger, Cody Raterman, Sandra Beshara

STAFF PRESENT: Vicki Fisher, Robert Laroco, Patsy Horton, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

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

**Brewer 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.**

**Motion by Rose seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (9 to 0 with Beatty, Braun, Brewer, Marchand, Popp, Rippentrop, Rose, Scull and Swank voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Planning Commission approved the April 25, 2013 Planning Commission Meeting Minutes.

2. No. 07TI023 - Morningstar Subdivision

A request by CETEC Engineering Services for OS Development, Inc. to consider an application for a **Resolution to Dissolve Tax Increment District No. 66** for the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, T1N, R8E; and the W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of S.D. Highway 44, west of Reservoir Road and east of Elks Meadows.

**Planning Commission recommended that the Resolution Dissolving Tax Increment District #66 be approved.**

\*3. No. 13PD011 - Original Town of Rapid City

A request by Realis Community Church - Bryan Faltynski to consider an application for a **Major Amendment to a Planned Development to Allow a Church in the General Commercial District** for Lots 1 through 5 of Block 88 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 201 Main Street.

**Planning Commission approved the Major Amendment to a Planned**

**Development to allow a church in the General Commercial District with the following stipulations:**

- 1. The previously approved Exception to reduce the off-street parking requirements from 123 spaces to 0 spaces is hereby acknowledged. Any change in use or expansion of the structure on the property which increases the off-street parking demand for the property shall require a Major Amendment to the Planned Development;**
- 2. Prior to issuance of a building permit, an 11.1 Historic Review shall be approved for the proposed construction;**
- 3. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 4. All signage shall require the review and approval of the Historic Sign Board. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;**
- 5. All applicable provisions of the International Fire Code shall be maintained;**
- 6. All provisions of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment to the Planned Development, and;**
- 7. This Major Amendment to the Planned Development shall allow for a church to be located on the property. All permitted uses in the General Commercial District that do not require additional parking shall require the review and approval of a Minimal Amendment to the Planned Development. All permitted uses that require additional parking or conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.**

***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. 13PL035 - PLM Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc. for PLM Development to consider an application for a **Preliminary Subdivision Plan** for Lots 36 through 53 of Block 1 of PLM Subdivision and Easement for Sanitary Sewer, legally described as portions of the SE1/4 of the NW1/4 of Section 24, T1N, R7E and Lot 16 of Block 1 of PLM Subdivision, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally

described as being located at the current terminus of Conestoga Court.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with stipulations:**

- 1. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued, and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and shall contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
- 2. Upon submittal of a Development Engineering Plan application, a design report demonstrating that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development shall be submitted for review and approval or an Exception shall be obtained. The design report shall be in conformance with the Infrastructure Design Criteria Manual and signed and sealed by a Professional Engineer. In addition, the construction plans shall be revised to provide a looped water main connection as per Section 3.9.7 of the Infrastructure Design Criteria Manual or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, a design report demonstrating that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity or an Exception shall be obtained. The design report shall be in conformance with the Infrastructure Design Criteria Manual and signed and sealed by a Professional Engineer. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval confirming that the proposed development complies with the South Robbinsdale Drainage Basin Plan or an Exception shall be obtained. If the proposed improvements exceed the anticipated impervious area, detention shall be provided. The drainage plan shall confirm that downstream improvements have been constructed that are needed to support the additional impervious area. If downstream improvements are needed and not constructed, then improvements shall be made. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. Drainage easements shall also be secured as needed;**
- 5. Upon submittal of a Development Engineering Plan application, confirmation shall be submitted identifying that storm water quality treatment for the proposed development has been provided or storm**

- water quality treatment as per Chapter 8.48 of the Rapid City Municipal Code shall be provided or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
6. Upon submittal of a Development Engineering Plan application, an updated geotechnical report or an addendum to the report shall be submitted for review and approval to confirm that conditions have not changed to warrant a change in the geotechnical recommendation for the report issued in 2009 and that the geotechnical recommendations conform to current design standards or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
  7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
  8. Upon submittal of a Development Engineering Plan application, construction plans for Conestoga Court shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide pavement, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. In addition, the cul-de-sac bulb shall be located within a minimum 118 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface. An intermediate turnaround is needed at 600 feet or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted for review and approval;
  9. Prior to submittal of a Development Engineering Plan application, a Covenant Agreement shall be secured requiring residential fire sprinkler systems be installed in all residential buildings accessing from the cul-de-sac street and a copy of the recorded agreement shall be submitted with the Development Engineering Plan application or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Plan application;
  10. Prior to submittal of a Development Engineering Plan application, the plat title shall be revised to read Section 24, R7E in lieu of Section 4, R8E;
  11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  12. Prior to approval of the Development Engineering Plan application, a

**Development Agreement shall be entered into with the City for all public improvements, if applicable;**

- 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).**

**---END OF CONSENT CALENDAR---**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Horton requested that items No. 5 and No. 6 be heard concurrently.

5. No. 13TI002 - East Minnesota Street  
A request by Dream Design International, Inc. for Dennis Zandstra Real Estate Holdings, LLC to consider an application for a **Resolution Creating Tax Increment District #74** for Lots 8-12 of Block 8 of Elks Country Estates; Lots 6-9 of Block 9 of Elks Country Estates; Lots 4-19 of Block 11 of Elks Country Estates; Lot 1 of Block 12 of Elks Country Estates; Lot 1-10 of Block 13 of Elks Country Estates; Lots 1-5 of Block 1 of Elks Crossing; Lots 5-22 of Block 4 of Elks Crossing; Lots 1-15 of Block 5 of Elks Crossing; Lot 2 of Block 6 of Elks Crossing; Lot 1 of Block 8 of Elks Crossing; all Located In Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; portions of Tract 1 of the S1/2 of the E1/2 less Elks Country Estates, less Lot H1, less Lot H3 & less ROW; the NE1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing and less ROW; the NW1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing, less Lot H1, less Lot H3 and less ROW; the SE1/4 of the SW1/4 less Lot H3R less Elks Crossing and less ROW; the SW1/4 of the SW1/4 less Elks Crossing less Lot H3 and less ROW; all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot B of the SW1/4 of the SW1/4 less Lot H1; Lot A of the SE1/4 of the SW1/4 less Lot H1 and less ROW; the S1/2 of the SE1/4 less Lot H1; all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, Lot 9, Lot 17, Lot 22 and Lot 23 of Marlin Industrial Park; the NE1/4 of the NE1/4; the NW1/4 of the NE1/4 less Marlin Industrial Park less Lot H1 and less ROW; all located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; E1/2NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NW1/4 of the NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NE1/4 of the NW1/4 less Lot H3R; all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of Elks Country Estate north and south of Elk Vale Road and east of S.D. Highway 79.
6. No. 13TI003 - East Minnesota Street  
A request by Dream Design International, Inc. for Dennis Zandstra Real Estate Holdings, LLC to consider an application for a **Tax Increment #74 Project Plan** for Lots 8-12 of Block 8 of Elks Country Estates; Lots 6-9 of Block 9 of Elks

Country Estates; Lots 4-19 of Block 11 of Elks Country Estates; Lot 1 of Block 12 of Elks Country Estates; Lot 1-10 of Block 13 of Elks Country Estates; Lots 1-5 of Block 1 of Elks Crossing; Lots 5-22 of Block 4 of Elks Crossing; Lots 1-15 of Block 5 of Elks Crossing; Lot 2 of Block 6 of Elks Crossing; Lot 1 of Block 8 of Elks Crossing; all Located In Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; portions of Tract 1 of the S1/2 of the E1/2 less Elks Country Estates, less Lot H1, less Lot H3 & less ROW; the NE1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing and less ROW; the NW1/4 of the SW1/4 less Plum Creek Sub, less Elks Crossing, less Lot H1, less Lot H3 and less ROW; the SE1/4 of the SW1/4 less Lot H3R less Elks Crossing and less ROW; the SW1/4 of the SW1/4 less Elks Crossing less Lot H3 and less ROW; all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot B of the SW1/4 of the SW1/4 less Lot H1; Lot A of the SE1/4 of the SW1/4 less Lot H1 and less ROW; the S1/2 of the SE1/4 less Lot H1; all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, Lot 9, Lot 17, Lot 22 and Lot 23 of Marlin Industrial Park; the NE1/4 of the NE1/4; the NW1/4 of the NE1/4 less Marlin Industrial Park less Lot H1 and less ROW; all located in Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; E1/2NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NW1/4 of the NE1/4 less Lot H3R; the N1/2 of the N1/2 of the NE1/4 of the NW1/4 less Lot H3R; all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of Elks Country Estate north and south of Elk Vale Road and east of S.D. Highway 79.

Braun stepped down from the dais at this time.

Horton presented the applications and slides showing the district area noting that the Tax Increment Finance Committee had reviewed the item at the February 26, 2013 Tax Increment Finance Committee meeting and recommended approval.

Horton noted that the proposed Tax Increment District #74 overlaps the existing Tax Increment District #65. Horton reviewed the improvements for Tax Increment Finance District #65 and proposed improvements for TIF #74. The overlap of the two Tax Increment Districts requires that both be reviewed. Horton stated that the revised amortization schedule shows a possible 2021 pay off for Tax Increment District #65 and the payment on Tax Increment District #74 would then start in December of 2021 with a potential payoff in 2027.

In response to a question from Scull regarding the five-year improvements, Horton listed the items that have been done and those items that missed the five-year deadline and confirmed that the improvements for Tax Increment District #74 are those that were not completed within the five-year deadline for Tax Increment District #65. The payoff is extended a year by the creation of the additional Tax Increment District.

**Popp moved, Marchand seconded to recommend that the Resolution Creating Tax Increment District #74. (13TI002) and the Resolution approving the Project Plan for Tax Increment District #74 (13TI003) be**



**approved. (8 to 0 with Beatty, Braun, Brewer, Marchand, Popp, Rippentrop, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)**

7. Discussion Items

8. Staff Items

Horton discussed the upcoming Comprehensive Plan Kickoff Work Session with the consultant scheduled for Tuesday, May 14, 2013 and Wednesday, May 15, 2013 and confirmed Planning Commissioners attendance.

9. Planning Commission Items

10. Committee Reports

**There being no further business, Scull moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:24 a.m. (9 to 0 with Beatty, Braun, Brewer, Marchand, Popp, Rippentrop, Rose, Scull and Swank voting yes and none voting no)**