

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 10, 2012

MEMBERS PRESENT: Sandra Beshara, Erik Braun, Patrick Fink, Linda Marchand, Dennis Popp, Kay Rippentrop, Josh Snyder and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Brewer, Steve Rolinger, Andy Scull and Len Weimer

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Karen Bulman, Tim Behlings, Dale Tech, Ted Johnson, Joel Landeen and Risë Ficken.

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 Item 5 be removed from the Consent Agenda for separate consideration.

Motion by Popp, seconded by Snyder and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations with the exception of Item 5. (8 to 0 with Beshara, Braun, Fink, Marchand, Popp, Rippentrop, Snyder and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the April 26, 2012 Planning Commission Meeting Minutes.
- *2. No. 12PD013 - Section 22, T1N, R7E
A request by Willadsen Lund Engineering for Samuelson Development, LLC to consider an application for an **Initial and Final Planned Unit Development** for a parcel of land known as that part of the south 495' of NE1/4SE1/4, less Lot 1 of Bendert Subdivision and the unplatted portion of SE1/4SE1/4, all located in the SE1/4SE1/4 and NE1/4SE1/4 of Section 22, T.1N, R.7E, B.H.M., Rapid City, Pennington County, South Dakota and being more particularly described as follows: Commencing at the southeast corner of said Section 22, from which bears a found pin and cap stamped "RLS 5085" N01°56'49"E a distance of 33.00', thence N40°25'57"W a distance of 44.51' to the true point of beginning of the herein described parcel; Thence N88°15'46"W a distance of 213.93'; Thence with a non-tangent curve turning to the right with an arc length of 440.24', with a radius of 370.00', with a chord bearing of N47°43'20"W, with a chord length of 414.73'; Thence N13°38'06"W a distance of 509.17'; Thence with a curve turning to the left with an arc length of 63.82', with a radius of 230.00', with a chord bearing of N21°34'10"W, with a chord length of 63.62'; Thence N01°58'11"E a distance of 275.25' to a found pin and cap stamped "RLS 1019", said pin and cap being the southwest corner of aforesaid Lot 1 of Bendert Subdivision; Thence following the southerly line of said lot 1 S88°18'29"E a distance of 189.97' to a

found pin and cap stamped "RLS 1019", said pin and cap being the southeast corner of said lot 1 of Bendert Subdivision; Thence following the easterly line of said Lot 1 N01°42'02"E a distance of 199.51' to a point from which a found pin and cap stamped "RLS 1019" bears N01°42'02"E a distance of 29.87'; Thence departing said easterly line of Lot 1 of Bendert Subdivision thence S88°05'53"E a distance of 533.01' to a point in the easterly line of aforesaid Section 22 and from which bears a found pin and cap stamped "RLS 1019" N01°56'47"E a distance of 190.17'; Thence following said easterly line S01°56'47"W a distance of 614.13' to a point being in the northwesterly right-of-way line of promise road; Thence with a non-tangent curve turning to the left with an arc length of 79.66', with a radius of 195.73', with a chord bearing of S24°11'22"W, with a chord length of 79.11'; Thence S01°57'08"W a distance of 29.21'; Thence S01°57'08"W a distance of 575.87' to the point of beginning, more generally described as being located at the current terminus of Promise Road.

Planning Commission continued the Initial and Final Planned Unit Development to the May 24, 2012 Planning Commission meeting.

3. No. 12PL015 - Bauer Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Cathy J. Koch Living Trust to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Bauer Subdivision, legally described as the balance of Lot 1 of Lot C of the NW1/4 less right-of-way and less Thompson Tower Subdivision all located in the NW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3500 Tower Road.

Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:

1. **Prior to submittal of a Development Engineering Plan application, the applicant shall sign a waiver of right to protest any future assessments for the improvements as granted by Exception #12EX059 and 12EX060 or construction plans shall be submitted for review and approval showing the construction of additional pavement, curb, gutter, street light conduit, water and sewer along Tower Road and the existing "Easement for Access and Utilities" and the construction of curb, gutter, street light conduit, water and sewer along U.S. Highway 16 as they abut the property;**
2. **Prior to submittal of a Development Engineering Plan application, a lot size Variance shall be obtained to allow a 5.19 acre lot with a residence in the General Agriculture District in lieu of a minimum 20 acre lot or proposed Lot 1 shall be rezoned to Park Forest District in compliance with the City's Future Land Use Plan;**
3. **Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the right-of-way width of Tower Road as it abuts the property. In addition, the plat document shall be revised to show the dedication of additional right-of-way if needed or an Exception shall be obtained to waive the requirement;**
4. **Prior to submittal of a Development Engineering Plan application, a Septic Tank Permit shall be obtained for the existing on-site**

5. wastewater system located on proposed Lot 1;
 5. Upon submittal of a Development Engineering Plan application, the applicant shall identify the source of water and sewer service to proposed Lot 2. If sewer service is to be extended from U.S. Highway 16, then construction plans shall be submitted demonstrating the feasibility of this design. If an on-site wastewater system is proposed then the location and soils information for the on-site system shall be submitted for review and approval;
 6. Upon submittal of a Development Engineering Plan application, a drainage plan and a grading plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
 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 if subdivision improvements are required;
 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the subdivision improvements shall be submitted for review and approval
 9. Prior to submittal of a Final Plat application, the plat document shall be revised to include the Finance Officer Certificate for Community Planning & Development Services Director. In addition, the Owners Certificate shall be revised to read "Cathy J. Kock Trustee of the Cathy J. Kock Living Trust";
 10. 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,
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
4. No. 12PL016 - Skyline Pines East Subdivision
A request by Renner & Associates, LLC for The Village at Skyline Pines, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Tract 1R and Tract 2 of Skyline Pines East Subdivision, legally described as Tract 1 of Skyline Pines East Subdivision located in the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Mount Rushmore Road and north of Tower Road.

Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:

1. Upon submittal of a Development Engineering Plan application, road construction plans for the southern 400 feet of Fairmont Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained prior to submittal of the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, road

- construction plans for the proposed access easement shall be submitted for review and approval. In particular, the road construction plans shall show the easement with a minimum width of 52 feet and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained prior to submittal of the Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, a drainage plan and a grading plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
 4. 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 if subdivision improvements are required;
 5. Upon submittal of a Development Engineering Plan application, a revised cost estimate which includes the access easement shall be submitted for review and approval;
 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along proposed Tract 2 as it abuts Fairmont Boulevard or an Exception shall be obtained;
 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a Major Drainage Easement across proposed Tract 2 to accommodate the 24 inch RCP storm sewer and storm water discharge as shown on the construction plans;
 8. 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,
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

5. No. 12RZ008 - I-90 Heartland Business Park
A request by By-Pass Development, LLC to consider an application for a **Rezoning from Light Industrial District to Heavy Industrial District** for Lot 6 of Block 2 of I-90 Heartland Business Park located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Rearden Court.

Laroco presented the staff report and reviewed the slides. Laroco advised that staff recommends approval of the proposed rezoning application noting that two letters of opposition to the request were received and attached to the agenda.

Pat Tlustos, applicant, advised that the redi-mix operation located near the South Dakota School of Mines property has agreed to move out of their current site if a reasonable alternative site is found. Tlustos advised that he discussed the

Reardon Court location with staff noting that there is ready access to the interstate and the flood plain on the property located to the north provides a natural buffer for the use. Tlustos stated that the proposed redi-mix use will generate additional truck traffic in the area noting that the buffer to the north and ready access to the interstate makes this property an ideal location for the operation.

In response to a question from Snyder, Tlustos stated that they intend to locate a redi-mix concrete operation on the site similar to the Birdsall Sand and Gravel operation. Tlustos noted that these kinds of uses are regulated by the City and the State and no longer create significant dust problems. Tlustos noted that the operation in the School of Mines area has been there since the 1940's or 1950's and is located near residences, City operations, the School of Mines campus and racquetball courts. Tlustos stated that the primary issue appears to be related to truck traffic and does not appear to be an environmental issue.

In response to a question from Snyder, Tlustos stated that staff indicated that the Heavy Industrial uses would not generate any more trips to and from the site although the loads would be heavier.

Doyle Estes advised that he obtained a Letter of Map Revision from FEMA that removed a substantial portion of his property lying east of Elk Vale Road from the flood plain. Estes added that he has obtained a Conditional Letter of Map Revision from FEMA that could remove a substantial portion of his property located on the west side of Elk Vale Road lying to the north of the proposed rezoning from the flood plain. Estes expressed concern that the removal of the redi-mix operation from the current location is intended to clean up the South Dakota School of Mines area noting that the problem will be moved to the area where he owns property. Estes noted that the Future Land Use Plan identifies his property located on the east side of Elk Vale Road as residential. Estes stated his opposition to the proposed rezoning noting that he feels it will negatively impact the existing Light Industrial zoned properties as well as the future residential properties in the area. Estes indicated that if the zoning is changed he would request that a Planned Development overlay be required in order to ensure that the property is developed in an appropriate manner.

Tlustos clarified that the proposed project will not be located adjacent to any kind of residential development noting that there is a significant distance between the property and the residential development proposed to be located on the east side of Elk Vale Road in the future. Tlustos added that he is not opposed to providing information associated with the development of the project.

In response to a question from Snyder, Dale Tech indicated that the subdivision is designed to handle truck traffic for approximately 20 years assuming the trucks are carrying legal loads and not exceeding the axle weights. Tech added that Elk Vale Road in that area was reconstructed approximately five years ago and should be able to handle the truck traffic.

Snyder indicated that he does not believe that Heavy Industrial zoning should be located on this property.

Swank moved, Fink seconded and carried to recommend approval of the Rezoning from Light Industrial District to Heavy Industrial District. (5 to 3 with Braun, Fink, Marchand, Rippentrop and Swank voting yes and with Beshara, Popp and Snyder voting no)

Bulman requested that Items 6 and 7 be considered concurrently.

6. No. 12TI003 - Original Town of Rapid City

A request by Dream Design International, Inc. for President's Plaza, LLC to consider an application for a **Resolution Creating Tax Increment District #73** for all of Block 95, including the alley located in Block 95, less the north 90 feet of Lots 17-21 of Block 95 in the Original Town of Rapid City, Lots 1-9 of Block 105 in the Original Town of Rapid City, all of the Sixth Street Right-of-Way lying adjacent to Blocks 94 and 95 in the Original Town of Rapid City, all of the Fifth Street Right-of-Way lying adjacent to Blocks 95 and 96 in the Original Town of Rapid City, and all of the Kansas City Street Right-of-Way lying adjacent to Blocks 95 and 105 in the Original Town of Rapid City, a portion of the alley located in Block 94 adjacent to the Lots 1-3 and Lots 30-32 of Block 94 of the Original Town of Rapid City, a portion of the alley located in Block 96 adjacent to Lots 14-16 and Lots 17-19 of Block 96 in the Original Town of Rapid City, all of the Saint Joseph Street Right-of-Way lying adjacent to Blocks 85 and 95 in the Original Town of Rapid City, all located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Saint Joseph Street, west of 5th Street, east of 6th Street and north of Quincy Street.

7. No. 12TI004 - Original Town of Rapid City

A request by Dream Design International, Inc. for President's Plaza, LLC to consider an application for **Tax Increment District #73 Project Plan** for all of Block 95, including the alley located in Block 95, less the north 90 feet of Lots 17-21 of Block 95 in the Original Town of Rapid City, Lots 1-9 of Block 105 in the Original Town of Rapid City, all of the Sixth Street Right-of-Way lying adjacent to Blocks 94 and 95 in the Original Town of Rapid City, all of the Fifth Street Right-of-Way lying adjacent to Blocks 95 and 96 in the Original Town of Rapid City, and all of the Kansas City Street Right-of-Way lying adjacent to Blocks 95 and 105 in the Original Town of Rapid City, a portion of the alley located in Block 94 adjacent to the Lots 1-3 and Lots 30-32 of Block 94 of the Original Town of Rapid City, a portion of the alley located in Block 96 adjacent to Lots 14-16 and Lots 17-19 of Block 96 in the Original Town of Rapid City, all of the Saint Joseph Street Right-of-Way lying adjacent to Blocks 85 and 95 in the Original Town of Rapid City, all located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Saint Joseph Street, west of 5th Street, east of 6th Street and north of Quincy Street.

Braun indicated that he would be abstaining from voting on this item due to a conflict of interest.

Bulman advised that additional property and additional right-of-way was included in the boundary after review by the Tax Increment Financing Committee and was

also included in the public notifications that occurred prior to Planning Commission consideration of the requests. Bulman stated that this is an economic development Tax Increment District noting that no additional tax levies will be required for the School District. Bulman indicated that the Tax Increment Financing Guidelines require the repayment of a Project Plan to be calculated at 9% interest noting that the applicant has requested a reduction to 7% interest as the project will not pay out in 20 years using 9% interest. Bulman added that the City Council must approve the requested change in interest. Bulman stated that the Tax Increment Finance Review Committee met on April 16, 2012 and recommended approval of the creation of the District and the proposed Project Plan. Bulman reviewed the project costs and financing costs noting that they are the same costs that were proposed with Tax Increment District #62. Bulman stated that if the creation of Tax Increment District #73 is approved, Tax Increment District #62 will be dissolved.

In response to a question from Snyder, Bulman explained that the five year time frame for the construction of improvements for Tax Increment District #62 has expired noting that District must be dissolved. Bulman indicated that the dissolution of District #62 will occur subsequent to the City Council's consideration of the Resolution Creating District #73 as a result of the time required for processing the dissolution.

Fink moved, Popp seconded and carried to recommend approval of the Resolution Creating Tax Increment District #73 (12TI003); and, to recommend approval of the Tax Increment District #73 Project Plan (12TI004). (7 to 0 to 1 with Beshara, Fink, Marchand, Popp, Rippentrop, Snyder and Swank voting yes, with none voting no and with Braun abstaining)

*8. No. 12UR005 - Marshall Heights Tract

A request by China Wok to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** for Lot B of Lot 6 of Lot K-3 of Marshall Heights Tract located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1575 North LaCrosse Street, Suite B.

Lacock indicated that no additional information has been submitted by the applicant. Lacock stated that staff recommends that the application be continued to the May 24, 2012 Planning Commission meeting. Lacock advised that the applicant has been informed that staff will recommend that the application be denied if no additional information is provided prior to the May 24, 2012 meeting.

Braun moved, Snyder seconded and carried to continue the Conditional Use Permit to allow an On-Sale Liquor Establishment to the May 24, 2012 Planning Commission meeting. (7 to 1 with Beshara, Braun, Marchand, Popp, Rippentrop, Snyder and Swank voting yes and with Fink voting no)

9. Discussion Items

A. Tax Increment Financing Information

Bulman displayed a map identifying the active Tax Increment Districts in Rapid City. Bulman discussed the current taxable valuation included in active Tax Increment Districts noting that it is well below the 10% maximum allowed by State law. Bulman reviewed the increase in valuation since 1983 for the active Tax Increment Districts and explained that the State of South Dakota provides the information annually for the assessed values of properties located within current Tax Increment Districts.

Bulman explained that the valuation information is not provided by the State for dissolved Tax Increment Districts noting a number of difficulties associated with trying to track that information. Bulman indicated that the taxes that will be received by Rapid City once the active Tax Increment Districts are paid and dissolved are significant.

In response to a question from Popp, Bulman stated that the total base valuation for current Tax Increment Districts is approximately \$143 million noting that the maximum allowable base valuation with the current figures would be approximately \$425 million.

Marchand thanked Bulman for the presentation.

10. Staff Items

A. 2011 Annual Report

Limbaugh asked the Planning Commission members if there were any additional questions concerning the 2011 Annual Report noting that the approved report will be forwarded to City Council as an information item.

Fink moved, Swank seconded and unanimously carried to approve the 2011 Annual Report. (8 to 0 with Beshara, Braun, Fink, Marchand, Popp, Rippentrop, Snyder and Swank voting yes and none voting no)

11. Planning Commission Items

Snyder expressed concern related to comments that were made at the City Council meeting on May 7, 2012 concerning the Planning Commission's review of two rezoning applications approximately six weeks ago. Snyder stated that he believes the Planning Commission gives a thorough review and consideration to the items that are presented and he expressed his appreciation to the Planning Commission members for their hard work.

Marchand stated that she holds her job on the Planning Commission as a significant responsibility and thanked Snyder for his support. Marchand thanked the Commission members for all of their time in service to the Rapid City Community.

12. Committee Reports

None.

There being no further business, Snyder moved, Swank seconded and unanimously carried to adjourn the meeting at 7:49 a.m. (8 to 0 with Beshara, Braun, Fink, Marchand, Popp, Rippentrop, Snyder and Swank voting yes and none voting no)