

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 9, 2020

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Gollither, Eirik Heikes, John Herr, Galen Hoogestraat, Eric Ottenbacher, Mike Quasney, and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Racheal Caesar

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

Braun 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 Gollither seconded by Quasney and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations. (9 to 0 with Arguello, Braun, Bulman, Gollither, Herr, Hoogestraat, Ottenbacher, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the December 5, 2019 Planning Commission Meeting Minutes.
2. No. 19RZ039 - North Valley Park Subdivision
A request by Dream Design International, Inc for Yasmeen Dream, LLC to consider an application for a **Rezoning request from General Agricultural District to Light Industrial District** for a portion of Lot G, North Valley Park Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Southwest corner of Lot G, North Valley Park Subdivision, Located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; Thence (1) South 88°02'06" East, 440.72 feet to a point of non-tangency; Thence (2) North 1°57'54" East, 50.03 feet to a point of non-tangency; Thence (3) North 88°02'12" West, 418.07 feet to a point of non-tangency; Thence (4) South 26°19'32" West, 54.91 feet to the point of beginning and a portion of Lot H, North Valley Park Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Southwest corner of Lot H, North Valley Park Subdivision, Located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; Thence (1) South 88°02'06" East, 499.61 feet to a point of non-tangency; Thence (2) North 1°57'54" East, 50.04 feet to a point of non-tangency; Thence (3) North 88°02'12" West, 499.61 feet to a point of non-tangency; Thence (4) South 1°57'54" West, 50.03 feet to the point of beginning, more generally described as being located south of North Valley Drive.

Planning Commission recommended approval of the Rezoning request from

General Agricultural District to Light Industrial District.

3. No. 19RZ041 - Shepherd Hills West and Shepherd Hills Subdivision

A request by Dream Design International, Inc for Yasmeen Dream 111, LLC to consider an application for a **Rezoning request from Medium Density Residential District to General Commercial District** for Lot 1 of Block 1 of Shepherd Hills West Subdivision, Lots 1 and 2 of Block 1 of Shepherd Hills Subdivision, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the current terminus of E. Anamosa Street.

Planning Commission recommended approval of the Rezoning request from Medium Density Residential District to General Commercial District.

4. No. 19RZ042 - Section 4, T1N, R8E

A request by Dream Design International, Inc for Yasmeen Dream 11, LLC to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for the east 910 feet of Government Lot 4 located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Homestead Street.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to Medium Density Residential District.

5. No. 19RZ043 - Dunham Estates

A request by Fisk Land Surveying & Consulting Engineers, Inc for Keiz Larson to consider an application for a **Rezoning request from General Agricultural District to Low Density Residential District** for a parcel of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE ¼ SE ¼) of Section Sixteen (16), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota to be platted and described as Lot 5 in Block 3 of Dunham Estates and more fully described as follows: Beginning at the northeast corner of Lot One (1) in Block Three (3) of Dunham Estates as shown on the plat recorded in Book 30 of Plats on Page 189, said point being located on the east line of the above described Section Sixteen (16) and said point marked by a rebar with survey cap "RW Fisk 6565"; thence, westerly on the north line of said Lot One (1) in Block Three (3) of Dunham Estates, North 86 degrees 11 minutes 24 seconds West a distance of 160.43 feet, more or less, to the northwest corner of said Lot One (1) in Block Three (3) of Dunham Estates, said point being located on the east line of Lot Two (2) in Block Three (3) of Dunham Estates as shown on said plat recorded in Book 30 of Plats on Page 189 and said point being marked by a rebar with survey cap "6119"; thence, northerly on the east line of said Lot Two (2) in Block Three (3) of Dunham Estates, North 0 degrees 13 minutes 08 seconds West a distance of 182.43 feet, more or less, to the northeast corner of said Lot Two (2) in Block Three (3) of Dunham Estates and said point being marked by a rebar with survey cap "6119"; thence, North 58 degrees 54 minutes 50 seconds East a distance of 43.67 feet, more or less, to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, North 90 degrees 00 minutes 00 seconds East a distance of 89.45 feet, more or less, to a

point on the west right-of-way line of Heidiway Lane, said point marked by a rebar with survey cap "RW Fisk 6565"; thence, southerly and on the said west right-of-way line of Heidiway Lane, S 0 degrees 14 minutes 37 seconds East a distance of 15.00 feet, more or less, to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, curving to the left on the west line of said Heidiway Lane right-of-way, on a curve with a radius of 187.78 feet, an arc length of 113.02 feet, a delta of 34 degrees 29 minutes 10 seconds and a chord bearing of South 17 degrees 29 minutes 12 seconds East and a chord distance of 111.33 feet, more or less, to a point on the east line of said Section Sixteen (16) and said point being marked by a rebar with survey cap "RW Fisk 6565"; thence, southerly and on the east line of said Section Sixteen (16), South 0 degrees 14 minutes 37 seconds East a distance of 94.46 feet, more or less, to the point of beginning, more generally described as being located west of the intersection of Heidiway Court and Heidiway Lane.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to Low Density Residential District.

6. No. 19PL105 - Moon Ridge Subdivision

A request by Renner Associates, LLC for Fox LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 6 and 7 of Moon Ridge Subdivision, legally described as Lot 4R of Moon Ridge Subdivision, located in Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2251 Moon Meadows Drive.

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

1. **Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, 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 contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual. In addition, all information required per Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval as applicable;**
2. **Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the existing 66-foot wide easement for private access and utilities as shown on Sheet C-2 of the plan set or include documentation that the easement has been vacated. If the easement is existing, construction plans shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street or shall meet criteria for obtaining an Exception or the easement shall be vacated. If the easement is vacated, the vacation recording document number shall be shown on the Final Plat document;**
3. **Upon submittal of a Development Engineering Plan application,**

construction plans shall be submitted for review and approval for a 16-inch water main and an 8-inch sewer main along Mount Rushmore Road. In addition, a design report shall be submitted for review and approval for the sewer main construction along Mount Rushmore Road. Utilities easements shall be provided as needed;

4. Prior to Development Engineering Plan approval, an Oversize Agreement for the 16-inch water main along Mount Rushmore Road shall be entered into with the City;
 5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 6. Prior to Development Engineering Plan approval, a South Dakota Department of Transportation (SDDOT) permit for the utilities to be located within the SDDOT right-of-way shall be obtained;
 7. Prior to approval of the Development Engineering Plan application, the water and sewer plans shall be approved by the South Dakota Department of Environment and Natural Resources;
 8. Prior to Development Engineering Plan approval, an engineer's cost estimate shall be signed and approved;
 9. Prior to Development Engineering Plan approval, any necessary off-site easements shall be secured;
 10. Prior to submittal of a Final Plat application, an Exception shall be obtained from City Council to allow an off-premise sign for "Fox Den", a storage facility, located on proposed Lot 6 to be located on proposed Lot 7 as a result of platting the property as proposed or the sign shall be removed from Lot 7;
 11. Prior to submittal of a Final Plat application, the Owner's Certificate shall be revised to add "as Co-Trustee" behind the name of Charise Fox for Mike Grubb;
 12. Prior to submittal of a Final Plat application, the plat document shall be revised to show U.S. Highway 16 as "Mount Rushmore Road" or "Mount Rushmore Road (U.S. Highway 16)";
 13. Prior to submittal of a Final Plat application, submit verification that the southern portion of the flagpole located on proposed Lot 6 has been annexed into the City limits or annex this portion of the property;
 14. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the existing drainage pond. In addition all necessary easements shall be shown on the plat document;
 15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been accepted shall be posted and the subdivision inspection fees shall be paid; and,
 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
7. No. 19VR005 - Menard Subdivision
A request by Ted Edwards for Menard, Inc. to consider an application for a **Vacation of Right-of Way** for a portion of East North Street Right-of-Way located adjacent to Lot C of Menard Subdivision, less Lot C-1 and less Lot H1 of Lot C, located in in the NE1/4 of the NW1/4 and the NW1/4 of the NE1/4 of Section 32,

T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Camden Boulevard and East North Street.

Planning Commission recommended approval of the Vacation of Right-of Way.

*8. No. 19PD049 - Brielle Subdivision

A request by Longbranch Civil Engineering, Inc for Table Rock Inc. to consider an application for a **Revocation of a Planned Development Designation** for Lot 3, Lot AB2 and Lot AB3, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Tower Road and Mount Rushmore Road.

Planning Commission approved the revocation of the Planned Development Designation.

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

*9. No. 19UR024 - LJS Subdivision

A request by Henriksen, Inc for Ka and Diane Alberts and Dustin and Erin Krueger to consider an application for a **Conditional Use Permit to allow a distribution center in the General Commercial Zoning District** for Lot 4 of LJS Subdivision located in the NW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of East Mall Drive and North Maple Avenue.

Planning Commission approved the Conditional Use Permit to allow a distribution center in the General Commercial District with the following stipulation(s):

1. **Upon submittal of a building permit, a drainage report shall be submitted for review and approval that addresses the off-site flows to the property, the on-site flows, detention requirements and water quality requirements**
2. **No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;**
3. **The proposed distribution center shall be constructed in compliance with the submitted elevations and shall operate in compliance with the submitted operations plan and all approved plans. Changes in the operators of the facility shall require the review and approval of a Major Amendment to the Conditional Use Permit; and,**
4. **The Conditional Use Permit shall allow a distribution center to be constructed on the property. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be**

allowed with a Building Permit. Any conditional use 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Lacock requested that Items #10 and #11 be taken together.

10. No. 19RZ044 - Boulevard Addition

A request by Brent Hill for Seraphim Theatrical Entertainment, LLC to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** for Lots 13 thru 18 of Block 4 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1124 Kansas City Street.

*11. No. 19PD048 - Boulevard Addition

A request by Brent Hill for Seraphim Theatrical Entertainment, LLC to consider an application for a **Major Amendment to the Planned Development Overlay to allow a theater and church in the General Commercial District** for Lots 13 thru 20 of Block 4 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1124 Kansas City Street.

Lacock presented the applications and reviewed the associated slides. Lacock noted that the property was previously operated as a church and had most recently been used as a child care center for the YMCA and it is now being requested to allow a joint use of a church and a theater. Lacock also noted that the rezone from Medium Density Residential District to General Commercial District is to enable this use. Lacock noted the applicant is requesting an Exception to reduce the minimum required parking from 55 spaces to 32 spaces and to allow parking to back into the right-of-way stating that with the proposed change to access to the parking area and the addition of the on-street parking staff supports approval of the Exception request. Lacock stated that staff recommends approval of both the Major Amendment to the Planned Development Overlay to allow a theater and church in the General Commercial District and the Rezoning from Medium Density Residential District to General Commercial District.

In response to Quasney on the parking, Lacock stated that the parking is designed to allow the required aisle width. Quasney stated that he worries that there might be a parking shortage for the proposed 200 seat use of the facility.

Stephen Farruggia, 7029 Freedom Court, owner of Seraphim Theatrical Entertainment stated that he is here to answer any questions.

In response to a question from Heikes, Stephen stated that the hours of operation for the theater is set for Saturday between 11:00 a.m. and 1:00 p.m. and weekend evenings from 5:00 p.m. to 9:00 p.m. Heikes stated that due to the hours of operations, that there might be available parking in the area that could be used without causing issue.

Fisher clarified that between the parking in the lot and the on-street parking there are 69 spaces which meets the parking requirements and there are no known complaints on parking for the previous child care center at this location.

Vidal and Quasney both agreed this is a great reuse of the property.

Vidal moved, Quasney seconded and the Planning Commission recommended approval of the Rezoning from Medium Density Residential District to General Commercial District, and;

Approved the Major Amendment to a Planned Development Overlay to allow a theater and a church in the General Commercial District be approved with the following stipulations

- 1. An Exception is hereby granted to reduce the minimum required parking from 55 spaces to 32 spaces;**
- 2. Acknowledge the previously granted Exception to allow nine parking spaces to back into alley right-of-way;**
- 3. Prior to issuance of a Building Permit, a covenant agreement shall be entered into with the Rapid City Fire Department to establish an acceptable fire sprinkler design and time frame for installation;**
- 4. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit is required for any new signs; and,**
- 5. The Major Amendment to a Planned Development Overlay shall allow a 200-seat theater and church and a caretakers unit. Any change in use shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Ottenbacher, Quasney and Vidal voting yes and none voting no)**

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

Fisher left the meeting at this time.

Horton requested that items # 12 and # 13 be taken together.

12. No. 19OA002 - Ordinance to Update the Tax Increment Financing District Review Process by Amending Chapter 3.26 of Rapid City Municipal Code

A request by City of Rapid City to consider an application for an **Ordinance to Update the Tax Increment Financing District Review Process by Amending Chapter 3.26 of Rapid City Municipal Code.**

13. Resolution Adopting the Rapid City Tax Increment Financing Policy
A request by City of Rapid City to consider an application for a **Resolution Adopting the Rapid City Tax Increment Financing.**

Horton presented the application briefly reviewing the requested changes from the November 21, 2019 Planning Commission meeting. Horton called out three minor corrections including language on Page 11 identifying that loan origination fees are eligible costs as part of interest expense, Page 14 needs reference to the financial corporations to ensure that there are conflicts of interest with newly organized agencies, and Page 23 to remove the underlining. Staff believes this final version provides a great compromise and recommends approval of both the Ordinance to Update the Tax Increment Financing District Review Process by Amending Chapter 3.26 of Rapid City Municipal Code and the Resolution Adopting the Rapid City Tax Increment Financing.

Young encouraged approval of the Ordinance and associated Resolution citing all the work that has gone into this policy revision over the last two years by staff, local developers, the financial sector and other City entities. Young noted all the public meetings and the numerous reviews before the Planning Commission has culminated in a good proposal.

In response to Herr's question why no member of Planning Commission is on the Tax Increment Finance Committee, Horton stated that Tax Increment Finance applications will be treated as any other development application and will be reviewed by staff. Once staff has completed the review the Tax Increment Financing application will go to the Planning Commission for public hearing.

Bulman stated that this she believes this is a good option and that if there are changes that are needed they can be made when and if they show their need. She expressed her support for the two items.

Heikes noted that he believes the document has been well vetted and that the lack of developers in attendance indicate that they are satisfied.

Quasney spoke to all the work and input that was put in to this process and stated that he believes it is ready to move forward.

Braun thanked staff for their work on this noting all continuations for additional changes were worth it.

Roberts left the meeting at this time.

Quasney moved, Bulman seconded and Planning Commission recommended approval of the Ordinance to Update the Tax Increment Financing District Review Process by Amending Chapter 3.26 of Rapid City Municipal Code, and;

**Approval of the Resolution Adopting the Rapid City Tax Increment Financing.
(8 to 1 with Arguello, Braun, Bulman, Caesar, Golliher, Hoogestraat,
Ottenbacher, Quasney and Vidal voting yes and Herrvoting no)**

14. Discussion Items
15. Staff Items
16. Planning Commission Items

**There being no further business, Golliher moved, Quasney seconded and
unanimously carried to adjourn the meeting at 7:27 a.m. (9 to 0 with Arguello, Braun,
Bulman, Caesar, Golliher, Herr, Hoogestraat, Ottenbacher, Quasney and Vidal voting
yes and none voting no)**