MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
September 24, 2020

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Eirik Heikes, John Herr, Haven Stuck, Mike Quasney and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: Eric Ottenbacher

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Kip Harrington, Patsy Horton, Brian Staten, Ted Johnson, Wade Nyberg and Rebel VanLoh.

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

1. Approval of the August 27, 2020 Zoning Board of Adjustment Meeting Minutes.

   Bulman moved, Quasey seconded and the Zoning Board of Adjustment approved approval of the August 27, 2020 Zoning Board of Adjustment Meeting Minutes.

2. No. 20VA007 - Section 13, T2N, R7E
   A request by Kayla Jefferies to consider an application for a **Variance to reduce the minimum required side yard setback from 8 feet to 3.3 feet from existing dwelling** for, legally described as Lot 2 of Mallridge Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4326 Bronco Lane.

   Lacock presented the application and reviewed the associated slides noting that a Vacation of Utility and Minor Drainage Easement has already been approved with utility concurrence. The existing structure does not impact drainage. Lacock stated the applicant is looking at building an attached garage and as there is an existing non-compliant setback, a variance is needed to the setback and would be the minimum adjustment necessary to be able to get a building permit. Lacock noted that staff believes that the use is not injurious to the neighborhood and recommends approval of the **Variance to reduce the minimum required side yard setback from 8 feet to 3.3 feet from the existing dwelling.**

   Haven asked if the neighborhood has any objection to the request.

   Lacock stated there have not been any comments or inquiries from the public.

   Heikes moved, Bulman seconded and the Zoning Board of Adjustment approved the Variance to reduce the minimum required side yard setback from 8 feet to 3.3 feet for an existing dwelling based on Criteria #4 that it is the minimum adjustment necessary and Criteria #5 that it is not injurious to the neighborhood. (10 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

3. Discussion Items

4. Staff Items

5. Zoning Board of Adjustment Items

There being no further business, Braun adjourned the meeting at 7:06 a.m. (10 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 24, 2020

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Eirik Heikes, John Herr, Mike Quasney, Haven Stuck and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: Eric Ottenbacher

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Kip Harrington, Patsy Horton, Brian Staten, Ted Johnson, Wade Nyberg and Rebel VanLoh.

Braun called the meeting to order at 7:06 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.

Caesar requested that Item 6 be removed from the Consent Agenda for separate consideration.

Motion by Caesar, seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Item 6. (9 to 0 with Arguello, **Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the September 10, 2020 Planning Commission Meeting Minutes.

2. No. 20CA001 – Summary of Adoption Action on Comprehensive Plan Amendment to Revise the Rapid City Future Land Use Plan
Summary of Adoption Action on a request by City of Rapid City to consider an application for a **Comprehensive Plan Amendment to Revise the Rapid City Future Land Use**.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

*3. No. 20PD027 - Elks Crossing
A request by KTM Design Solutions, Inc for SSST, LLC to consider an application for an **Initial Planned Development Overlay to allow an apartment complex** for a portion of the NE1/4 of the SW1/4 less Plum Creek Subdivision, less Elks Crossing, less Marlin Drive Commercial Park, less Lot H1, less Lot H3 and less right-of-way; a portion of the NE1/4 of the SW1/4 less Plum Creek Subdivision, less Elks Crossing and less right-of-way; a portion of the SW1/4 of the SW1/4 less Elks Crossing, less Marlin Drive Commercial Park, less Lot H3 and less right-of-way; portion of the SE1/4 of SW1/4 less Lot H3R, less Elks Crossing and less right-of-way, located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of

aforementioned Section 16, being monumented by a rebar and plastic cap stamped "LS9213"; Thence North 30°39'40" East, 1757.23 feet to a rebar and plastic cap stamped "LS9213" monumenting the northwest corner of Lot 1, Block 8 of Elks Crossing and the point of beginning; Thence (1) North 30°39'40" East, 181.06 feet to the beginning of a non-tangent curve; Thence (2) on a curve turning to the left with an arc length of 108.31 feet, with a radius of 784.00 feet, with a chord bearing of N35°07'15"E, with a chord length of 108.23 feet to a point of non-tangency; Thence (3) South 74°40'56" East, 592.39 feet to a point of non-tangency; Thence (4) South 57°40'07" East, 75.85 feet to a point of non-tangency; Thence (5) South 3°34'13" West, 287.26 feet to a point of non-tangency; Thence (6) South 29°28'18" West, 232.42 feet to a point of non-tangency; Thence (7) South 11°58'38" West, 203.72 feet to a point of non-tangency; Thence (8) North 41°27'27" West, 654.02 feet to a point of non-tangency; Thence (9) North 50°52'42" West, 263.63 feet to the point of beginning, more generally described as being located northeast of the intersection of Marlin Drive and E. Minnesota Street.

Planning Commission approved the Initial Planned Development Overlay to allow an apartment complex with the following stipulations:

1. **Upon submittal of a Final Planned Development Overlay application, a parking plan shall be submitted showing ADA parking spaces;**
2. **Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to show that the minimum required 25-foot rear yard setback is provided;**
3. **Upon submittal of a Final Planned Development Overlay application, water and sewer plans shall be submitted for review and approval demonstrating that capacity is available for the proposed apartment complex;**
4. **Upon submittal of a Final Planned Development Overlay application, a landscape plan shall be submitted for review and approval;**
5. **Upon submittal of a Final Planned Development Overlay application, a stormwater plan and calculations shall be submitted;**
6. **Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval;**
7. **Upon submittal of a Final Planned Development Overlay application, the applicant shall submit names for the proposed interior street network for approval by the Emergency Services Communication Center. The approved street names shall be shown on the site plan submitted with the Building Permit application;**
8. **Upon submittal of a Final Planned Development Overlay, the site plan shall be revised to show the location of dumpsters; and,**
9. **This Initial Planned Development Overlay shall allow a 66-unit apartment complex. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval. Any conditional use shall require the review and approval of a Final Planned Development Overlay.**

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.

*4. No. 20PD028 - Diamond Ridge Subdivision

A request by Dream Design International, Inc for Western Housing Enterprises LLC to consider an application for an **Initial Planned Development Overlay to allow an apartment complex** for Lot A of Diamond Ridge Subdivision, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1050 Valley Drive.

Planning Commission approved the Initial Planned Development Overlay to allow an apartment complex with the following stipulations:

1. **Upon submittal of a Final Planned Development Overlay application, construction plans for a 12-inch water main shall be submitted for review and approval. Prior to issuance of a Building Permit, the water main shall be constructed;**
2. **Upon submittal of a Final Planned Development Overlay application, submit a landscape plan for review and approval;**
3. **Upon submittal of a Final Planned Development Overlay application, a stormwater plan and calculations shall be submitted;**
4. **Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval;**
5. **Upon submittal of a Final Planned Development Overlay, a revised site plan shall be submitted identifying dumpster locations; and,**
6. **This Initial Planned Development Overlay shall allow a 84-unit apartment complex. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval. Any conditional use shall require the review and approval of a Final Planned Development Overlay.**

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.

5. No. 20PL067 - North Twenty Subdivision

A request by KTM Design Solutions, Inc for Eastern Slope Land Corp. to consider an application for a **Preliminary Subdivision** for proposed Lots 1 thru 4 of Block 1; Lots 1A, 1B and 2 of Block 2; Lot 2 of Block 5 of North Twenty Subdivision, legally described as the S1/2 of the S1/2 of the W1/2 of the SW1/4 of Section 13 and the unplatted balance of the N1/2 of the NW1/4 of the NW1/4 of Section 24, all located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Brooke Street and west of Country Road.

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

1. **Prior to submittal of the a Development Engineering Plan application, a revised Master Plan showing the future location of Country Road as it intersects with the adjacent property (E1/2SE1/4 less Auburn Hills Subdivision and less ROW) in the same location as currently shown on the adopted Major Street Plan or the applicant shall submit written documentation from the adjacent property owner (Doeck LLC) indicating concurrence with the revised street location or a**

Comprehensive Plan Amendment to the Major Street Plan shall be obtained to relocate the street as proposed;

2. **Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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 contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for Brooke Street shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
4. **Upon submittal of a Development Engineering Plan application, construction plans for Country Road shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
5. **Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
6. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
7. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the vacated section line highway located between Sections 13 and 14, T2N, R7E;**
8. **Prior to submittal of a Final Plat application, the plat document shall be revised to show "Country Road" as "Country Road W.";**
9. **Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, the plat shall identify easements as needed;**
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.**

---END OF CONSENT CALENDAR---

Caesar recused herself from voting on Item #6.

6. No. 20CA002 - Amendment to the Comprehensive Plan by Adopting Rapid City TRIP 2045 Metropolitan Transportation Plan and 2020 Bicycle and Pedestrian
A request by City of Rapid City to consider an application for **An Amendment to the Comprehensive Plan by Adopting Rapid City TRIP 2045 Metropolitan Transportation Plan and 2020 Bicycle and Pedestrian**.

Bulman moved, Vidal seconded and the Planning Commission recommended approval of 20CA002 - An Amendment to the Comprehensive Plan by Adopting the RapidTRIP 2045 Metropolitan Transportation Plan and Bicycle and Pedestrian Master Plan Update. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no with Caesar abstaining)

---BEGINNING OF REGULAR AGENDA ITEMS---

7. No. 08TI004 - Section 3, T1N, R8E
A request by City of Rapid City to consider an application for a **Resolution to Dissolve Tax Increment District No. 68** for SE1/4NE1/4, Government Lot 1 and Tract C of Big Sky Subdivision, and the dedicated right-of-way for Homestead Street lying adjacent to Tract C of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located eastern terminus of Homestead Street.

Horton reviewed the application noting that the district was created in 2008 and showed the development that has taken place in the area. Horton stated that as the developer's costs and City's costs have been paid, staff recommends approval for the **Resolution to Dissolve Tax Increment District No. 68**

Golliher moved, Quasney seconded and Planning Commission recommended approving Resolution #2020-075 dissolving Tax Increment District #68 as all of the certified expenditures identified within the Project Plan have been paid. (9 to 0 with Arguello, **Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**

8. No. 20TI005 - Section 3,T1N, R8E
A request by City of Rapid City for City of Rapid City/Homestead Street Project, LLC to consider an application for a **Resolution to create TID and approve a Project Plan for the Homestead Street Extension** for Lots 2 thru 13 and Drainage Lot A of Block 9, Lots 2 thru 14 of Block 10, all of Avenue A Subdivision; Lots 1, 2, 3A, 3B, 3C, and 4 thru 6 of Block 1, Lots 1 thru 3 of Block 2, Lots 1 and 2R of Block 3, Lots 1B, 2 and 3 of Block 4, Lots 1 thru 4 of Block 5, all of Big Sky Business Park; Tract A less Tract BR of Neff Subdivision #4, less Avenue A Subdivision and less right-of-way, of F and N Subdivision; W1/2SW1/4NW1/4 less Big Sky Business Park, less Lot H2 and less right-of-way; S1/2 GL 3 less Big Sky Subdivision, less Big Sky Business Park and less right-of-way, S1/2 GL4 less Big Sky Business Park, less Lot H1, H2, and right-of-way; SE1/4NW1/4 less Big Sky Subdivision and less

right-of-way; and dedicated right-of-way adjacent to said lots, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Homestead Street east of Elk Vale Road between Timmons Boulevard and Missoula Street.

Horton reviewed the application stating the purpose for the creation of the new Tax Increment District is for the extension of Homestead Street from Timmons Boulevard to Missoula Street noting that the City is an applicant in conjunction with Homestead Street Project, LLC. Horton reviewed the revenue generating development that is being constructed in the area and noted that the increase in valuation of 59 single family homes, 1 – 40 unit apartment complex, 2 – 12 unit apartments and 1 – 15 unit apartments will be used to pay off the eligible costs when they are completed. Horton noted that any new commercial development will also generate incremental revenue, helping to repay the project costs. Horton stated that the TIF Committee recommended approval of the Resolution to create a Tax Increment District and approve a Project Plan for the Homestead Street Extension.

Responding to a question from Vidal, Horton verified that the revenue numbers are based on the building permit valuations of the single family homes and the apartment complexes and any new commercial development will be additional revenue used for paying the project costs.

Responding to a question from Heikes, Horton verified that the new residential developments are not classified as affordable house, but could be according to state law as many are under $250,000.00

Bulman commented on the positive effects that the Homestead Street extension will have on the area and made a Motion to approve. Vidal seconded that motion.

Responding to a question from Stuck, Horton verified that the developer will incur the loan debt.

Responding to a question from Braun about the interest rate, Horton verified that the financing package will have to be given to the Finance Director, Pauline Sumption, and she will make the recommendation on whether the interest rate is appropriate or not.

Bulman moved, Vidal seconded and the Planning Commission recommended to approve the Resolution creating and the Project Plan for the Homestead Street Extension. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

9. Discussion Items

Fisher commented that at the next Planning Commission meeting on October 8, 2020 there will be a training session on Ex Parte Communication.

10. Staff Items

11. Planning Commission Items

A. Election of Officers

Fisher noted that the Offices of the Chair, Vice Chair and Secretary were up for election and Braun asked for nominations.

Bulman nominated Braun for re-election as Chairman, seconded by Caesar. **(9 to 0 with Arguello**, **Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**

Vidal nominated Caesar for re-election as Vice Chair, seconded by Bulman. **(9 to 0 with Arguello**, **Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**

Caesar nominated Bulman for re-election as Secretary, seconded by Golliher. **(9 to 0 with Arguello**, **Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**

There being no further business, Caesar moved, Golliher seconded and unanimously carried to adjourn the meeting at 7:26 a.m. (9 to 0 with Arguello, **Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**