

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 4, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Eirik Heikes, John Herr, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Bill Evans, Council Liaison was absent.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Marty Gillies, Sarah Hanzel, Tim Behlings, Todd Peckosh 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.

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

Motion by Bulman seconded by Arquello and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations with the exception of Items 4. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

Heikes joined the meeting at this time.

---CONSENT CALENDAR---

1. Approval of the January 21, 2021 Planning Commission Meeting Minutes.
2. No. 21PL003 - Shepherd Hills Subdivision
A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 63 thru 82 of Block 2, Lots 3 thru 7 of Block 5 of Shepherd Hills Subdivision, legally described as a portion of the S1/2 of the NE1/4 less Menard Subdivision less North Valley Park Subdivision and a portion of the NE1/4 of the SE1/4 less the west 400 feet, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of E. Philadelphia Street and North Valley Drive.

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

1. **Prior to submittal of a Development Engineering Plan application, a feasibility study confirming the adequacy of the proposed booster station needed to serve this area shall be reviewed and accepted by the City;**

2. Prior to submittal of a Development Engineering Plan application, construction plans for proposed Phase 2 of Shepherd Hills Subdivision shall be reviewed and approved by the City;
3. Upon submittal of a Development Engineering Plan application, construction plans for E. Philadelphia Street, a collector street, 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. 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 Street A shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception. In addition, an intermediate turnaround shall be constructed pursuant to Section 2.13.2 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;
5. Upon submittal of the Development Engineering Plan application, construction plans shall be submitted for review and approval to provide water main looping of the high level water zone;
6. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
8. 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;
9. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
10. Prior to approval of the Development Engineering Plan application, adequate water capacity shall be available to the project including the installation and City acceptance of the proposed booster station needed to serve this area if necessary to meet capacity requirements;
11. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
12. Prior to submittal of a Final Plat application, the Final Plat for Shepherd Hills Subdivision Phase 2 shall be approved extending E.

Philadelphia Street right-of-way to the subject property to provide access to this phase of the Shepherd Hills development;

13. Prior to submittal of a Final Plat application, the Final Plat for Antelope View Estates securing the right-of-way and construction of E. Philadelphia Street and N. Valley Drive as shown on the Preliminary Subdivision Plan application (File #21PL005) shall be approved or submitted in conjunction with a Final Plat application for this phase of the development to ensure a second point of access or an Exception shall be obtained to allow more than 40 dwelling units with one point of access;
14. Prior to submittal of a Final Plat application, a street name for Street A shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall show the approved street name;
15. Prior to submittal of a Final Plat application, the portion of the subject property zoned General Agriculture District shall be rezoned to Low Density Residential District 2;
16. 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, Major Drainage Easements shall be dedicated for the proposed drainage improvements;
17. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording limiting the development of Lots 63 through 82 of Block 2 to single family residential use;
18. 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,
19. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

3. No. 21PL004 - Spring Brook Acres

A request by KTM Design Solutions, Inc for Shruald and Nancy Swedlund to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1A, Lot 2A and Lot 3A of Spring Brook Acres, legally described as Lots 1R, 2R2 and 3, a subdivision of Tract B; located in the SW1/4 of the NE1/4 and NW1/4 of the SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 5550 Villaggio Lane.

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

1. Upon submittal of a Development Engineering Plan application, construction plans for Villaggio Lane and the 66 foot private drive and utility easements in alignment with the proposed collector street as shown on the City's Major Street Plan 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 for a collector street or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, if an Exception is obtained to waive the requirement to construct the easement(s) extending through the

- property, then a permanent turnaround shall be constructed at the terminus of Villaggio Lane;
2. Upon submittal of a Development Engineering Plan application, construction plans for the 66-foot wide private access and utility easements located on proposed Lot 2A shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a lane place street or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. The easements may also be vacated requiring written concurrence from all of the affected utility companies;
 3. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
 4. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 5. 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;
 6. Prior to submittal of a Final Plat application, the plat document shall be revised to address redline comments;
 7. 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,
 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
5. No. 21RZ002 - North Valley Park Subdivision
A request by KTM Design Solutions, Inc for Yasmeeen Dream, LLC to consider an application for a **Rezoning from General Agricultural District to Medium Density Residential District** for a portion of Lot J of North Valley Park Subdivision, a portion of NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the North 1/16th corner of Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a rebar and plastic cap marked "DAVIS ENG"; thence N88°02'12"W, a distance of 1047.53 feet to the point of beginning; Thence first course: On a non-tangent curve turning to the right with an arc length of 112.28 feet, with a radius of 1466.00 feet, with a chord bearing of S58°18'56"E, with a chord length of 112.26 feet; Thence second course: S56°07'17"E, a distance of 546.88 feet; Thence third course: S33°57'40"W, a distance of 493.23 feet; Thence fourth course: N56°01'51"W, a distance of 714.04 feet; Thence fifth course: N87°25'38"W, a distance of 153.84 feet; Thence sixth

course: N01°55'17"E, a distance of 332.94 feet; Thence seventh course: N88°02'06"W, a distance of 71.28 feet; Thence eighth course: N01°55'54"E, a distance of 50.04 feet; Thence ninth course: S88°02'12"E, a distance of 530.52 feet to the point of beginning, more generally described as being located south of North Valley Park.

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

6. No. 21RZ003 - North Valley Park Subdivision

A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for a **Rezoning from Light Industrial District to Medium Density Residential District** for as a portion of Lot J of North Valley Park Subdivision, a portion of NE1/4, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the North 1/16th corner of Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a rebar and plastic cap marked "DAVIS ENG"; thence N88°02'12"W, a distance of 1047.53 feet to the point of beginning; Thence first course: N88°02'12"W, a distance of 530.52 feet; Thence second course: N01°57'54"E, a distance of 158.57 feet; Thence third course: On a non-tangent curve turning to the right with an arc length of 557.05 feet, with a radius of 1466.00 feet, with a chord bearing of S71°23'43"E, with a chord length of 553.71 feet to the point of beginning, more generally described as being located north of North Valley Drive.

Planning Commission recommended approval of the Rezoning request from Light Industrial District to Medium Density Residential District.

7. No. 21RZ004 - Section 32, T2N, R8E

A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District II** for a portion of the SE1/4 NE1/4 Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the 1/4 corner of Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a set granite stone 18"x12"x10", thence N35°43'31"W, a distance of 469.51 feet to the point of beginning; Thence first course: S13°43'46"E, a distance of 385.56 feet; Thence second course: N87°55'36"W, a distance of 369.80 feet; Thence third course: N13°19'44"W, a distance of 287.34 feet; Thence fourth course: N76°40'16"E, a distance of 353.82 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 Low Density Residential District II.

8. No. 21RZ005 - Section 33, T2N, R8E

A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Rezoning from General Agricultural District to Medium Density Residential District** for a portion of the SE1/4 of the NE1/4 Section 32 and portions of SW1/4 of the NW1/4 and NW1/4 of the SW1/4 Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as

follows: Commencing at the 1/4 corner of Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a set granite stone 18"x12"x10", and the point of beginning; Thence first course: N87°55'36"W, a distance of 182.76 feet; Thence second course: N13°43'46"W, a distance of 285.65 feet; Thence third course: N37°48'36"E, a distance of 479.68 feet; Thence fourth course: On a curve turning to the right with an arc length of 741.58 feet, with a radius of 1000.00 feet, with a chord bearing of S19°13'42"E, with a chord length of 724.70 feet; Thence fifth course: S01°46'22"W, a distance of 482.06 feet; Thence sixth course: S74°59'16"W, a distance of 295.84 feet; Thence seventh course: N01°48'49"E, a distance of 579.95 feet to the point of beginning, more generally described as being located North Valley Drive.

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

9. No. 21RZ006 - Section 32, T2N, R8E

A request by KTM Design Solutions, Inc for BH Capital 4, LLC to consider an application for a **Rezoning from Low Density Residential District II to Medium Density Residential District** for a portion of NE1/4 of the SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the 1/4 corner of Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota being monumented by a set granite stone 18"x12"x10", and the point of beginning; Thence first course: S01°48'49"W, a distance of 335.15 feet; Thence second course: S63°19'50"W, a distance of 80.47 feet; Thence third course: N26°40'10"W, a distance of 34.00 feet; Thence fourth course: N13°43'46"W, a distance of 357.55 feet; Thence fourth course: S87°55'36"E, a distance of 182.76 feet to the point of beginning, more generally described as being located near the intersection of North Valley Drive and E. Philadelphia Street.

Planning Commission recommended approval of the Rezoning request from Low Density Residential District II to Medium Density Residential District.

---END OF CONSENT CALENDAR---

4. No. 21RZ001 - Bradsky #2

A request by Keith Johnson for David and Cara Wise to consider an application for a **Rezoning from General Agricultural District to Light Industrial District** for Tract 1 less Lot H2 and Tract 2 of Bradsky #2, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Creek Drive at the terminus of Rocker Drive.

Lacock presented the application reviewing the surrounding zoning and floodplain associated to the property. Lacock stated that staff had received calls concerning this rezone as it relates to the floodplain noting that although a small section in the south corner of the property is in the 100-year Floodplain the remainder is located in the 500-year Floodplain. Lacock noted that the proposed collector street that is shown on the Major Street Plan running through the property may be removed as it is currently not anticipated to be built. Lacock stated that the applicant is planning to build mini storage along with outdoor storage on the property and that the access, parking and circulation will be paved as is required for such uses in the

Light Industrial District.

In response to a question from Braun about structures on the area that is within the 100-year floodplain, Lacock stated any structures would have to receive a Floodplain Development Permit to build in this area, but that the applicant has indicated they do not plan to build in this area. In response to Braun's question about storm water management, Lacock clarified this would be addressed as part of a building permit.

In response to a question from Vidal on the distance of the proposed structures from the 100-year floodplain, Lacock stated that although this application is for the rezoning request, the applicant has indicated they do not plan to build in the area near the 100-year floodplain and reiterated that if they do build in this area they will have to have a Flood Development Permit.

Bulman moved, Gollhofer seconded and the Planning Commission recommended approval of the Rezoning request from General Agricultural District to Light Industrial District. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney Stuck and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

10. No. 08TI009 - Sections 28 and 29, T2N, R8E

A request the City of Rapid City to consider an application for a **Resolution to Dissolve Tax Increment District No. 69** for that portion of SE1/4 north of Interstate 90 less Tract A of NE1/4 SE1/4 including that portion of vacated East Mall Drive being part of the outside edge of Lot H5; Lot B-1 of Lot B of SE1/4 NE1/4; Lot A of Lot 1 and the balance of Lot 1, Lot A & B of Lot 3 and Lot 3 less Lots A & B, Lot 2, all of Silver Strike Subdivision; that portion of SW1/4 north of Interstate 90 including vacated East Mall Drive within said SW1/4 less Lot 1 of NE1/4 SW1/4, less Lots 1 & 2 of NW1/4 SW1/4; Lot 1 of NE1/4 SW1/4 including vacated East Mall Drive within said lot; NW1/4 including vacated East Mall Drive located within said NW1/4, less lots AR, B, C less E1/2 NE1/4 NW1/4, less E1/2 NW1/4 NE1/4 NW1/4; Lots B & C of NW1/4; Lot AR; E1/2 NW1/4 NE1/4 NW1/4; SE1/4 NE1/4 NW1/4; NE1/4 NE1/4 NW1/4; that portion of Lot D located in the NW1/4 NE1/4; Lot A and Lot C in NW1/4 NE1/4; Right of way of East Mall Drive; Right of way of North Street; Right of way of Distribution Lane; all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the Intersection of East Mall Drive and Dyess Avenue located in the western portion of Section 28 and the eastern portion of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of U.S. Interstate 90, east of LaCrosse Street and west of Dyess Avenue.

Hanzel presented the application reviewing the Tax Increment Financing process and the creation of this specific Tax Increment District which was proposed to assist the development of commercial property along north I-90 and east of LaCrosse Street through the construction of public infrastructure improvements and to develop a municipal Fire Station. Hanzel identified the improvements realized since its creation including the widening of E. Mall Drive, the East North Street

Extension, the signaling of the intersection, a box culvert, a sanitary sewer with lift station and force main, a gravity sewer and the North Street Fire station all which helped drive the commercial development of the area. Hanzel noted that the proposed Phase 2 to complete Tish Boulevard was not completed. Hanzel reviewed how any remaining funds will be dispersed if necessary.

In response to a question from Arguello on the success rate of TIDs, Hanzel stated that although she did not have specific numbers the majority of TIDs pay off.

In response to Bulman's inquiry about the potential of the completion of Tish Boulevard, Todd Peckosh, Public Works stated that there are currently no plans to extend the Tish Boulevard. Hanzel stated that although the plan was for the City to complete Phase 2, which was to extend Tish Boulevard, but the funds were upfront funding so the development did not occur.

Heikes thanked Hanzel for the presentation stating he believes that this was a model TID.

In response to a question from Braun regarding who the applicant was for this Tax Increment District, Hanzel stated it was developer driven with the City participating in the Fire Station and adding the 2nd phase which did not happen

Caesar moved, Gollither second and the Planning Commission recommended approval of the Resolution to Dissolve Tax Increment District No. 69. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Herr, Quasney Stuck and Vidal voting yes and none voting no)

11. Discussion Items

Fisher updated the Commission that 20PD035 had been appealed and will be heard at the February 16, 2021 City Council Meeting and that she will update them on the status following the meeting.

12. Staff Items

None

13. Planning Commission Items

None

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