

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
November 9, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, Galen Hoogestraat, Mike Quasney, Justin Vangraefschepe and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Herr, Curt Huus and Kimberly Schmidt

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Sarah Hanzel, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

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

1. Approval of September 21, 2017 Zoning Board of Adjustment Meeting Minutes

Hoogestraat moved, Bulman seconded and unanimously carried to approve the minutes from the September 21, 2017 Zoning Board of Adjustment Meeting. (8 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

2. No. 17VA010 - Minnewasta Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc for Sharron and David Bramblee to consider an application for a **Variance to reduce rear yard setback from 5 feet to 1.5 feet** for Lot 7 of Block 1 of Minnewasta Subdivision, located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2410 Harney Drive.

Lacock presented the application and reviewed the associated slides. Lacock noted that this variance is to bring the existing garage into compliance. Lacock stated staff is recommending that the variance be approved for the existing garage; however, if the garage were to be replaced it would be required to be rebuilt would have to meet current zoning requirements.

Janelle Finck, Fisk Landscaping & Consulting Engineers, Inc., reviewed the history associated with the structure stating that it was constructed where it is due to an error and that the applicant is trying to address that error to allow the sale of the property.

Lacock clarified that the motion needs to acknowledge the stipulation regarding replacement. Motion maker and seconder agreed.

Hoogestraat moved, Quasney seconded and unanimously carried to approve the requested Variance to reduce rear yard setback from 5 feet to 1.5 feet for the existing encroachment be approved citing criteria that this is the minimal amendment for reasonable use of the property. (8 to 0 with

- Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**
3. Discussion Items
None
 4. Staff Items
None
 5. Zoning Board of Adjustment Items
None

There being no further business, Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:08 a.m. (8 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Quasney and Vangraefschepe and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 9, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Galen Hoogestraat, Mike Quasney, Justin Vangraefschepe and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Curt Huus, Kimberly Schmidt, John Herr

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Sarah Hanzel, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:08 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 Bulman seconded by Quasney and unanimously carried to approve the Consent Agenda Item 1. (8 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 26, 2017 Planning Commission Meeting Minutes.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

2. No. 17OA002 - Ordinance Amendment to allow Artisan Distillers As A Conditional Use In The Central Business District And The General Commercial District by Amending Title 17 of the Rapid City Municipal Code
A request by Randal R. Decker for Contraband LLC to consider an application for an **Ordinance Amendment to allow Artisan Distillers as a Conditional Use In the Central Business District and the General Commercial District by Amending Title 17 of the Rapid City Municipal Code.**

Fisher presented the application defining what an Artisan Distiller is and noting previous Ordinances for wineries and that these types of businesses draw customers from local residents and tourists. Fisher reviewed the South Dakota Codified Law (SDCL) requirements for these type of businesses noting that the approval is associated to the requirements set forth by SDCL.

In response to a question from Bulman regarding tastings, Fisher clarified that tasting would be allowed under the ordinance. Bulman stated that she believes this is a good opportunity for the City and that she supports the ordinance.

Caesar moved, Hoogestraat seconded and unanimously carried to recommend that the Ordinance Amendment to allow Artisan Distillers as a Conditional Use in the Central Business District and the General Commercial District by Amending Title 17 of the Rapid City Municipal Code be approved. (8 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefscheppe and Vidal voting yes and none voting no)

3. No. 17RZ029 - Section 29, T1N, R7E

A request by KTM Design Solutions, Inc for Dean Hamm Trust to consider an application for a **Rezoning from No Use District to Medium Density Residential District** for that portion of W1/2NE1/4SE1/4 of Portrush Road; less Red Rock Estates less row; all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the NW Corner of that part of W1/2NE1/4SE1/4 located N of Portrush Rd Less Red Rock Estates And Less ROW, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; thence S01°53'49"W, a distance of 220.31 feet, to the point of beginning; Thence first course: N80°34'53"E, a distance of 227.23 feet; Thence second course: on a curve turning to the left with an arc length of 137.68 feet, with a radius of 337.92 feet, with a chord bearing of N68°54'35"E, with a chord length of 136.73 feet; Thence third course: on a curve turning to the right with an arc length of 281.44 feet, with a radius of 461.88 feet, with a chord bearing of N74°41'40"E, with a chord length of 277.11 feet; Thence fourth course: S87°52'08"E, a distance of 45.55 feet; Thence fifth course: S01°51'05"W, a distance of 518.04 feet; Thence sixth course: N88°03'11"W, a distance of 601.69 feet; Thence seventh course: N09°23'33"W, a distance of 342.51 feet; Thence eighth course: N80°34'53"E, a distance of 9.57 feet, to the point of beginning, more generally described as being located southeast of the intersection of Muirfield Drive and Portrush Road.

Hanzel presented the applicant's withdrawal of the application stating that staff recommends acknowledging the withdrawal.

Hoogestraat moved, Quasney seconded and unanimously carried to acknowledge the applicant's withdrawal of the request to rezone from No Use District to Medium Density Residential District. (8 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefscheppe and Vidal voting yes and none voting no)

4. No. 17RZ030 - Section 29, T1N, R7E

A request by KTM Design Solutions, Inc for Storage Place, Inc. to consider an application for a **Rezoning from No Use District to Office Commercial District** for that portion of E1/2NE1/4SE1/4 less LOT H1, less row and less that part lying in Rapid City boundaries located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the NW Corner of that part of W1/2NE1/4SE1/4 located N of Portrush Rd Less Red Rock Estates And Less ROW, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence S01°53'49"W, a distance of 220.31 feet; thence N80°34'53"E, a distance of

227.23 feet; thence curving to the left with an arc length of 137.68 feet, with a radius of 337.92 feet, with a chord bearing of N68°54'35"E, with a chord length of 136.73 feet; thence curving to the right with an arc length of 281.44 feet, with a radius of 461.88 feet, with a chord bearing of N74°41'40"E, with a chord length of 277.11 feet; thence S87°52'08"E, a distance of 45.55 feet, to the point of beginning; Thence first course: S87°52'08"E, a distance of 28.16 feet; Thence second course: S02°11'28"W, a distance of 110.04 feet; Thence third course: S87°51'39"E, a distance of 380.55 feet; Thence fourth course: N02°10'58"E, a distance of 109.97 feet; Thence fifth course: S87°51'49"E, a distance of 207.24 feet; Thence sixth course: S42°38'25"E, a distance of 14.22 feet; Thence seventh course: S01°51'07"W, a distance of 505.79 feet; Thence eighth course: N88°03'11"W, a distance of 625.90 feet; Thence ninth course: N01°51'05"E, a distance of 518.04 feet, to the point of beginning, more generally described as being located southwest of the intersection of Dunsmore Road and Portrush Road.

Hanzel presented the applicant's request to continue the rezone request to the November 22, 2017 Planning Commission Meeting and staff's recommendation to support the request.

Bulman moved, Hoogestraat seconded to continue the Rezoning from No Use District to Office Commercial District to the November 22, 2017 Planning Commission meeting at the applicant's request. (8 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

5. No. 17TI004 - Section 22 and 27, T1N, R7E

A request by KTM Design Solutions, Inc for North Atlantic Developers, LLC to consider an application for a **Resolution to Create Promise Road Tax Increment District and Approve Project Plan** for a tract of land lying in portions of Sections 22, 23, 26 and 27, T1N, R7E of the B.H.M. Rapid City, Pennington County, South Dakota and being more particularly described as follows: Commencing at the southwest corner of the E1/2N1/2NE1/4 of said Section 27, being the point of beginning; Thence northerly with the west boundary of said E1/2N1/2NE1/4 to the northwest corner of said E1/2N1/2NE1/4, being on the section line between aforementioned Sections 22 and 27; Thence easterly with said section line to the point of intersection with the southerly right of way of Golden Eagle Drive; Thence on a line perpendicular to said right of way, across said drive to a point on the northerly right of way of Golden Eagle Drive; Thence easterly with said northerly right of way to the point of intersection with the westerly right of way of Promise Road; Thence northerly and northeasterly with said westerly right of way to the southeast corner of Lot 2 of Owen Hibbard Subdivision; Thence southerly across Promise Road to a point on the southerly right of way of said road, being at the northeast corner of Lot 3 of Owen Hibbard Subdivision; Thence southerly with the east boundary of Lots 3 and 4 of said subdivision to the northwest corner of Lot 5 of Owen Hibbard Subdivision; Thence easterly with the northerly boundary of said Lot 5 to the northeast corner of Lot 5, also being on the westerly right of way of Mount Rushmore Road; Thence easterly on the projection of said northerly boundary of

Lot 5 across Mount Rushmore Road to a point on the easterly right of way of said road; Thence southerly with the easterly right of way of Mount Rushmore Road to an angle point in said right of way; Thence southeasterly along said easterly right of way of to an angle point on said right of way, also being on the northerly right of way of Catron Boulevard; Thence southerly across Catron Boulevard to an angle point on the southerly right of way of said boulevard, also being on the easterly right of way of aforementioned Mount Rushmore Road; Thence westerly across Mount Rushmore Road to the point of intersection of the westerly right of way of said road and the southerly right of way of Catron Boulevard; Thence westerly with said southerly right of way to a point on the southerly boundary of aforementioned E1/2N1/2NE1/4 Section 27; Thence westerly with said southerly boundary to the southwest corner of the E1/2N1/2NE1/4 of said Section 27 and the point of beginning, more generally described as being located northwest of the intersection of Catron Boulevard and Mt. Rushmore Road.

Bulman left the dais at this time.

Horton presented the application along with a brief overview of the structure and function of Tax Increment Districts and the specifics of the Promise Road Tax Increment District. Horton reviewed the proposed public improvements including completion of Promise Road from the current terminus at Golden Eagle to Less Hollers Road, the vertical realignment of Promise Road at Golden Eagle Drive, installation of a drainage pipe under Promise Road and adjusting the traffic signal mast arm at the intersection of Promise Road and Catron Boulevard. Horton noted that staff supports the removal of the existing frontage road. Horton also noted that this Tax Increment District overlaps existing Tax Increment District 70 and will incremental funds generated will be directed to repayment of eligible expenditures in Tax Increment District 70 before being used to repay the Promise Road expenditures. Horton reviewed the revenue projections and anticipated payoff of 2033. Horton presented staff's recommendation to approve the Resolution to create the Tax Increment District and the Project Plan with minor revisions to the Project Plan.

In response to a question from Braun, Horton reviewed the portion of the frontage road to be removed as a separate non-Tax Increment Finance funded project.

In response to a question from Vidal, Horton stated that removing the frontage road improves functionality and reduces conflict points, thereby addressing safety concerns.

In response to a question from Quasney on the time frame for the improvement to the intersection of Catron Boulevard and Mt. Rushmore Road, Horton stated the environmental assessment for the two intersection designs must first be finalized. From there it is approximately eight years for the design to be completed and the project moved to the 4-year transportation improvement program. Horton also noted potential adjustments to signal timing and capacity improvements to Catron Boulevard that will also assist with the traffic flow in the

area.

Fisher pointed out that Planning Commission had recently reviewed and recommended approval of a Preliminary Subdivision Plan for the projected development of the area that showed the removal of the frontage road and identified the proposed layout of Promise Road and the cul-de-sac road as shown in the Tax Increment District Plan.

Hani Shafai, Dream Design International, Inc., reviewed the proposed enhancements including the signaling and the lane work that will help to minimize the traffic impact to the area.

Hoogestraat moved, Vidal seconded to recommend approving the Resolutions to Create the Promise Road Tax Increment District and recommends approving the Resolution to Approve the Promise Road Tax Increment District Project Plan with minor corrections in order to stimulate economic development within the northwest quadrant of Mt. Rushmore Road /Catron Boulevard. (7 to 0 to 1 with Braun, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes; none voting no and Bulman abstaining)

6. Discussion Items

Fisher reviewed the status of the purchase of tablets for Planning Commission stating that staff hopes to have them available by the next Planning Commission meeting and that a brief training will be provided for their operation once they are acquired.

Hoogestraat and Roberts left the meeting at this time.

7. Staff Items

A. Training on Due Process, Conflict of Interest and Ex parte Communication

Cushman reviewed Due Process and Conflict of Interest and Ex parte Communications as it refers to quasi judicial bodies and the Planning Commission. Cushman stated that she would be providing the Planning Commission of the City's Conflict of Interest Policy.

Discussion and questions followed regarding individual circumstances.

8. Planning Commission Items

None

There being no further business, Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:18 a.m. (7 to 0 with Braun, Caesar, Bulman, Gollither, Quasney, Vangraefschepe and Vidal voting yes and none voting no)