

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

February 14, 2018

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, February 14, 2018, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Amanda Scott, Steve Laurenti, Laura Armstrong and Lisa Modrick. Absent: Becky Drury and Chad Lewis.

(NOTE: For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Agenda.)

ADOPTION OF AGENDA

Motion was made by Armstrong, second by Laurenti and carried to adopt the agenda.

GENERAL PUBLIC COMMENT

None.

CONSENT ITEMS

Motion was made by Armstrong, second by Laurenti and carried to approve Items 1-8 as they appear on the Consent Items.

- 1) Approve Minutes for January 31, 2017.

FINANCE DEPARTMENT

- 2) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Jena Finch (Library), Ethan Parsons (Library)
- 3) LF021418-01 – Approve Resolution No. 2018-012 a Resolution to Update Change Funds
- 4) LF021418-02 – Approve Resolution No. 2018-013A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property
- 5) LF021418-03 – Approve Resolution No. 2018-014 a Resolution Declaring Miscellaneous Personal Property Surplus
- 6) LF021418-04 – Approve Request for Property Tax Abatement as Follows: St. Therese Church, 2017, \$846.01; St. Therese Church, 2017, \$1,081.10 [Total for Rapid City: \$1,927.11]
- 7) LF021418-06 – Approve Request for Property Tax Abatement as Follows: John Feuerbacher, 2017, \$1,368.34; [Total for Rapid City: \$1,368.34]

COMMUNITY RESOURCES

- 8) LF021418-07 – Approve Resolution No. 2018-016 Creating New Positions of RSVP Manager, Senior Human Resources Generalist and Solid Waste Electrician

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 9 – 21
Public Comment opened – Items 9 – 21
Public Comment closed

COMMUNITY DEVELOPMENT

- 9) 17OA003 – Laurenti moved to approve Second Reading and Recommendation of Ordinance No. 6220 an Ordinance Amendment to Clarify Uses in Residential Districts by Amending Title 17 of the Rapid City Municipal Code. Second by Modrick. Motion carried.
- 10) 18OA001 – Long Range Planner, Sarah Hanzel presented a short PowerPoint presentation on the creation of a new zoning district to be incorporated into the Rapid City Municipal Code. Currently there are 24 zoning districts in the City and this ordinance will create a new zoning district for mixed use district in the downtown area. This project started after we adopted the Downtown Area Master Plan in 2016 which set goals of how we want the future of downtown to feel and function from a business perspective. The goals are to be prosperous, connected, active, welcoming and livable. One of the priority initiatives was to look at our zoning regulations that would accommodate a more mixed use pattern and allow for more infill opportunities. There was a strong emphasis on additional housing units in the downtown area. From a use perspective looking at how a new zoning district or revisions to our zoning code could allow for uses affiliated with the kind of innovation and creative economy that market niche that we are looking to connect with the School of Mines. Lastly, how to make the East of 5th area in downtown a more comfortable place overall. The new Urban Commercial district is a hybrid of the Central Business District and the General Commercial District. This particular ordinance will not establish new boundaries for the zoning districts. It is to create the district policy and language of the district. Three separate rezoning applications that are going to Planning Commission next week. Uses for this district are based on what is currently allowed in the Central Business District and the General Commercial District with two exceptions. One is for housing, new definitions are added to specify and clearly promote that we are looking for more variety and housing types in this district. And the second exception is for innovation uses we added limited production and processing, small scale production. Development standards of the area are slightly different. Overall development density is increased with the new district compared to what is currently allowed in General Commercial. For example, in the General Commercial District the maximum building height is 4 stories, in the proposed Urban Commercial District has 8 stories. For this district we are looking for a more urban oriented environment, so we are proposing a 0-10 foot maximum set back. Lot coverage has increased from 75% to 90% from the General Commercial District. The second component of the development standards is the idea of pedestrian oriented development. There are four basic standards, ground floor windows, building face variation (no blank walls), location of main entrance and lighting creating a comfortable walking environment. Currently in the General Commercial District parking is based on the square footage of the building at 4.3 spaces per 1,000 square feet. Under this new district, only 2 spaces per 1,000 square feet are required. A change in use does not require conformance with the new standards unless there is an issue with the parking requirement. New construction all standards would apply. For existing structures, if you make a 40% change in square footage the standards would apply, otherwise they encourage small updates. If you are planning to make substantial changes you should comply with the new standards. Laurenti moved to approve Introduction and First Reading of Ordinance No. 6228 an Ordinance Amendment to Title 17 of the Rapid City Municipal Code by adding Chapter 17.66, Urban Commercial District. Second by Armstrong. Motion carried.

Laurenti moved to approve the following ordinances listed in item numbers 11 – 19 on the agenda. Second by Armstrong. Motion carried unanimously. Scott further explained that these items are ordinances and will be read in and considered separately at the Council meeting on Tuesday night.

- 11) 18OA002 – Introduction and First Reading of Ordinance No. 6229 an Ordinance to Include Definitions for the Urban Commercial District by Amending Section 17.04 of the Rapid City Municipal Code.

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- 12) 18OA003 – Introduction and First Reading of Ordinance No. 6230 an Ordinance Amendment to Title 17 of the Rapid City Municipal Code by amending Chapter 17.06.
- 13) 18OA004 – Introduction and First Reading of Ordinance No. 6231 an Ordinance to Amend Section 17.50.050 of the Rapid City Municipal Code to Allow for Administrative Dissolution of Planned Developments.
- 14) 18OA005 – Introduction and First Reading of Ordinance No. 6232 an Ordinance Amendment to Modify Section 17.50.070 of the Rapid City Municipal Code.
- 15) 18OA006 – Introduction and First Reading of Ordinance No. 6233 an Ordinance to Amend the Sign Code to Incorporate On-Premises Signage Rules for the Urban Commercial District by Amending Section 17.50.100 of the Rapid City Municipal Code.
- 16) 18OA007 – Introduction and First Reading of Ordinance No. 6234 an Ordinance to Establish Parking Requirements for the Urban Commercial District by Amending Section 17.50.270 of the Rapid City Municipal Code.
- 17) 18OA008 – Introduction and First Reading of Ordinance No. 6235 an An Ordinance to Amend Landscape Regulations to Incorporate the New Urban Commercial District by Amending Section 17.50.300 of the Rapid City Municipal Code.
- 18) 18OA009 – Introduction and First Reading of Ordinance No. 6236 an Ordinance to Amend Chapter 12.08 of the Rapid City Municipal Code to Accommodate Goals for Pedestrian Oriented Streets in the Urban Commercial District.
- 19) 18OA010 – Introduction and First Reading of Ordinance No. 6237 an Ordinance to Amend Section 12.12.110 of the Rapid City Municipal Code to Authorize the City to Maintain Parkways in Downtown Areas.

HISTORIC PRESERVATION COMMISSION

- 20) LF021418-05 – Sarah Hanzel explained this item as a building permit application taking place at 430 Main Street. The building is a contributing structure in the Downtown Commercial Historic District. Since August 2017, the City has been working with the State Historic Preservation Office, the Historic Preservation Commission and the owners and applicants to reach a resolution. Based on state law and municipal code, staff cannot authorize a building permit for a project which has an adverse effect. Meaning any project that could damage, destroy or encroach upon historic property. In order for the City to issue a permit, the City Council has to make the final decision. In making that decision you are determining there are no feasible and prudent alternatives and that all possible planning to mitigate the harm to the historical structure has occurred. City staff feels the applicants have done a very good job of being open to feedback and working to meet the preservation standards to the best of their ability. Three options were presented and staff's recommendation is to make the finding for option 1. President of Historic Rapid City, Jean Olson-Kessloff spoke in opposition of the proposed alterations to the Gambles building. In no way is this meant to be disrespectful to the applicants. The Gambles building is a contributing structure to the Rapid City Commercial Historic District. As a contributing structure means there is enough historic integrity to contribute to the district. The national register nomination identifies the Gambles building as a significant part of a collection of buildings in the district that reflects the post war economic boom bolstered by the air force base and new manufacturing prosperity. The building's architecture style is mid-century modern, sleek, uncluttered lines with minimal ornamentation. She is asking the Council to choose option 3, continue the appeal to a certain date and require the applicant additional investigation or explanation of alternatives. She recognizes the applicants have worked very hard on this design however it still does not meet the Secretary of Interior standards. The

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standards promote historic preservation best practices that help protect our nation's irreplaceable cultural resources. These standards are codified law in South Dakota and the requirement to follow the standards is the same. It is the law. She does not feel that all options have been explored. She provided a rendering of the building which meets the requirements. Armstrong asked Hanzel what her concerns would be if option 3 was chosen. Hanzel explained the City does not have the resources to design what it is we hope to see and it is not our place to do so. The City feels the procedural requirements of the 11-1 review law has been met and requiring more at this point that the applicant is not open to goes above and beyond what has been asked. Kesloff added that by allowing these modifications to occur, we would likely lose a contributing structure in our historic district. Modrick complimented the work everyone has done on this project and working to maintain the integrity of the building all within the current footprint. She feels this accelerates the excitement of the East of 5th project. She thanked the Historical Preservation for bringing the facts to their attention. Scott echoed Modrick's perception of this process and project. She appreciates everyone bringing their viewpoints forward for the Council to consider. Laurenti moved to approve the Appeal (option 1, as recommended by staff) the Denial for Alterations to the Historic Structure Located at 430 Main Street Pursuant to SDCL 1-19A-11.1 and RCMC 17.54.080 (17CM007). Second by Modrick. Motion carried.

FINANCE DEPARTMENT

21) LF013118-04 – Laurenti moved to approve Second Reading and Recommendation of Ordinance No. 6224 an Ordinance Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code. Second by Armstrong. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Armstrong, second by Laurenti and carried to adjourn the meeting at 1:06 p.m.