

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
April 25, 2005

Pursuant to due call and notice thereof, a special meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, April 25, 2005 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Malcom Chapman, Tom Murphy, Ron Kroeger, Tom Johnson, Karen Olson, Sam Kooiker, and Bob Hurlbut. The following Alderperson arrived during the course of the meeting: Ray Hadley, Jean French and Bill Waugh; and the following were absent: None.

Staff members present included City Finance Officer Jim Preston, Assistant City Attorney Joel Landeen, Public Works Director Dirk Jablonski, Growth Management Director Marcia Elkins, Police Chief Tieszen, and Administrative Assistant Jackie Gerry.

The Mayor presented No. 04CA032, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Neighborhood Area Future Land Use Plan** on property located north of Cathedral Drive, south along U.S. Highway 16 approximately one mile either side of U.S. Highway 16 to south of Reptile Gardens.

Growth Management Director Elkins explained staff identified the individual commercial areas and referenced the recommendations of the Future Land Use Committee and the Planning Commission. Elkins distributed maps that identified parcels that had a difference between the zoning and what the land use plan identified; and maps identifying current zoning; and an overlay document that addressed aesthetics on the entry way into the City. Elkins pointed out the base map that identifies all areas acted on by the Council.

Elkins responding to questions from Alderman Kooiker, explained that highway service in the County is a zoning designation and allows a variety of commercial activities, geared toward the traveling public. The scenic overlay does not specify uses, it addresses aesthetic qualities.

Johnson moved, second by Olson and carried to establish the length of the meeting and adjourn at 9:00 P.M.

Kroeger moved, second by Olson and carried to establish a three minute limit for each speaker.

Elkins outlined Parcel 'A' lying north of the study area and zoned General Commercial with a Planned Commercial Development (PCD); and this is the Planning Commission recommendation. Johnson moved, second by Murphy and carried to open public comment on Parcel 'A'. No public comments were made. Olson moved, second by Chapman and carried to close the public comment on Parcel 'A'.

Elkins outlined Parcel 'B' located west of Hwy 16, north of Catron Blvd. and zoned General Commercial with a PCD; and this is the Planning Commission recommendation. Olson moved, second by French and carried to open public comment on Parcel 'B'. No public comments were made. Olson moved, second by Johnson and carried to close the public comment on Parcel 'B'.

Elkins outlined Parcel 'C' located west of Hwy 16, south of Catron Blvd. and zoned General Commercial with a PCD, but the majority of the area is Highway Service under County zoning for those portions not in the City Limits. Murphy moved, second by French and carried to open public comment on Parcel 'C'. No public comments were made. Kroeger moved, second by French and carried to close the public comment on Parcel 'C'.

Responding to a question from Alderman Hurlbut, Elkins explained there is a road abutting the property to the north. She pointed out there is an at-grade section line highway that will access Hwy 16; but the Department of Transportation identifies this road in the future as a grade-separate overpass; and pointed out a collector road that will development driven. Elkins indicated the re-design of the Catron Blvd. interchange will result in no access to the section line highway from Hwy 16.

Elkins outlined Parcel 'D' located east of Hwy 16, bound by the section line highway on the north and Sammis Trail on the south; and bounded by Hwy 16 on the western boundary and zoned General Commercial with a PCD, and this is the Planning Commission recommendation. Alderman French proposed a modification to Parcel 'D', outlined an area to be zoned General Commercial, and an area to be zoned Office Commercial. French suggested the zoning of Office Commercial would not lend itself to the anticipated traffic congestion. French also indicated another area to be zoned Neighborhood Commercial. Responding to a question from Alderman Chapman about the scenic overlay effects on the proposed modification, Elkins indicated the same standard for development, in terms of the aesthetic quality, would apply. Alderman Olson expressed concern with traffic flow, south-bound traffic crossing Hwy 16 to turn left on Sammis Trail, and General Commercial develop generating heavy traffic. Alderman Johnson suggested he would envision a five hundred foot entry-way overlay or a greater amount where there is a contiguous piece of either Commercial, Office Commercial or like. He expressed his disappointment in not being able to work with the Department of Transportation in order to develop the property up to its potential; and the loss of the section line right-of-way; and the extremely limited access to the proposed commercial and residential development. Alderman Murphy suggested the key is the rearage road that could be a major collector street. Hurlbut moved, second by Murphy and carried to open public comment on Parcel 'D'.

Judy Heller, WalMart employee reported she has been with the company for thirteen years and suggested WalMart is an excellent company with an opportunity for growth for other citizens of the community. Attorney Merl Miller representing WalMart addressed the Council reporting the number employed by WalMart, the number of ancillary on-site businesses, and the purchasing of goods and services in the community. Miller requested the Commerford Ranch property, located on the northeast corner of the intersection of Hwy 16 and Sammis Trail, be zoned General Commercial to be consistent with the plan. Fred Salono, WalMart employee, suggested there are other businesses along LaCrosse Street that thrive because the WalMart store is located on this street. He indicated a new store would alleviate the traffic at the existing store and would not take business away from any other business.

Casey Peterson, Rapid City indicated his appreciation for the scenic overlay plan and encourage the City to implement the plan along Hwy 16; and expressed his concern with traffic. Attorney Ed Carpenter, representing Citizens for Smart Growth addressed the Council suggesting there is one point to be made; and that is, what the Council has to deal with is the future of Rapid City for twenty-five to fifty years out. He suggested it is not appropriate for a potential developer that has taken an option on a piece of property to drive the planning process. He indicated the planning process should be based solely on the interest of Rapid City, as though WalMart has not made an application for a particular piece of property. He indicated the comprehensive plan is for the benefit of everyone in the community, and not for a particular business.

Don Rausch, WalMart employee indicated there is some need to do some commercial planning along Hwy 16 and suggested any company could design a store that would fit in the commercial development plan with adequate landscaping and will add to the attractiveness of the area.

Julie Mueller, representing Save Hwy 16 addressed the Council suggesting that a high school be placed in this area and pointed out there would be less traffic congestion during the tourist season.

Attorney Brian Hagg representing the Commerford Ranch addressed the Council pointing out there was a direct reference made to WalMart being on this parcel; and arguments made why WalMart should not be on this parcel. He suggested that if you use the logic of access along this corridor, then it should be applied to others. Hagg reminded the Council that the Department of Transportation believes there is no problem with traffic along Hwy 16; and he believed that traffic is not the issue. Responding to a question from Alderman French, Hagg listed the owners of the Commerford Ranch. Responding to a question from Alderman Kooiker, Hagg indicated he is not opposed to the scenic overlay plan.

Mike Mueller, representing Save Hwy 16 addressed the Council indicating their concern is focused on traffic, the burden on taxpayers to realign Moon Meadows and Sammis Trail, and over-extending public service to the police and fire departments and emergency medical services to this General Commercial area. Mueller also reported on the subsidies received by the WalMart and the property taxes paid by the company.

Allen Bishop, WalMart employee reported they hire the disabled and Veterans and suggested WalMart hires based on abilities.

Bryan Dryer, Rapid City reported visiting with the landowners along the Hwy 16 corridor and received letters supporting WalMart; and eighteen landowners representing 2,596.6 acres of land in the corridor came out in support the site. He indicated four landowners representing 54 acres in the corridor were neutral, and he was awaiting response from six landowners representing 83 acres in the corridor. He reported seven landowners representing 304 acres in the corridor were opposed to the development. Responding to a question from Alderman Kooiker, Dryer indicated he favored the scenic overlay plan.

Kerry Papendick, Rapid City outlined her modification to this parcel, expressed concern with traffic congestion, favored Neighborhood Commercial, and suggested a park system of soccer fields and a bike path. Joanne Detwieler, representing Citizens for Smart Growth addressed the Council suggesting the Department of Transportation is wrong in their assessment of traffic congestion along Hwy 16; and suggested Neighborhood Commercial and a school would not create a traffic problem. Attorney Pat Getsinger representing Orthopedic Land Company and Orthopedic Building Partnership indicated his clients take no position on the zoning designation with regard to property in the Hwy 16 corridor; they are neutral.

Johnson moved, second by Chapman and carried to close public comment on Parcel 'D'.

French moved, second by Olson to re-open public comment on Parcel 'D'. Upon a roll call vote, the motion carried with the following voting AYE: Hadley, Chapman, French, Olson, Kooiker, Hurlbut and Waugh; NO: Murphy, Kroeger and Johnson.

Michelle Powers, Rapid City indicated it seems that those favoring the re-zoning, their concerns are for the community and for traffic problems and for the community as a whole; and those that are in favor of leaving the zoning as it is, it is all about WalMart. Powers indicated she has not heard any concern on their side addressing the traffic problem that has been brought up by multiple people.

Kooiker moved, second by French and carried to close public comment on Parcel 'D'.

Alderman Kooiker offered some background information on the scenic entry way overlay plan, explaining when elected he was named to be a participant in the Landscape Code Review Committee; and they reviewed a lot of the landscape code, found numerous problems and came up with some solutions, but the review was not completed for various reasons. Kooiker pointed out the proposed overlay plan incorporated many of the solutions identified by the Landscape Code Review Committee. Growth Management Director Elkins indicated the draft presented is

specific to the Hwy 16 neighborhood future land use plan, and as such, the Council would amend the plan to incorporate the scenic entry way overlay plan. Elkins also indicated there is an intent to revise the language to indicate the five hundred feet, and any property be identified as General Commercial or Neighborhood Commercial, including the full property even though it extended outside the five hundred foot distance.

Alderman Olson suggested the Council was trying to create a plan that allows the community to develop in the most scenically beautiful, the most efficient, and the best support of appropriate development in this particular area. She referenced comments from the public and explained the Council will not make a decision concerning schools, because the City has no control over what schools do. In addition, she pointed out the City does not own any of the property. Olson explained this is not intended to be a scheme; it is intended to be the best use of the land for the future. Olson suggested Office Commercial may offer this in the best way possible. Olson indicated the objective is not to exasperate anything that is not as attractive and as useful and as economically viable as possible; instead, the objective is to try and make a choice for the future land that best serves the community.

Alderman Hadley commented this may not have been looked at for commercial development, because of the terrain and indicated this is the last corridor into the City. Hadley stated he was not against development and suggested there may be common ground. He also stated that Rapid City will continue to grow and he believed that in less than fifty years, the City will extend beyond what is being considered at this time. He indicated this is not about WalMart; this is an issue about future land use, zoning, and what is in the best interest of the community, Rapid City and smart growth.

Alderman Johnson stated this is a future land use plan that should go well into the future and protects the City while it continues its economic vitality. Johnson indicated that when the process began, he supported a fairly substantial commercial development in this area, which would accommodate a WalMart store. He pointed out the Council made an assumption that there is an at-grade access to Hwy 16 at the section line highway. He pointed out the re-design of the Catron Blvd. interchange will eliminate the at-grade access. He indicated his biggest concern is access and how Sammis Trail connects to Hwy 16 and the impact on traffic coming up hill, north bound. Johnson indicated the limit of only two access points will not accommodate a thirteen hundred foot depth of commercial property and all the dense development that will occur for residential. Johnson outlined the two Hwy 16 access points, the re-design of the Catron Blvd. interchange, and the acceleration lane and indicated he disagrees with the Department of Transportation. Johnson indicated this parcel would be eligible for WalMart, as well as other sites in this area. He also pointed out an area on Catron Blvd. at Fifth Street that would be eligible for WalMart. Johnson stressed that he was not voting for a WalMart plan, but a plan that allows the community to grow and makes sense.

Growth Management Director Elkins outlined another modification for Parcel 'D' that includes a buffer along the north/south collector road. The depth is five hundred feet of General Commercial with a PCD off Hwy 16, and an Office Commercial with a PCD that would provide a buffer for residential to the east, on either side of the north/south collector road. Elkins indicated that from staff perspective, Neighborhood Commercial limits the kinds of activities that can locate in the area. She indicated Neighborhood Commercial is not functional. Alderman Johnson suggested it is more appropriate to have General Commercial along Hwy 16, but the depth of thirteen hundred foot is too much.

Kooiker moved, second by Hurlbut to amend the comprehensive plan to incorporate the scenic entry way overlay plan that will included the five hundred feet, and any property that has any commercial designation.

Alderman Hurlbut clarified his position and indicated this is not about any particular retail at this location, but the best use and in the best interest of the community. Elkins, responding to a

question from Hurlbut, explained that the Council can provided in the plan, alternates and identify Office Commercial and Neighborhood Commercial. Alderman Johnson offered support for the overlay; but suggested there should be a finished format of the entry way overlay plan with all language included before approving.

Upon a vote being taken on the motion to amend comprehensive plan, motion carried with Murphy voting NO.

French moved, second by Murphy and carried to continue the meeting for one-half hour.

Olson moved, second by Hadley to identify Parcel 'D' as Office Commercial. Comments followed from Alderman Kroeger suggesting this has been about Highland Park and WalMart. He pointed out all the other parcels have been designated General Commercial and indicated traffic is an issue, but will be addressed when WalMart comes through the process with their plan. Alderman Murphy suggested this area is too big to be designated solely as Office Commercial and the designation of General Commercial does not precluded offices being built in an area designated as General Commercial. Alderman French suggested a blending of commercial designations. Alderman Hurlbut offered comments on smart growth planning suggesting this is needed to go with the water and sewer master plans. Responding to a request, Elkins explained the zoning designations of Office Commercial and Neighborhood Commercial and what is allowed in each of the designations. Alderman Kooiker reminded the Council of his proposal to do a smart growth audit that was ultimately tabled. He also expressed concern with infrastructure appropriations going to new areas rather than reconstruction of existing infrastructure that is deteriorating.

Substitute motion was made by Johnson, second by Chapman to adopt a recommendation that the first five hundred foot depth of property be zoned as General Commercial and the remaining portion of the property to the rear as Office Commercial.

Second substitute motion was made by French, second by Hurlbut to adopt a blend of Office Commercial/Neighborhood Commercial on Parcel 'D'.

Upon a roll call vote on the second substitute motion, the following voted AYE: French, Johnson, Olson, Hurlbut and Hadley; NO: Chapman, Murphy, Kroeger, Kooiker and Waugh. Second substitute failed on a tie vote.

Responding to a concern about traffic, Elkins pointed out all commercial designations include a PCD.

Upon a roll call vote on the substitute motion to adopt a recommendation with a five hundred foot depth of General Commercial and the remaining as Office Commercial, the following voted AYE: French, Johnson, Olson, Hurlbut, Hadley and Chapman; NO: Murphy, Kroeger, Kooiker and Waugh. Motion carried on a 6 to 4 vote.

Kroeger moved, second by Waugh to continue the meeting until Parcels 'E', 'F' and 'G' are considered. Motion carried with Johnson voting NO.

Elkins outlined Parcel 'E' located west of Hwy 16, south of Moon Meadows and zoned General Commercial with a PCD and this is the Planning Commission recommendation.

Johnson moved, second by Chapman and carried to open public comment on Parcel 'E". No public comments were made. French moved, second by Chapman and carried to close the public comment on Parcel 'E'. Johnson moved, second by Chapman and carried to adopt the zoning recommendation on Parcel 'E'.

Elkins outlined Parcel 'F' that is identified and the Planning Commission recommendation is General Commercial; and Parcel 'G' is a recreational park and the recommendation is General Commercial as it is developed in conjunction with Parcel 'F'. Johnson moved, second by Murphy and carried to open public comment on Parcels 'F' and 'G". No public comments were made. French moved, second by Olson and carried to close the public comment on Parcels 'F' and 'G". French moved, second by Hurlbut and carried to adopt the zoning recommendation on Parcels 'F' and 'G".

Johnson moved, second by French and carried to continue No. 04CA032, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Neighborhood Area Future Land Use Plan** on property located north of Cathedral Drive, south along U.S. Highway 16 approximately one mile either side of U.S. Highway 16 to south of Reptile Gardens, as amended, to the regular City Council meeting on Monday, May 2, 2005 at 7:00 P.M.

As there was no further business to come before the Council at this time, the meeting adjourned at 9:47 P. M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)