

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
January 24, 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, January 24, 2005 at 5:15 P.M.

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

Staff members present included City Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Public Works Director Dirk Jablonski 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 Coordinator Horton outlined the Planning Commission recommendations and the three changes requested by the Planning Commission as follows: Change the density on property south of Catron Blvd. that was originally one dwelling unit per three acres to 4.8 dwelling units per acre on 160 acres. South of Sammis Trail, change from a Planned Residential Development with two dwelling units per acre to 2.5 dwelling units per acre; and a third change to 2.5 dwelling units per acre. Horton also outlined the last requests made during a recent Council meeting. Those requested changes came from Gene Addink, Hart Ranch Development Company requesting density changes on property south of the proposed Highland Park Subdivision at 2.5 dwelling units per acre. The property south of that is to be consistent with one dwelling unit per acre. Zion Lutheran Church has three 10-acre parcels, one parcel is designated as Public in the current land use plan; their request is to reduce that Public designation to the area that is leased for the water site so that the whole ten acres is not identified as Public.

Kooiker moved, second by French to ask Growth Management staff to bring forward recommendations on adding zoning designated buffers between all the General Commercial areas and residential areas.

Growth Management Director Elkins explained it is typical there be Office Commercial or Medium Density Residential, and asked if was the intent of the motion there be a buffer between the two residential districts and General Commercial, or would those types of buffers be acceptable. Elkins pointed out the majority of the areas along the frontage indicates Planned Development areas. She explained the Land Use Committee intended the Planned Development process would assure that some kind of buffer was provided in the design of the plans and layout plat. Alderman Kooiker suggested the zoning category would be a better way, explaining there had been a revision process underway to change the landscaping codes because they were archaic. Because of staffing changes, the landscape code was not revised. He suggested that it is difficult to require land owners to add more to a Planned Development that what a landscape code requires. Alderman Olson commented that she and the Land Use Committee were comfortable with the Planned Development process, which ensures a buffer between commercial and residential districts.

Alderman Hurlbut remarked that given the concerns about the corridor and the desire to preserve the beauty and open spaces along the Hwy 16 corridor, he would suggest the General Commercial area be reconsidered, with consideration for both Neighborhood Commercial and Office Commercial land use designations. He pointed out no one has looked at the Neighborhood Commercial designation and described the land use category as Neighborhood Commercial with a Planned Development to include those shopping facilities geared to meet the needs of local residents rather than the community as a whole. A Planned Commercial Development is identified as commercial uses where development concerns may exist (i.e. physical constraints, access concerns, minimizing site impact and other compatibility issues, and concern land uses). He suggested the Neighborhood Commercial designation would allow the same kind of growth seen along Mt. Rushmore Road; that being businesses like the coffee shop and other smaller uses that serve local residents and tourist, but are not the great traffic producer.

Substitute motion was made by Hurlbut, second by French to ask Growth Management staff to bring forward, changes in the Future Land Use Plan as a blend of Neighborhood Commercial and Office Commercial designations.

Alderman French offered support of the change suggesting there are too many concerns about traffic. She pointed out the proposed realignment of Sammis Trail to align with Moon Meadows indicating there is concern about a traffic signal in this location. French indicated there is another potential problem yet to be discussed, that being the sewer. She explained that at the current time there will be a need for a sewer lift station to pump all the sewer up from either Highland Park or any development along Sammis Trail; and anything south of Catron Blvd. will be pumped north. She pointed out the alignment of the sewer main serving the area along Catron Blvd. from Hwy 79 to 5<sup>th</sup> Street; and reported the sewer main in the general area is at capacity and reported residents in the area are experiencing sewer backups. French explained that the City may need to put in a three million gallon reservoir to serve the area. She stressed the need to be cautious and conservative in the development of the area.

Alderman Hurlbut reported visiting with engineering staff about the City's existing sewer and water infrastructure and the capacity of each utility. He pointed out the current connection for sewer when extended to the future Forest Service building at Moon Meadows Road will extend along the west-side of Hwy 16. He reported there is an eight inch sewer main extending along the east-side of Hwy 16. He explained that both lines extend along Hwy 16 and tie into the sewer main at Texas Street. He reported sewer backups are being experienced in the Robbinsdale neighborhood at this sewer main on Texas. He suggested the City was already pushing the capacity of the eight inch main. He explained that the sewer along each side of Hwy 16 will go to sewer lift stations on opposite corners of Catron Blvd. and Hwy 16. He explained that operating those lift stations, five times per day, is expensive. To operate the lift stations, with a 300 home development and large commercial growth along the corridor, the City will need to double what they need to operate the lift stations. He indicated the City will need to consider building a trunk line along Catron Blvd. from 5<sup>th</sup> Street to Hwy 16. He pointed out the water issues, explaining that the Skyline Water District is currently at a deficit for storage capacity of ten percent or one hundred thousand gallons. He suggested there is a need to construct a three million gallon reservoir south of Sammis Trail that could cost approximately \$3 Million or more. He suggested the City will also need to dig a well for an estimated cost of \$750,000. He also suggested they needed to talk about road maintenance, snow removal,

police and fire protection, and schools; and stressed the need to study this issue; and indicated he could not support moving forward until a study is completed.

Public Works Director Jablonski reported a study was completed for the area north of Catron Blvd. and east of Hwy 16. The study indicated the lift station, although not at maximum capacity, has some restrictions downstream in the Robbinsdale area that caused some basements to flood. He explained there is something that can be done, such as timing the pumping. He reported no study has been done in the area south of Catron Blvd. Ultimately, there should be a sanitary sewer constructed east along Catron Blvd. Because funding is not available in 2005, a draft study was completed on the water utility. He suggested drainage in the area needed to be reviewed; and there is no drainage master plan for this area.

Elkins stressed that it is important to talk about the Land Use Plan; and indicated that this is not a situation where the City is trying to address the development specific to any specific parcel and determine the ability as to whether or not the City can serve that development. She pointed out that this is a plan for the build out of Rapid City, long term. She also pointed out that the issues raised will be addressed when a specific development is brought forward. At that time, an applicant will need to come forward with plans to show how they are going to address those issues. Elkins encouraged the Council to adopt the Land Use Plan so that a master utility plan can be completed.

Alderman Murphy offered no support for the motion suggesting the Planned Development would address the concerns about buffers between land designations; and suggested the City utilities needed customers in order to pay for utility projects for expansion. He suggested this was a good plan and urged adoption of the plan.

Alderman Johnson suggested there was an effort to oversimplify how you can to put together a Future Land Use Plan; and they should be looking at this plan, and looking at the individual areas, and talking about what the zonings should be. He suggested there should be buffers, but buffers may be inappropriate when considering the topography.

Alderman Olson indicated she recognized that this is the last beautiful corridor into Rapid City, and there is concern about how it develops. She believed that there is a sense that however the land use plan is accepted and adopted that becomes the way things are. If the plan is adopted as it is, she indicated she has received some assurances that it still allows the Council to make some decisions as they move forward. Olson also pointed out that the majority of the land as described, that is adjacent to Hwy 16, is being proposed as General Commercial with a Planned Commercial Development. She pointed out the areas on either side of Hwy 16 from Moon Meadows as it is proposed to Catron Blvd., suggesting there is something that is described as a landscape buffer, and that is another way in which the Future Land Use Committee has tried to assure that the development here will be attractive.

Alderman Kroeger offered no support for the motion pointing out concerns will be addressed when a development comes forward through the planning process. He pointed out because of the Planned Development designation everyone will have the opportunity for input on how a development will be designed. He explained that roads, water and sewer will be discussed during the Planned Development stage. He suggested the City was being responsible by adopting future land use plans.

Responding to a request from Alderman Olson, Elkins outlined the process after a Future Land Use Plan is adopted. Staff would need to determine whether a parcel is annexed into the City, and if not, will need to proceed with annexation. There would need to be a rezoning submitted for General Commercial. If it has been identified for Planned Development, there would need to be a PDD adopted. Through this process, the developer will need to provide the City with a full design of the property, including grading, drainage, site plan, landscaping, and an elevation of the structure. This will go through the Planning Commission as a public hearing. There is the right of an aggrieved person to appeal the decision to the Council. In addition to that, there is the plat process. If someone is subdividing property, they will have to go through a Layout Plat where they identify the major issues that will be addressed. Then there is a Preliminary Plat where the applicant must provide a detailed design, plans for the infrastructure. When approved, there is a Final Plat process that is administrative. There will be additional opportunities for public input for the plat, as well as the Planned Development and rezoning process. Elkins pointed out there may be some lands in the corridor that have been in the City limits and are already zoned General Commercial; but the majority of the area to the south of the development plan is currently not zoned that way. She also explained that if an area is designated Neighborhood Commercial and someone wanted to come back with a General Commercial request, the applicant would have to submit a request for a comprehensive plan amendment to amend the plan. The applicant would also have to submit a rezoning request to rezone the property to General Commercial. Both are public hearing processes before the Planning Commission and Council.

Responding to a question from Alderman Hadley, Elkins explained that it is a common question asked to make sure the City has the sewer capacity to handle additional flows. If there are concerns about areas further upstream where there could be some limitation, staff will address the issue for the short-term and the long-term.

Alderman Hurlbut clarified his motion as an attempt to bring the zoning change as suggested, as an amendment to the comprehensive plan for the Council to vote on. He indicated that this discussion points up the problem that the City is looking at plat approval at the same time as adopting a comprehensive plan. He believed it essential to conduct a study in the area, and expressed concern over the potential costs to provide service to the developments and the effects the added service will have on existing infrastructure. He pointed out an existing problem in the Robbinsdale area where basements are flooding and suggested these residents should be heard on retrofitting an eight inch sewer line that already has problems. He indicated he understood the desire of landowners to have use of their property, and have reasonable use of their property, and try to economically benefit from the use of their property; but that is not an absolute right. When they are asking to be annexed into the City, have sewer and water connections extended to them, retrofitted to handle their capacity, he was concerned. He reminded the Council of the recent increases in the utility rates to support the water and sewer utilities. He reiterated his request for blended Office Commercial and Neighborhood Commercial.

Mayor Shaw explained that any Land Use Plan adopted by the Council will not change the zoning. Elkins pointed out the existing zoning already in place, explaining that if the future land use map is revised to indicate Office Commercial and Neighborhood Commercial in areas that are currently zoned General Commercial, that does not change the zoning that is in place today. She explained it would affect someone's property that may be General Agriculture (a holding zone). If they want to come in with a rezoning, they would have to apply for a rezoning to be

either Office Commercial or Neighborhood Commercial, or submit for a comprehensive plan amendment before pursuing the General Commercial.

Alderman Hadley pointed out the only section affected by the substitute motion is the area beyond Sammis Trail. With the use of an overhead, Elkins pointed out the areas currently zoned General Commercial outside City limits. She pointed out another area zoned General Agriculture (a holding zone), and another area outside City limits zoned General Commercial in the City. She explained there is also a mixture of parcels that are zoned General Commercial and General Agriculture. Responding to a request from Mayor Shaw, Elkins pointed out the Schultz property explaining Mr. Schultz is proposing to zone parcels of his property as Office Commercial. She explained the property to the south is currently zoned Planned Unit Development which allows a mixture of commercial and residential uses. The parcel to the north is residential, one dwelling unit per acre. She explained that the motion on the floor will not affect the Schultz property.

Upon a roll call vote to approve the substitute motion, motion carried with the following voting AYE: Kooiker, Hadley, Olson, French and Hurlbut; NO: Kroeger, Waugh, Johnson and Murphy.

Responding to a question from Alderman Kooiker about providing City services to newly annexed areas that are voluntarily annexed; City Attorney Green explained that under the involuntary annexation statutes there is an obligation to lay out a time line when the City expects to provide City services. However that obligation does not exist in the voluntary annexation statutes. The practical matter the City looks at is how the land coming into the City affects the needs of future land development, and what the City's ability is to provide services. For the most part, the developers will construct the infrastructure that is needed to get the property served in a voluntary annex situation. Green pointed out, if there are public funds to be expended to extend the infrastructure, Council would be required to act on a request. If it is a developer that is going to extend that infrastructure as a part of the subdivision, the Council looks at that through the plat process. Either way, the council has input on how that infrastructure is constructed, where, and the extent of the infrastructure. Green also explained the motion asked the Growth Management staff to bring forward an option for the Council to consider; whereby, all the items that are designated as commercial will be Office Commercial or Neighborhood Commercial; it was not a motion to incorporate that into the plan. What will come forward is a proposed amendment that could be incorporated into the plan after Council has had an opportunity to review the information.

Kroeger offered the following questions from Alderman Chapman: If by passing the Future Land Use Plan, would this cause a domino effect for other plans; whereby Elkins explained that there are a number of other plans in the process and staff will continue working on those plans to bring them forward. Responding to the question about the engineering and redesign of Sammis Trail, Dan Staton with the South Dakota Department of Transportation explained that the plan deals with the realignment of the intersection. With other development that might come in the future, the intersection would better suit the needs. Should there come a time when signals might be needed because of growth in traffic, growth in the surrounding area, it is a fitting location for signals when the warrants are met and require the installation of signals. He explained there is adequate site distance for north and south bound traffic.

At this time, Aldermen Murphy and Hadley left the meeting at 7:00 P.M.

Alderman Johnson expressed concern about the proposed intersection considering the density that could occur in the area. Responding to a question from Alderman Johnson, Stanton explained the site distance for traffic coming from the south is shorter than from the north and suggested the site distance was adequate for the posted speed limit. Alderman Johnson indicated his concern is about the motor homes and trucks pulling trailers against a hill and suggested a signal could slow traffic and create problems for those types of vehicles. Johnson suggested, if a retail box store was allowed to build in the area, a road system that would loop through the area and not signalize the intersection. Stanton indicated the realignment of Sammis Trail north to the Moon Meadows road would not result in vehicles experiencing any difficulty on the hill as they would have reached the crest of the hill and are on level terrain approaching the intersection. Stanton also explained there needs to be reasonable separation distance between traffic signals when they are operating; and pointed out that as the area develops the need will exist to have two intersections, one being the Sammis Trail and other being the section line highway road north of Sammis Trail. Johnson expressed interest in a frontage and rearage road between Sammis Trail and the section line highway road; and the frontage and rearage roads loop resulting in the traffic having to enter and exit on the section line highway road. Alderman Johnson suggested the alignment of Sammis Trail and Moon Meadows road was appropriate, but indicated his opposition to dumping a lot of traffic on Sammis Trail from a commercial development. Elkins explained a frontage road is determined not to be a viable option for this area because the distance is not adequate between the main line highway and where that frontage. This plan is based on the concept of a rearage road system, which are two parallel street systems. This moves the traffic away from the intersection and avoids traffic congestion at the intersections.

French moved, second by Johnson to ask Growth Management staff to create a looping road system to prevent traffic from any commercial development from going out on to Hwy 16 from Sammis Trail; and bring other alternatives forward for consideration.

Stanton pointed out this would result in overloading a given intersection and results in the traffic signal cycle being longer than necessary to accommodate traffic that is stacking.

Upon a vote being taken on the motion, motion carried.

Alderman French pointed out the proposed Highland Park is 2.5 dwelling units per acre with 300 homes currently proposed. She pointed out the area north of this development is one dwelling unit per three acres; and to the west is another development of two dwelling unit per acre; and there is the request by Hart Ranch that had been one dwelling unit for three acres and is now being proposed for 2.5 dwelling unit per acre. She suggested the proposed Highland Park development also needed to be discussed. French indicated that Hart Ranch would like to move forward with the 2.5 dwelling units, but because they are south of the City's sewer service boundary, she suggested the City may annex this area in the future. She indicated she was not interested in constructing another sewer lift station, therefore did not favor the Hart Ranch request for 2.5 dwelling units per acre.

Hurlbut moved, second by French that the Hart Ranch additional properties request be reduced to zonings of one to one; and request Growth Management staff to bring forward recommendations on the area designations to be served by City water and sewer.

Elkins explained that if Council wanted to avoid septic systems, they must consider something with a higher density than half-acre minimum lot sizes. Because one to one minimum lot sizes will have septic systems, the Council would need to consider at least two dwelling units per acre. Elkins explained that under State law, if you have a minimum of 20,000 SF, you can have a septic system if you have a community water system. To make it economically feasible for someone to develop with something other than septic, the Council would need to increase the density. Elkins suggested that Council include in the plan that they desire to have the area served by City water and sewer. She pointed out a recommendation from the Land Use Committee requiring a portion of the development to connect to City water and sewer. The southern portion of the development could go to Hart Ranch for their service or do septic systems. Alderman Johnson indicated his preference is not to increase the density unless they are served by City water and sewer. Elkins suggested the Council can put a designation on that area that says an area is allowed to develop at a certain density if it has City water and sewer. Alderman Johnson's direction to staff was to bring forward a recommendation. Alderman Kroeger reminded the Council that this a Future Land Use Plan, and as development comes forward the Council can review the issues. Elkins clarified the sewer service boundary explaining there was discussion, at one point in time, that the area shown for Highland Park might potentially take sewer to Hart Ranch and using their lagoon system. The Future Land Use Committee talked about that and indicated their desire to have portions north of a defined line to be connected to City water and sewer.

Upon a vote being taken on the motion, motion carried with Kroeger voting NO.

Alderman Hurlbut expressed his concern about the costs of extending services, Smart Growth principles, and existing zoning in the area of the Highland Park proposed development.

Hurlbut moved, second by French to zone the proposed Highland Park area as one dwelling unit per acre.

Alderman Kooiker indicated he did not favor septic systems, but suggested the zoning changed needed to come forward in the context of all the other options. Alderman Kroeger pointed out the area to the west designated as four dwelling units per acre and suggested he could not justify the motion and reiterated that this is a Future Land Use Plan for future build-out. Alderman Johnson pointed out topography suggesting the acreage is developable and could not support less density that what was requested. He explained the problem he has had with the whole Future Land Use Plan is that it is not driven by how the land should be developed; it is driven by what the owner of land wants and then driven by the person who lives next to it does not want.

Substitute motion was made by French, second by Olson to change the density on the proposed Highland Park to two dwelling units per acre; and ask Growth Management staff to bring forward this concept.

Alderman Hurlbut was concerned that by indicating the densities being suggested, may be misleading the developers into thinking that the Council can approve a plan that he believed would cost the City millions more than if the Council approved a similar development nearer to existing connections. Alderman Kooiker requested to hear from staff on the infrastructure needs, in terms of a trunk line, and ball park estimate of what the trunk line would cost.

Second substitute motion was made by Kooiker, second by French to have staff draft a memo, bring forward information on what the infrastructure needs would be, based on the Future Land Use Plan being proposed.

Kroeger reiterated that this a future land use plan laying out the ground work on how this area will build out over time.

Upon a vote being taken, motion carried with Kroeger voting NO.

Kooiker moved, second by Hurlbut and carried to set a Special Council meeting on Monday, February 28, 2005 at 5:15 P.M. to review proposed changes and take public comment relating to the amendment to the Comprehensive Plan adopting the U.S. Highway 16 Neighborhood Area Future Land Use Plan.

As there was no further business to come before the Council at this time, the meeting adjourned at 8:08 P.M.

CITY OF RAPID CITY

ATTEST:

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Mayor

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Finance Officer

(SEAL)