

BOX ELDER PLANNING & ZONING COMMISSION MEETING MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 26, 2016 AT 7:00 P.M. TO BE HELD IN THE COUNCIL CHAMBERS OF BOX ELDER CITY HALL

CALL TO ORDER

Chairman Hanson called the meeting to order at 7:00 PM.

ROLL CALL: Hanson, Irwin, Labine, Rick & Zuhlsdorf

Commission Members Absent: Fry

Staff present: Planning Director Koan

Number of guests present: 17

Council Present: Mayor & Weathers

APPROVAL OF AGENDA

1. To approve the agenda for the **September 26, 2016** regular meeting.

Motion by Rick, seconded by Labine, to approve the agenda for **September 26, 2016** as presented.

Vote: Passed Unanimously

OLD BUSINESS

2. To approve the minutes of the Commissions regular meeting of **September 12, 2016**.

Motion by Zuhlsdorf, seconded by, Irwin to approve the **September 12, 2016** Planning Commission Minutes as presented.

Vote: Passed Unanimously

Motion by Labine seconded by, Irwin to Temporarily adjourn the Planning Commission and reconvene as the Board of Adjustments.

Vote: Passed Unanimously

BOARD OF ADJUSTMENT

3. Public Hearing on application for Zoning Amendment #160119 by Elk Vale Business Park LLC to rezone All of Block 3 of Northern Lights Subdivision (future Lots 1-5 of Block 3 of Northern Lights Subdivision from Commercial to Residential – Mixed Use (GR-3) and future Lot 6 of Block 3 of Northern Lights Subdivision from Commercial to General Commercial (GC) in accordance with current zoning regulations) located in the SE¼ OF Section 27, T2N, R8E, B.H.M., Box Elder, Pennington County.

Time Public Hearing Began: 7:03 PM

Discussion: Koan explained the request made by Elk Vale Business Park LLC, and the intent to build four-plex housing units if the zoning is approved.

Koan then turn the floor over to Mr. Estes who owns the property to further explain his intent.

Mr. Estes then explained he plans to build four-plexes on all lots but one, on one duplex.

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The four-plexs will have two- two bedroom and two-three bedroom, two story buildings.

Mr. Estes explained the proposed buildings should blend with existing homes currently constructed in Northern Lights.

Kathlee Lunning then asked Mr. Estes if there are sidewalks, Koan advised it would be mandatory by ordinance. She also commented the driveways should not line up with the other east west streets in the subdivision.

Koan advised there are no requirements on how the driveways are installed, and the City would not dictate the location of the driveway.

Mrs. Calhoon then ask if the parking is the front or back of the home. Mr. Estes confirmed the drives will be in the front. Mrs. Calhoon commented then they will be different that all the other homes in the subdivision, which are access from the alley.

Mr. Estes advised the City has already advised him there would not be any further alleys approved in the subdivision, and Mr. Koan confirmed that was the case.

Mrs. Calhoon ask why no alleys. Mr. Koan advised alleys are a great expense to the City to maintain once they are installed, and they not conducive to modern subdivision design.

Scott Lunning, questioned how the lots will be grade in relation to water run off. Koan explained it would be the City's intent to have the lots drain to the front where the runoff could be contained by the street curb & gutter. However, that would be an engineering design issue.

Mr. Lunning also commented that Juneau was in bad shape and needed to be fixed. He believe it was more of a roller coaster than Cheyenne Blvd., which acknowledge was a Rapid City issue.

Frank Hanson asked Mr. Estes to make each building look different in color and texture as the existing home owners had invested much money in their homes, and they don't all look alike, and would like the new proposed structures to have a similar appeal.

Being no further comment offered, Commission Chair Hanson closed the hearing.

Time Public Hearing was Closed: 7:10 PM

4. Recommendation to Council on application for Zoning Amendment #160119 by Elk Vale Business Park LLC to rezone All of Block 3 of Northern Lights Subdivision (future Lots 1-5 of Block 3 of Northern Lights Subdivision from Commercial to Residential – Mixed Use (GR-3) and future Lot 6 of Block 3 of Northern Lights Subdivision from Commercial to General Commercial (GC) in accordance with current zoning regulations) located in the SE¼ OF Section 27, T2N, R8E, B.H.M., Box Elder, Pennington County.

Motion by Irwin seconded by, Labine to approve Zoning Amendment #160119 for Elk Vale Business Park LLC and recommend the City Council do the same.

Vote: **Passed Unanimously**

5. Public Hearing on application for Zoning Amendment #160120 by Robert Hayes to rezone; 119 South Ellsworth Road (Lot 1-2 of Block 4 and the Vacated Road lying South of Block 4 of Box Elder

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Subdivision No. 3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD); Lot 3-5 of Block 4 and the Vacated Road lying South of Block 4 of Box Elder Subdivision No. 3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD); and 133 Melody Lane (Lot 7, the North 6 feet of Lot 6, and the South 20 feet of Lot 8, all of Block 1 of Box Elder Subdivision No.3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD) from Residential to Highway Service (HS).

Time Public Hearing Began: 7:11 PM

Discussion: Commission Chair Hanson asked for public comment on the above zoning amendment. Being no comment, the hearing was closed.

Time Public Hearing was Closed: 7:13 PM

6. Recommendation to Council on application for Zoning Amendment #160120 by Robert Hayes to rezone; 119 South Ellsworth Road (Lot 1-2 of Block 4 and the Vacated Road lying South of Block 4 of Box Elder Subdivision No. 3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD); Lot 3-5 of Block 4 and the Vacated Road lying South of Block 4 of Box Elder Subdivision No. 3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD); and 133 Melody Lane (Lot 7, the North 6 feet of Lot 6, and the South 20 feet of Lot 8, all of Block 1 of Box Elder Subdivision No.3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD) from Residential to Highway Service (HS).

Motion by Rick seconded by, Irwin to approve Zoning Amendment #160120 for Robert Hayes and recommend the City Council do the same.

Vote: ***Passed Unanimously***

Time Public Hearing Began: 7:14 PM

7. Public Hearing on application for Variance #160120 by Robert Hayes to allow outdoor storage at; 119 South Ellsworth Road (Lot 1-2 of Block 4 and the Vacated Road lying South of Block 4 of Box Elder Subdivision No. 3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD); Lot 3-5 of Block 4 and the Vacated Road lying South of Block 4 of Box Elder Subdivision No. 3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD); and 133 Melody Lane (Lot 7, the North 6 feet of Lot 6, and the South 20 feet of Lot 8, all of Block 1 of Box Elder Subdivision No.3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD).

Discussion: Commission Chair Hanson asked for public comment on the above zoning amendment. Being no comment, the hearing was closed.

Time Public Hearing was Closed: 7:15 PM

8. Recommendation to Council on application for Variance #160120 by Robert Hayes to allow outdoor storage at; 119 South Ellsworth Road (Lot 1-2 of Block 4 and the Vacated Road lying South of Block 4 of Box Elder Subdivision No. 3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD); Lot 3-5 of Block 4 and the Vacated Road lying South of Block 4 of Box Elder Subdivision No. 3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD); and 133 Melody Lane (Lot 7, the North 6 feet of Lot 6, and the South 20 feet of Lot 8, all of Block 1 of Box Elder Subdivision No.3 of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD).

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Motion by Labine seconded by, Irwin to approve Zoning Variance #160120 for Robert Hayes and recommend the City Council do the same.

Vote: Passed Unanimously

Time Public Hearing Began: 7:16 PM

9. Public Hearing on application for Variance #160123 by Rod Redlin for a variance from the noise level reduction building requirements for a portion of Lot 2 of Block 2 of Cimarron Subdivision (to be known in future as Lot 2A of Block 2 of Cimarron Subdivision) located in the NW¼ of Section 20, T2N, R9E, B.H.M., Box Elder, Pennington County, SD.

Discussion: Koan explained the proposed variance has been submitted in relation to the freight terminal for which a CUP was approved by the Commission in December of 2015. Koan further explained the variance is for the sound attenuation zone 75-79 dB. This zone requires all office space, breakrooms, restrooms, mechanical rooms, etc. to be insulated in order to bring the interior sound down to less than 65 dB.

Glen Kane from SDEDA then spoke; stating the State would object to any incompatible uses within the AICUZ as it would not be in the best interest of the Air Force Base.

Mr. Kane further stated the regulations are minor issues to a developer; however, the negative implication to the region in having incompatible uses near the base would be a huge financial issue if the base were to close.

Koan advised the use is compatible, the developer is just requesting a variance for sound insulation, as the facility is a freight terminal.

Mr. Kane acknowledged the use is compatible, but objected to any variance to the AICUZ regulations.

Rod Redlin who will be the terminal operator again advised of his operation, and stated the existing regulations, if followed would cost him an additional \$30,000 for construction. He advised, this additional cost will require him to increase his fees to freight haulers, which may kill the project.

Realtor Rich Hegre representing the seller, spoke in relation to the devaluation of the property with such limited uses due to the AICUZ regulations. Mr. Hegre also stated he and his client were not made aware of the regulations, or believe the regulations were inconsistently enforced.

Mr. Hegre also stated the AICUZ regulations make it difficult to have economic growth in the community. He believed with base operations regarding B-1 flights being inconsistent, the noise regulations are unfair to developers.

Much discussion between the Planning Commission and Mr. Hegre pursued, as the Commission advised Mr. Hegre that every landowner in the AICUZ area received ample notification, and there were many hearings prior to adoption of the regulations related to the base AICUZ.

Mr. Nash who owns property in the area asked if the City was going to pave Cimarron Drive, and also asked why the City did not grade the street or plow snow.

Koan advised no. The current street is a platted right-of-way, however the street has not been accepted by the City for maintenance. However, they have advised the Redlin's, in the future the City has a plan to create a road assessment district for that area, which if approved by 50.1% of the

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landowners, would allow for paving, curb & Gutter, etc. and the landowners would be responsible for making the payments on the project financed through the City. Koan further explained, otherwise, no improvements or maintenance will be done by the City in the area.

Being no further discussion, Chairman Hanson closed the hearing.

Time Public Hearing was Closed: 7:39 PM

10. Recommendation to Council on application for Variance #160123 by Rod Redlin for a variance from the noise level reduction building requirements for a portion of Lot 2 of Block 2 of Cimarron Subdivision (to be known in future as Lot 2A of Block 2 of Cimarron Subdivision) located in the NW $\frac{1}{4}$ of Section 20, T2N, R9E, B.H.M., Box Elder, Pennington County, SD.

Motion by Irwin seconded by, Zuhlsdorf to deny approval of Zoning Variance #160123 for Rod Redlin and recommend the City Council do the same.

Vote: Passed Unanimously

NEW BUSINESS

11. Review and recommendation to Council on Resolution 16-23 to vacate the following plats of H Lots; Plat of Lot H15, being a portion of Tract AA. All located in the SW $\frac{1}{4}$, Section 8, Township 2 North, Range 9 East, Black Hills Meridian, Meade County, South Dakota; Plat of Lot H14, being a portion of Lots 4, 5, 7 & 8 of Lot M revised. All located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 8, Township 2 North, Range 9 East, Black Hills Meridian, Meade County, South Dakota.

Discussion: Koan explained the City some years ago filed H-plats that would in the future become Legion Boulevard, however, the road never materialized and Tower Road was constructed.

The lots, which are not owned by anyone, have become a nuisance or encumbrance to property owners for which the lots overlay.

Koan advised there is no longer a need for the H-lots and the City Attorney prepared the resolution to be filed with Meade County to vacate the plats.

Motion by Labine seconded by, Zuhlsdorf to approve to approve Resolution 16-23 to vacate plats of Lots H-14 & H-15 above, and recommend the City Council do the same.

Vote: Passed Unanimously

12. Discussion and determination regarding amended Tax Increment District Number Three project plan.

Discussion: Koan explained the new or amended TIF # Project Plan just moves \$200,000 from contingency funds into specific projects, and renames Seger Drive project to East Mall Drive project, to reflect actual events that will occur under TIF #3 funding.

Motion by Rick seconded by, Irwin to approve to approve TIF #3 Amended Project Plan as presented, and recommend the City Council do the same.

Vote: Passed Unanimously

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MAYORS REPORT: The mayor advised the South Ellsworth Road project is nearing completion and it is likely the road will be open on Friday as planned.

The mayor spoke about the East Mall Drive project and that the City had come to an agreement with the DOT and employed Feber Engineering to design the project, as well as work with landowners throughout the project.

Koan further added the project will be funded with a combination of TIF #3 funds, DOT funds and private funds.

The mayor advised he attend a military affairs meeting, which advised that the B-1 upgrades continue, and involve upgrading to the digital hardware throughout the B-1 fleet.

At the same meeting they were advised there will be increased training missions in the area involving other sectors of military aircraft.

GUEST INPUT: Frank Hanson from the Northern Lights neighborhood asked if there has been any further consideration given to a second access out of the Northern Lights subdivision.

Koan explained yes, within TIF #3 Project Plan the Northern Lights connector road is still a viable project. Koan further explained it is the City's intent to design the connector as an add alternate project to the East Mall project, however, if the overall bid price is beyond the current available TIF funding, alternate finances would need to be sought out.

Koan explained, at this time the City does have a plan B to fund the connector, and it is still one of the top priority future street projects. However, there are still obstacles to get around such as dealing with the railroad for an additional crossing.

ADMINISTRATIVE REPORTS:

COMMISSION INPUT:

Base Representative: Not present

Hanson: Nothing further to add.

Irwin: Nothing further to add.

Labine: Asked if there was a reason 704 Line Road (Harold Eble) was storing building material. Koan advised he had seen the materials and stated there are no projects planned at this time for that property. Koan advised he would have Keith investigate the situation.

Rick: Asked about Arnie Leach and his ongoing mess at his Line Road property.

Zuhlsdorf: Asked about the remaining Commercially zoned property in Northern Lights subdivision, and who the owner would access the property.

Koan advised because of topography, the property would have to be access from future expansion of Cheyenne Blvd.

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ADJOURNMENT

*Being no further business, motion by Zuhlsdorf, seconded by Irwin, to adjourn **September 26, 2016** Planning Commission Meeting.*

Vote: Passed Unanimously

The Commission meeting was adjourned at 8:00 PM.