

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 24, 2022

MEMBERS PRESENT: Erik Braun, Rachael Caesar, Mike Golliher, John Herr, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Karen Bulman, Eirik Heikes and Eric Ottenbacher. Ron Weifenbach, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Marlo Kapsa, Chip Premus, John Olson, Todd Peckosh, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:02 a.m.

***10. No. 21PD047 - Section 9, T1N, R8E**

A request by Joseph Mailander of Clearwell Engineering for SDRC Terra Kennedy MHP 2, LLC to consider an application for an **Initial Planned Development Overlay to allow the expansion of an existing mobile home park** for Lot 3A of Lot 3 of the SW1/4 of the NW1/4 and the balance of Lot 3 of the SW1/4 of the NW1/4, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2412 S. Valley Drive.

Hanzel reviewed the application stating this item was heard on January 27, 2022 and was continued to allow the applicant to address the concerns discussed at that meeting by the Planning Commission, to review and modify their plan, to hold a neighborhood meeting and to allow staff to review those proposed changes. Hanzel reviewed the current site noting that many hold non-conforming status and will continue to maintain that status until changes to these units are made which will create the need to come into compliance. She noted that the area is identified as Urban Neighborhood on the Future Land Use Plan which encourages diversity of residential uses and that this segment of South Valley Drive is not in the city limits and is maintained by Pennington County. Hanzel reviewed some of the concerns from the previous meeting including the condition of Garden Lane and concern regarding access and traffic on South Valley Drive, floodplain, drainage and density of the development as well as neighborhood disturbances. Hanzel noted the access from South Valley Drive has been removed and that the applicant has provided a trip generation report that identified less than 40 peak-hour trips per day. Hanzel noted that floodplain information was reviewed to be allowed to build in the floodplain and some of the requirements to obtain a Floodplain Development Permit which includes permanent foundations 1 foot above base flood elevation and to anchor the structures to those foundations to reduce collapse or floatation risks. Hanzel noted the revised plans show that the number of units has been reduced from 45 to 42 and that they exceed the lot size required, that screening fencing and landscaping are being provided along with the paved access road. Hanzel stated that utilities are under Rapid Valley Sanitary District who will work in coordination with Rapid City for the design of the engineering plans and will be part of the Final Planned Development. Hanzel stated that staff is recommending the Initial Planned Development Overlay to allow the expansion of an existing mobile home park be approved with the stipulations outlined in the Project Report.

Fisher noted that there is a representative from the Police Department is available for questions.

In response to a question from Braun whether the private drive access is separate or shared with the units located to the south of the property, Fisher clarified that that it is not shared.

In response to a questions from Stuck regarding access for the number of units, Fisher clarified that with 6 units taking access from South Valley Drive only 36 units take access from the single access bring it below the 40 unit restriction.

In response to a question from Stuck regarding plans for improvement of existing structures, Hanzel stated that is not currently planned, but as they do reach the age of replacement they will need to meet current requirements.

In response to a question from Quasney regarding existing units, Chip Premus of the Rapid City Fire Department, stated they do inspect existing units in all trailer parks and that units should have tie downs to meet requirements and they will work with the park to ensure this is being done.

Cody Champion, 2734 Garden Lane, spoke of the 1972 Flood, the impact it left on the city and how areas such as these in the City were cleared and made greenway to avoid such events being repeated. Champion stated that had this park been in the city at that time rather than the county it would have been cleared also and worries for the expansion in this area

Joe Mailander, Engineer for Clearwell, PLLC, spoke to the increase of 27 new homes and reviewed the layout and development including the setback and lot sizes, roadway and parking stating that all meet or exceed City requirements. Mailaner reviewed the trip generator results that show less than 40 trips per day and noted that the revised plan removes any new access to public streets with access being taken from the private loop street with parking provided for each lot as well as guest parking. Mailander reviewed landscaping plans, privacy fencing and proposed park area and that new utilities and drainage will be designed to standards. Mailander thanked staff for working with them on this project and hopes that the revised plans show that they have worked to address the concerns presented by the Planning Commission and neighbors.

Steven Klotz, 2726 Garden Lane, stated he lives directly across the street from development and spoke of the effect the development will have on the property values and the quality of life. Klotz fears that Impact will make bad neighbors as they are not local and will not feel the effect created by the development.

Jay Schmit, 2333 South Valley Drive, spoke to his concerns regarding the development specifically the 265 call for service for law enforcement in 2021 for existing units and wonders what adding additional units will bring. Schmidt asked why they do not clean up exiting issues before creating new.

Dottie Kruthoff, 2403 South Valley Drive, spoke to the security issues and her interaction with law enforcement and the improvements that have been made to

date, but feels there could be more done. Kruthoff stated that the applicants should clean up the existing park before they add new development.

Pat Jones, 219 Cleveland Street, Ward 1 Councilman which this property falls into, spoke to the concerns he has heard from his constituents. Jones stated that he had met with Todd Berget, Vice President of Impact Communities. Jones spoke to his question on ownership and who is accountable and he feels the information he has received has been inconsistent. Jones discussed the community meeting stating that it was confrontational and nonproductive. Jones spoke to the affordable housing identification of the project but that with both housing and lot costs exceed \$1,000 to 1,200, which is he does not consider affordable housing. Jones discussed the layers of ownership from owner to management company make it hard and that he feels the people in the area have not been treated fairly as a whole and this is another example of such treatment. Jones stated that he will not support this when it is appealed to the City Council as he expects it to be.

Bob Warax, 295 Country Road, stated that his father in-law lives in the area and has no concerns regarding the development but has been disturbed by others who are. Warax agrees there are a few bad apples, but he feels the overall opinion that mobile homes and their residents are bad people is offensive.

Todd Berget, Impact employee, spoke to the fact that all people should be allowed to buy their own home and this is what they are trying to achieve. Berget spoke to ownership stating it is owned by an LLC set up for liability security and that the ownership is clearly defined from owner to management company. Berget spoke to the cost of the housing including the lot and house stating that each instance is different with some owning the unit and leasing the lot and other financing the unit and the lot and that they are working to provide options.

Demoiné Whitworth, Impact Communities, spoke to the relationship between Terra Kennedy and Impact Communities explaining that they work for the owner as a contracted entity as a management company. Whitworth spoke to the community meeting stating that they had wanted input from the neighbors' not actual solutions. Whitworth spoke to the identification of affordable housing, which is not low income housing, that they are separate levels and that Impact Communities work towards home ownership rather than rental.

Vidal spoke to his interaction with manufactured homes business and that they are homes and need to be considered as such.

In response to Vidal's request to hear from the Police Department representative, Captain John Olson, of the Rapid City Police Department, thanked the people for their speaking to their concerns. Olson reviewed that the calls pulled were only for the park and not surrounding properties and those calls totaled 17 calls which included civil calls, medical, warrant apprehension, accidents and at least one mental health calls among them. Olson stated that they respond at the best response time possible and if there are issues he wanted to be made aware and would be welcome to meet with the neighborhood and acknowledged there have been growing pains with taking over the area from the County.

In response to a question from Quasney regarding comparison of this area to other

areas, Olson said this area is not on the radar as an area of issue not that things do not happen it just is not identified as a high issue area.

Vidal spoke to Jones' concern with who is involved, the effect of the 1972 Flood and the stipulations that address development of the land in the floodplain.

Todd Peckosh, Engineering Services, stated that the Floodplain Manager has been working with this development to ensure that the Floodplain Permit is obtained, further explaining that that is part of the building permit and is not required at this point. Peckosh also explained that this property is not in the Floodway where no development is allowed, but in the Floodplain. Fisher reviewed the differences and how the City staffs work to ensure that floodplain requirements are met.

Caesar spoke to homeowners and mobile home owners all being accepted as homeowners.

In response to a question from Caesar about the change to requirements for development in the floodplain and mobile homes over the last 50 years, Peckosh stated that he understands many mobile homes were located along the creek prior to the flood, in what is now greenway which is floodway. Peckosh stated that properties now built in the floodplain must have the finished floor 1 foot above the base flood elevation. Fisher stated that she does not know the exact changes, but that based on FEMA's review many changes have been made to help prevent such an event happening again.

In response to a question from Caesar if there difference between stick built and mobile home requirements, Peckosh stated that he wasn't sure but that the 1 foot above base flood elevation is required for both and lack of such would require flood insurance.

Stuck stated that he understands the concerns the neighborhood has but that many of them are outside of the Planning Commissions scope of authority. He is concerned about the floodplain issue and asked what other use would be possible based on the zoning. Fisher stated that the zoning of the area would allow for single homes or apartment development, which would be higher density use than the proposed development based on the area available for development.

Weifenbach entered the meeting at this time.

Quasney spoke to accountability and the need to protect the flood areas and that responsible development can be a good thing and we can't prevent disaster but we can plan responsibly. In response from Quasney regarding when the existing structures being brought into conformance, Fisher reviewed current non-conforming structures in the city stating that they would be required to meet current requirements when their use needed to be updated or replaced noting that mobile homes have shorter live spans than brick and mortar houses.

Chip Premus of the Rapid City Fire Department, stated that they have worked with Impact Communities in the management of this and other parks stating that they have made improvements and corrected the violations that were identified during inspections. Premus also stated that they know who to contact with issues and that

the Fire Department would be happy to assist.

Stuck stated that he feels that as long as the development meets requirements it is not the Planning Commission's place to impose their personal preferences.

In response to a question from Quasney about fence's location to the road, Hanzel reviewed where the fence would be located and Fisher clarified the fence along Garden Lane will be 10 feet back from the road. Fisher reviewed that the access for the mobile homes located to south is taken from South Valley Drive and that there is actually an existing fence between the properties now so there is no loss of access.

Caesar moved, Vidal seconded and the Planning Commission unanimously carried to continue the meeting past 9:00 a.m. (7 to 0 with Arguello, Braun, Caesar, Golliher, Herr, Quasney Stuck and Vidal voting yes and none voting no)

In response to a request from Caesar for Impact Communities to provide information on local contact, Michelle Gomez, District Manager for Impact Communities, addressed the structure of Impact Communities and introduced Dave Reynolds who is the main boss, Todd Berget, who is Vice President of Impact Communities, Demoiné Whitworth of Impact Communities and herself Michel Gomez who is Regional Manager stating that they are all located out of the local area. Gomez then introduced the local team including Janine Mascovich who is the Manager of this park and Amanda Goodmenson who is the Community Manager of Silverleaf Park, which is another of the parks they own in the city. Gomez introduced the local managers of another park managed by Impact Communities in Rapid City stating and that they also have four maintenance men who live in town, so they do have local representation as well as of those that are out of state. She spoke to their interaction with the Fire Department and other divisions they have worked closely with to address issues and that they will continue to do so as they do care on a local level.

Fisher reviewed that this is an Initial Planned Development not a Final Planned Development and the Final is where the requirement for the design for sewer and water, drainage, fencing and other detailed information is provided. Fisher advised that a thorough business plan be included in that Final Planned Development application should it make it to that point.

Quasney stated that it is important for the community to stay involved and he thanked everyone for the input from everyone involved.

Jay Schmit spoke again to his concerns with the area including traffic, street conditions, the non-support from the surrounding neighbors and the desire to have the area cleaned up prior to additional development.

Braun stated that he understand the concerns that have been presented, noting that there are numerous areas where development of a single property effects the regional areas and although they understand they are issues separate from Planning Commission controls.

In response from Stuck regarding an appeal, Fisher stated that should this be appealed it will be heard at Council in approximately a month to allow for publication and notification requirement to be met and should the Council uphold the approval this would come back with the Final Planned Development application, however, should the Council agree with the appeal the applicant would have to start over with a new application.

In response to a question from Klotz on ownership of Terra Kennedy, Hanzel reviewed staff procedure for taking in an application including identifying ownership of the property and that review showed ownership of the property as being SD Terra Kennedy, MHP and the authorized agent for that entity being the signator on file.

Vidal moved and Golliher seconded and the Planning Commission approved the Initial Planned Development Overlay with the following stipulations:

- 1. A Final Planned Development shall be obtained prior to issuance of a building permit;**
- 2. Upon submittal of a Final Planned Development Overlay application, utility plans shall be submitted for review and approval by the Rapid Valley Sanitary District;**
- 3. The applicant shall obtain a building permit prior to placement of any mobile homes. The Park Manager shall provide a site plan for every mobile home install and permitted structures showing clearances pursuant to Rapid City Municipal Code 15.48. In addition, the Park Manager shall provide a letter stating they approve of mobile home installs and any other structures requiring permits such as decks, carports, and deck covers;**
- 4. Upon submittal of a building permit, a drainage report prepared by a professional engineer shall be provided for review and approval;**
- 5. A Floodplain Development Permit shall be obtained prior to issuance of a building permit;**
- 6. The proposed Action Plan shall be implemented and complaints addressed in a timely manner;**
- 7. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 8. All provisions of the Medium Density Residential District and Chapter 15.48 of the Rapid City Municipal Code shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay;**
- 9. An approach permit shall be obtained from the Pennington County Highway Department for any additional access points along S. Valley Drive;**
- 10. An Air Quality Permit shall be obtained prior to disturbance of 1 acre or more of soil;**
- 11. Prior to submittal of Final Planned Development Overlay application, the applicant shall submit all documentation related to the private road on the south lot line of the subject property.**
- 13. All signage shall meet the requirements of the Rapid City Sign Code. Any proposed electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit**

- shall be obtained for any new signs; and,
14. The Initial Planned Development shall allow for up to 42 mobile home spaces in accordance with the site plan submitted. Any expansion beyond 42 mobile home spaces shall require the review and approval of a Major Amendment to the Planned Development Overlay. Any change in use that is a permitted use in the Medium Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 with Arguello, Braun, Caesar, Golliher, Herr, Quasney Stuck and Vidal voting yes and none voting no)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.