

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
August 23 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, John Herr, Galen Hoogestraat, Curt Huus, Eric Ottenbacher, Mike Quasney, Justin Vangraefschepe and Vince Vidal. John Salamun, Council Liaison was also present.

MEMBERS ABSENT: None

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Tim Behlings, Todd Peckosh, Ted Johnson, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:00 a.m.

1. Approval of August 9, 2018 Zoning Board of Adjustment Meeting Minutes.

**Hoogestraat moved, Bulman seconded to approve the August 9, 2018 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

2. No. 18VA003 - Boulevard Addition

A request by Jeff and Sharleen Schreter to consider an application for a **Variance to reduce a side yard setback abutting a street from 20 feet to 6 feet 2 inches** for the S1/2 of Lot 10; all of Lot 11 and 12; the 19 foot strip of vacated Fairview Street adjacent to Lot 12 of Block 31 of Boulevard Addition, all located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1221 12th Street.

Lacock presented the application and reviewed the associated slides. Lacock noted that the previous structure that was on the property had been destroyed by fire and the applicant is looking to build a two-story dwelling with an attached garage on the property. Lacock stated that Fairview Street right-of-way runs along the south property line, but that the road does not continue through to the west, serving generally as a driveway to the property to the south. Lacock reviewed the site plan and indicated the section of the proposed garage that does not meet the 20 foot setback from a street, noting that if the garage was not abutting a road the side yard setback requirement would be 8 feet. Lacock further explained that the property, which is within the West Boulevard Historic District, had received Council approval of their Historic Preservation case at the August 20, 2018 City Council meeting. Lacock stated that as the applicant had the alternative to build a single car garage rather than the double car, staff does not support the request and recommends that the Variance to reduce a side yard setback abutting a street from 20 feet to 6 feet 2 inches be denied. Lacock did state that should the Zoning Board of Adjustment decide to approve the Variance that the stipulation that the Major Drainage Easement on the western portion of the property be recorded.

In response to a question from Herr, Peckosh stated that there are no plans to improve or connect Fairview Street through to the west.

In response to a question from Vangraefschepe on the possibility of vacating the right-of-way, Fisher clarified that the road actually serves as access to the property to the south precluding vacating the right-of-way to avoid land locking that property.

Lacock reviewed that a prior Variance (Appeal No 5281) had been denied in 2003 but that a Vacation of Right-of-Way (03VA008) request had been approved.

Fisher reviewed setback requirements. She clarified that Fairview Street is identified as a residential street and the 20 foot setback is required for property abutting a street.

Sharleen and Jeff Schreter, 1215 12<sup>th</sup> Street, reviewed the property and the restrictions to the location of the garage on the property. Jeff Schreter reviewed the drainage area pointing out the swell that is located behind the proposed garage stating they propose to maintain the swell. Sharleen Schreter addressed the concern of future development of the land behind them on the hillside noting that due to previous mud slides, the hillside property owners are not keen on developing the area. She also discussed the work that has been done on the hillside to contain future damage and noted that they are proposing an improved retaining wall to assist with drainage and erosion control.

Hoogestraat moved to approve sighting Criteria No. 4, that the Variance is within the general intent of the Zoning Ordinance and not injurious to neighborhood; with the stipulation that the Major Drainage Easement be recorded, Golliher seconded.

Fisher clarified that along with the cited criteria No. 4, that Criteria No. 2 should also be cited as it addresses the topography constraints that are unique to the property. Braun confirmed that both motion maker and seconder were in agreement with the revised motion. Both were in agreement.

**Hoogestraat moved, Golliher seconded that the Variance request to reduce a side yard setback abutting a street from 20 feet to 6 feet 2 inches be approved sighting Criteria No. 4, that the request is within the general intent of the zoning ordinance and not injurious to neighborhood and Criteria No. 2 addressing the topography constraints that are unique to the property with the stipulation that the Major Drainage Easement be recorded. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

3 Discussion Items  
None

4. Staff Items  
None

5. Zoning Board of Adjustment Items  
None

**There being no further business, Caesar moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:29 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 23, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Curt Huus, Eric Ottenbacher, Mike Quasney, Justin Vangraefschepe and Vince Vidal. Jason Salamun, Council Liaison was also present.

MEMBERS ABSENT: None

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Tim Behlings, Todd Peckosh, Ted Johnson, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:29 a.m.

**Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.**

**Motion by Bulman seconded by Hoogestraat and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the August 9, 2018 Planning Commission Meeting Minutes.
2. No. 18CA002 – Summary of Adoption Action for Amendment to the Comprehensive Plan to revise the Major Street Plan  
Summary of Adoption Action on a request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan.**

**Planning Commission approved the summary and authorized publication in the Rapid City Journal.**

3. No. 18VR003 - West Boulevard Addition  
A request by KTM Design Solutions, Inc for Eugene and Laveen Bolton Family Trust to consider an application for a **Vacation of Right-of-Way** for the 30 feet of existing 80 feet wide 12th Street right-of-way located in the SW1/4 of the SE1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, lying adjacent to Lot 13, Block 6 of West Boulevard Addition, more generally described as being located at 1122 Franklin Street.

**Planning Commission recommended that the Vacation of Right-of-Way be approved.**

4. No. 18PL069 - Claire Subdivision

A request by Ferber Engineering Company for Pete Lien & Sons to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Claire Subdivision, legally described as the E1/2 of the SW1/4 of Section 19, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located 700 feet northwest of the eastern terminus of Hidden Valley Road.

**Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**

1. **Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
2. **Upon submittal of a Development Engineering Plan application, construction plans for the access easement shall be submitted for review and approval showing the street located in a minimum 50-foot wide right-of-way and constructed with a minimum 20-foot wide paved surface, curb, gutter, sidewalk and street light conduit. In addition, a turnaround in compliance with the Infrastructure Design Criteria Manual shall be provided or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;**
3. **Prior to submittal of a Development Engineering Plan application, an Exception to allow a 1,976-foot long cul-de-sac street with no intermediate turnarounds in lieu of a maximum 1,500-foot long cul-de-sac with intermediate turnarounds every 600 feet as per Section 2.13.3 of the Infrastructure Design Criteria Manual shall be obtained or the plat document shall be revised accordingly. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
4. **Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval to address storm water detention if subdivision improvements are required;**
5. **Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
6. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;**
7. **Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property;**

8. Prior to submittal of a Final Plat application, a lot size Variance shall be obtained from Pennington County to allow a lot size of 5 acres in lieu of a minimum of 40 acres in the General Agriculture District or the property shall be rezoned to support the proposed 5-acre lot size;
9. Prior to submittal of a Final Plat application, the proposed access easement shall be revised to address comments from the City Attorney's Office. In addition, the revised easement shall be submitted for recording with the Final Plat application;
10. Prior to submittal of a Final Plat application, the plat Certificates shall be revised to include only one Certificate for the Highway or Street Authority and to include a Certificate for the Public Works Director;
11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

5. No. 18OA011 - Ordinance Amendment to Allow for Accessory Dwelling Units  
A request by City of Rapid City to consider an application for an **Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts by Amending Title 17 of the Rapid City Municipal Code.**

Fisher stated that staff is requesting that the Ordinance Amendment be continued to the September 20, 2018 Planning Commission Meeting to allow additional time to revise the proposed Ordinance Amendment.

**Hoogestraat moved, Quasney seconded and the Planning Commission unanimously carried to continue the Ordinance Amendment to Allow for Accessory Dwelling Units to the September 20, 2018 Planning Commission Meeting for staff to evaluate and introduce revisions to the ordinance. (9 to 0 with Braun, Bulman, Caesar, Golliver, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

6. Discussion Items  
Braun welcomed Jason Salamun to the Planning Commission as the City Council Liaison.
7. Staff Items  
Change to publication and notification of continued Hearing Items.  
  
Fisher informed the Planning Commission that due to a recent decision by the Attorney's Office regarding notice of items continued at Planning

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Commission and Zoning Board of Adjustment, items that are continued from one meeting to another will need to be republished and notice letters sent to inform the public of the change to the hearing dates. Fisher reviewed the publication requirements noting that applications requiring two publications would require continuance of two meetings time frame, whereas an application that only requires a single publication would be able to be continued to the following meeting and so forth dependent upon the notification requirements. Fisher stated she was bringing this to their attention so that they were aware of the affect this will have on future continuations.

8. Planning Commission Items

Planning Commission Liaison for the September 4, 2018 City Council Meeting will be Mike Quasney.

**There being no further business, Caesar moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:35 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**