

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
November 8, 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. John Salamun, Council Liaison was also present.

MEMBERS ABSENT: None

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, 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 October 25, 2018 Zoning Board of Adjustment Meeting Minutes.

Caesar moved, Bulman seconded and the Zoning Board of Adjustment unanimously carried to approve the October 25, 2018 Zoning Board of Adjustment Meeting Minutes.

2. No. 18VA012 - Section 14, T1N, R7E

A request by George Twitero and Sharilyn West-Twitero to consider an application for a **Variance to allow an 8.5 acre parcel in the General Agricultural District in lieu of 20 acres** for Lot 2 of Lot C of the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4480 Mount Rushmore Road.

Green presented the application and reviewed the associated slides. Green stated that there is an associated Rezoning request (18RZ029) that will be heard by the Planning Commission today as a part of the Planning Commission meeting. Green explained that the property had been annexed into the City as the care takers unit for the adjacent campground but has since been utilized as a single-family home. Green stated that the property owners recently learned that the single family use is not a permitted use in the General Commercial District zoning and rezoning options were limited as the City's Future Land Use for the property shows it as a Mixed Use Commercial and a residential use does not fit into that category. Green explained that after reviewing options, the applicant submitted a rezoning request to change the Zoning designation of the property from General Commercial District to General Agricultural District, which allows residential use, and to request a Variance to reduce the lot size requirement for a residence in the General Agriculture District from 20 acres to 8.5 acres. Green noted that staff recommends that the Variance to allow an 8.5 acre parcel in the General Agricultural District in lieu of 20 acres be approved in conjunction with the rezoning request based on the criteria that it is the minimal adjustment necessary.

Sharilyn West-Twitero, 4480 Mt. Rushmore Road, property owner, identified the

difficulties the zoning restrictions have created in trying to appraise and sell the property and hopes for approval of the requests.

Hoogestraat moved, Bulman seconded and the Zoning Board of Adjustment approved the Variance request to allow an 8.5 acre parcel in the General Agricultural District in lieu of 20 acres be approved in conjunction with the associated rezoning application (18RZ029), based on Criteria #4 that the use is in harmony with the general purposes and intent of the ordinance and would not be injurious to the neighborhood

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 7:10 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 8, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, 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, Patsy Horton, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:10 a.m.

Motion by Gollhofer seconded by Huus and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 25, 2018 Planning Commission Meeting Minutes.

*2. No. 18PD031 - Fairway Hills PRD

A request by Richard Burton to consider an application for a **Major Amendment to a Planned Development Overlay to allow a college in conjunction with an existing church** for Lot 3B less Lot H1 of Fairway Hills PRD, located in Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4024 Sheridan Lake Road.

Planning Commission approved the Major Amendment to a Planned Development to allow a college in conjunction with an existing church with the following stipulations:

1. **All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to a Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
2. **The Major Amendment to a Planned Development shall allow a college in conjunction with an existing church. The proposed college shall operate in compliance with the submitted operations plan. Permitted uses within the Medium Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development.**

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.

3. No. 18RZ029 - Section 14, T1N, R7E
A request by George Twitero and Sharilyn West-Twitero to consider an application for a **Rezoning request from General Commercial District to General Agricultural District** for Lot 2 of Lot C of the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4480 Mount Rushmore Road
1780 Skyline Ranch Road.

Planning Commission recommended that the Rezoning request from General Commercial District to General Agricultural District be approved in conjunction the associated Variance application (18VA012).

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that Items #4, #5 and #6 be heard concurrently.

4. No. 18RZ027 - Section 23, T1N, R7E
A request by KW Commercial for Samuelson Development, LLC to consider an application for a **Rezoning request from General Agricultural District to Office Commercial District** for the western most 400 feet of Tract 1 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road.
5. No. 18RZ028 - Section 23, T1N, R7E
A request by KW Commercial for Samuelson Development, LLC to consider an application for a **Rezoning request from General Commercial District to Office Commercial District** for Tract 1, exclusive of the western most 400 feet of the SW1/4 of the NW1/4 and Lots D thru E of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road.
- *6. No. 18PD029 - Section 23, T1N, R7E
A request by KW Commercial for Samuelson Development, LLC to consider an application for an **Initial Planned Development Overlay to allow an apartment development** for Lot D and E and Tract 1 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road.

Fisher stated that staff has met with the applicant to review the applications and that based on those discussions the applicant is requesting to continue the items to the December 6, 2018 Planning Commission meeting to allow them to meet with the neighborhood and to review options.

Quasney moved, Bulman seconded and the Planning Commission unanimously carried that the Rezoning request from General Agricultural District to Office Commercial District; and, The Rezoning request from General Commercial District to Office Commercial District; and, The Initial Planned Development Overlay to allow an apartment development be continued to the December 6, 2018 Planning Commission Meeting. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe 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.

*7. No. 18PD032 - Hamilton Subdivision

A request by Renner Associates, LLC for Paradigm Construction to consider an application for a **Final Planned Development to allow an apartment development** for Lot CR of Hamilton Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1330 E. Minnesota Street.

Green presented the application and reviewed the associated slides noting that the Initial Planned Development Overlay and associated Rezoning (18PD022 and 18RZ020) had been approved previously and this is the Final Planned Development Overlay. Green indicated that this is the Third Phase to the Planned Development with Phase I and II being the two two-story apartment buildings located to the west of the proposed structure. Green noted the applicant has requested an Exception to allow a maximum height of 38.5 feet in lieu of 35 feet for the 24 unit apartment complex which will allow the vaulted ceilings for the third floor and add architectural character to the roof line. Green stated that based on the increased setback of the structure from East Minnesota Street, staff supports granting the Exception and recommends that the Final Planned Development to allow an apartment development be approved with stipulations.

Bulman moved, Caesar seconded and the Planning Commission approved the Final Planned Development Overlay to allow an apartment building with the following stipulations:

- 1. An Exception is hereby granted to allow a maximum height of 38.5 feet in lieu of 35 feet for the 24 unit apartment complex;**

2. **Prior to submittal of a building permit, a Floodplain Development Permit shall be obtained;**
3. **Upon submittal of a building permit, construction plans shall show the drainage channel on the eastern portion of the lot being maintained;**
4. **Upon submittal of a building permit, site plans showing 3 ADA accessible spaces, 1 of which being "Van Accessible", shall be submitted for review and approval;**
5. **The Final Planned Development Overlay shall allow for an apartment complex with 24 total units apartment building. Any change in use or expansion of use that is permitted in the Office Commercial District shall require a minimal amendment to the Final Planned Development. Any change in use or expansion of use that is a Conditional Use in the Office Commercial District shall require a Major Amendment to the Final Planned Development to be submitted for review and approval. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe 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.

*8. No. 18PD033 - Section 14, T1N, R7E

A request by Bob Brandt to consider an application for a **Final Planned Development Overlay to allow an oversized garage** for the W1/2 of the NE1/4 of the NW1/4 of the SW1/4 and the north 141 feet of the W1/2 of the SE1/4 of the NW1/4 of the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1780 Skyline Ranch Road.

Lacock presented the application and reviewed the associated slides. Lacock noted that two neighboring properties have large accessory structures with one being approved by the City and one having been developed and approved while under the County's authority prior to being annexed into the City. Lacock noted the applicant is working with the Rapid City Fire Department to provide a Wildland Fuel Mitigation Plan. Lacock stated that the applicant is requesting an Exception to waive the requirement to pave the first 50 feet of the driveway and staff is in support of the request as J W Gould Memorial Drive is a private graveled access and the applicant is offering to use asphalt millings for the access drive. Lacock reviewed that the proposed structure incorporates a garage, greenhouse and car port structure in addition to the existing attached garage and therefore are asking for an Exception to allow an accessory structure to include a garage, carport, and greenhouse measuring 3,968 square feet in size, in lieu of the maximum allowed 1,500 square feet.

Lacock stated that in an attempt to minimize the impact of the metal building to the overall aesthetics of the residential district suggest that Stipulation # 5 be

revised to state that “Upon submittal of a Building Permit, the proposed garage elevations shall be revised to include on all sides, except the north, colors and materials of the existing dwelling to include; red rock accents, dark colors for the doors and garage doors, and dark trim.” Lacock presented staff’s recommendation to approve the Final Planned Development Overlay to allow an oversized garage with revised stipulations.

Bob Brandt, Mountain Top Construction, agent for the applicant, stated that they agree to the stipulations of approval with the exception of the requirements to match material, stating that the surrounding landscape would be negligibly effected and the greenhouse on the south side with the glass construction did not allow for rock or color matching and requested that the stipulation be removed and the application approved.

Cliff Bienert, 2150 Skyline Ranch Road, spoke to his concerns regarding the proposed building including the material and design and noting that the setbacks and locations of the buildings on the neighboring properties make them less intrusive and therefore less noticeable. Bienert noted that covenants do not allow for out-buildings or garages.

Fisher spoke to staff’s concern regarding the aesthetics of the metal building, clarifying the need for the requirements to match the existing residential structure to better meld the building to the character of the area and request that the stipulation be retained.

In response to a question from Quasney regarding the greenhouse section of the proposed building, Brandt reviewed the design stating that the requested rock will interfere with the design.

Discussion regarding design followed. Fisher stated that staff wishes to leave the design to the applicant, but to provide requirements and specific guidelines.

Quasney moved to approve with revision to Stipulation #5 to include red rock accents on the west and east sides, Hoogestraat seconded.

In response to Vangraefschepe’s question regarding the Fire Department’s recommendation on materials, Behlings stated that due to fire safety concerns in the Wildland Urban Interface Area, the Fire Department supports the use of noncombustible materials such as the metal building, but agreed that fiber cement hardy board was also an acceptable option.

Caesar discussed her concerns regarding the need to reduce the metal building look of the structure.

Caesar made a substitute motion to approve with revision to Stipulation #5 that the use of the non-combustible hardy board be included on the west side.

Fisher clarified that the requested design requirements as noted in the Staff

Report would meet the concerns for reducing the overall impact.

Caesar withdrew her substitute motion.

Huus stated that he has issues with the size, material and apparent disregard for the neighborhood regarding the applicant's argument with attempting to better match the look of the proposed structure with the neighborhood.

Additional discussion followed.

Bienert thanked the Planning Commission for their consideration and stated that he feels this structure does not fit the neighborhood.

Fisher clarified the revised stipulation.

Galen asked if the item could be continued to allow the applicant to provide additional elevations.

Young clarified that a main issue is regarding the allowance of oversized structures in a residential neighborhood and the potential deterioration in this case of the Park Forest Zoning towards a more Agricultural Zoning.

Vangraefschepe moved, Hoogestraat seconded and the Planning Commission carried that the Final Planned Development Overlay to allow an over-sized garage be continued to the November 21, 2018 Planning Commission Meeting. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe 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.

*9. No. 18UR011 - Original Town of Rapid City

A request by Rosenbaum Signs for Trinity Lutheran Church to consider an application for a **Major Amendment to a Conditional Use Permit to allow an LED message center** for Lot 17 thru 32 of Block 96 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 402 Kansas City Street.

Bulman stepped down from the dais at this time.

Green presented the application and reviewed the associate slides noting that this item is before the Planning Commission based on the request of the Planning Commission to review all LED signs associated with Conditional Use Permits. Green presented staff's recommendation to approve the Major Amendment to a Conditional Use Permit to allow a digital reader board sign with

stipulations.

Hoogestraat moved, Vangraefschepe seconded and the Planning Commission deemed that the location of the proposed electronic reader board sign is appropriate, and approved the Major Amendment to a Conditional Use Permit to allow a digital reader board sign with the following stipulations:

- 1. A minimum of 10 feet of clearance in any direction from the outermost conductor of any overhead power lines shall be provided for all signage;**
- 2. The Major Amendment to a Conditional Use Permit shall allow the sign package to be expanded to allow a two-sided electronic reader board sign measuring 71 square feet (36.5 square foot screen) in size. In particular, the electronic reader board sign shall be designed in compliance with the lighting and display standards set forth in the Rapid City Municipal Code. All signage shall comply with the requirements of the Rapid City Sign Code. An increase in size or any new electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for any new signs; and,**
- 3. All uses permitted in the Central Business District shall be permitted, contingent upon sufficient parking being provided and an approved Building Permit. Any expansion of use or change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 1 to 1 with Braun, Golliher, Herr, Hoogestraat, Huus, Quasney Vangraefschepe and Vidal voting yes and Caesar voting no and Bulman abstaining)**

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.

10. Discussion Items

11. Staff Items

A. 18TI004 - TIF Policy Overview Presentation 2018

Hoogestraat and Herr left the meeting at this time.

Horton briefly reviewed the recent meeting with Sioux Falls Planning and briefly discussed their Tax Increment Financing processes and procedures. Horton noted that Sioux Falls tends to be very limited and precise and as such have limited the total of active Tax Increment Districts to 12. Horton reviewed the reasons for the revision to the City's Tax Increment Financing Policy and what the City is attempting to achieve with

the changes noting a focus on Affordable Housing, blight and Economic Development within the internal city area. Horton reviewed the administrative changes to the processing and management of Tax Incremental Financing and Districts

Young reiterated the City's goals in the revisions to the Tax Increment Financing Policy.

Huus and Caesar spoke to their approval of the revision to the Tax Increment Financing Policy.

Numerous questions and concerns were discussed by the Planning Commissioners.

12. Planning Commission Items

- A. Planning Commission Liaison for the November 19, 2018 City Council Meeting will be Vince Vidal.

There being no further business, Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 8:52 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Huus, Ottenbacher, Quasney, Vangraefschepe and Vidal voting yes and none voting no)