

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
May 9, 2019

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

MEMBERS ABSENT: John Herr, and Eric Ottenbacher.

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

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

1. Approval of the April 25, 2019 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Caesar seconded and Zoning Board of Adjustment approved the April 25, 2019 Zoning Board of Adjustment Minutes.

2. Discussion Items

Review the Zoning Board of Adjustment's decision on 19VA001 from the April 25, 2019 Zoning Board of Adjustment Meeting.

Fisher reviewed 19VA001 that was heard at the April 25, 2019 Zoning Board of Adjustment Meeting noting that the motion made had been to approve the requested Variances to setbacks, but not the Variance to increase lot coverage. The vote was recorded as five in favor and three against and it was thought that the item was approved. However; it was brought to staff's attention by the attorneys office, that due to a lack of a 2/3 vote, the entire motion failed. Fisher clarified that Zoning Board of Adjustment requires that any action vote consist of 2/3 majority for action to be approved, the lack of a 2/3 majority ends in a failed action with the item being denied.

Fisher stated that staff will work to help the Zoning Board of Adjustment to better understand actions, motions and requirements to avoid confusion in the future. Fisher also noted that the applicant will be re-submitting a new application with the same requests and will be attending the meeting to explain the request.

3. Staff Items
None

4. Zoning Board of Adjustment Items
None

There being no further business, Caesar moved, Huus seconded and unanimously carried to adjourn the meeting at 7:04 a.m. (9 to 0 with Braun, Bulman, Caesar,

Zoning Board of Adjustment Minutes
May 9, 2019

Golliher, Hoogestraat, Huus, Quasney, Vangraefscupe and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 9, 2019

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

MEMBERS ABSENT: John Herr, Eric Ottenbacher

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

Braun called the meeting to order at 7:04 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 Golliher and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations. (9 to 0 with Braun, Bulman, Caesar, Golliher, Hoogestraat, Huus, Quasney, Vangraefschep and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the April 25, 2019 Planning Commission Meeting Minutes.
- *2. No. 19PD013 - Section 24, T2N, R7E
A request by KTM Design Solutions, Inc for Citcra LLC to consider an application for a **Planned Unit Development Zoning District** for the unplatted balance of the N1/2 of the NW1/4 of the NW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the Northwest Corner of Lot 1 of Block 5, common to Brooke St. Right of Way, of Tyler Knue Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence first course: with the easterly right of way of Brooke Street, N02°18'52"E, a distance of 185.00 feet to the north line of Section 24, T2N, R7E, B.H.M.; Thence second course: with said north line, S87°41'09"E, a distance of 209.95 feet; Thence third course: leaving said north line, S19°39'07"E, a distance of 114.51 feet; Thence fourth course: S29°22'49"W, a distance of 48.42 feet; Thence fifth course: S38°29'15"E, a distance of 34.97 feet; Thence sixth course: S32°50'03"W, a distance of 44.46 feet; Thence seventh course: S21°07'35"E, a distance of 89.87 feet; Thence eighth course: S43°47'08"E, a distance of 52.74 feet; Thence ninth course: S05°39'55"W, a distance of 33.81 feet; Thence tenth course: S56°17'26"E, a distance of 25.19 feet; Thence eleventh course: S00°11'31"E, a distance of 25.40 feet to the northerly boundary of Tyler Knue Subdivision; Thence twelfth course: with said northerly boundary, S86°10'17"W, a distance of 79.29 feet; Thence thirteenth course: continuing with said boundary, on a non-tangent curve turning to the right with an arc length of 68.03 feet, with a radius of

176.00 feet, with a chord bearing of N48°42'43"W, with a chord length of 67.61 feet; Thence fourteenth course: continuing with said boundary, on a curve turning to the left with an arc length of 71.73 feet, with a radius of 124.00 feet, with a chord bearing of N54°14'08"W, with a chord length of 70.73 feet; Thence fifteenth course: continuing with said boundary, N02°18'52"E, a distance of 147.34 feet; Thence sixteenth course: continuing with said boundary, N87°41'09"W, a distance of 135.00 feet; to the point of beginning, more generally described as being located northeast of the intersection of Nicole Street and Brook Street.

Planning Commission continued the Planned Unit Development Zoning Document to the June 6, 2019 Planning Commission meeting to allow additional information pursuant to Chapter 17.50.060 of the Rapid City Municipal Code to be submitted for review and approval and to republish the item pursuant to notification requirements.

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. 19UR008 - Rapid City Greenway Tract

A request by City of Rapid City Parks and Recreation Department to consider an application for a **Major Amendment to a Conditional Use Permit to allow a structure in the Flood Hazard District** for Tract 1 thru 2 and Lot A thru B of Tract 3 (also in Section 8, T1N, R7E), of Rapid City Greenway Tract, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Planning Commission approved the Major Amendment to a Conditional Use Permit to allow a structure in the Flood Hazard District with the following stipulations:

- 1. A Floodplain Development Permit shall be obtained as necessary;**
- 2. 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. A sign permit is required for any new signs; and,**
- 3. The Major Amendment to a Conditional Use Permit shall allow a picnic shelter and relocation of a playground. Any expansion of use shall require an amendment to the Conditional Use Permit. Any change in use that is a Conditional Use in the Flood Hazard District shall require the review and approval of a Major Amendment to the Conditional Use Permit.**

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.

4. No. 19VR002 - Ulland Outlot Revised

A request by FMG Engineering for Rapid City Economic Development Foundation to consider an application for a **Vacation of Right-of-Way** for that portion of the right-of-way of East Boulevard adjacent to Ulland Outlot Revised, located in the NE1/4 of the NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of East Boulevard and East Main Street.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulation(s):

1. Upon recording of the Vacation of Right-of-Way resolution, a temporary construction easement shall be submitted for recording.

5. No. 19PL030 - Prairie Fire Subdivision

A request by KTM Design Solutions, Inc for Prairie Valley Development Company, LLC to consider an application for a **Preliminary Subdivision** for proposed Lots 2 thru 19 of Block 6, Lots 5 thru 15 of Block 7 Lots 1 thru 20 of Block 8 Lots 1 thru 40 of Block 9 of Prairie Fire Subdivision, legally described as the unplatted portions of the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 26, located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Anderson Road and south of Winton Street.

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

1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, construction plans for Anderson Road shall be submitted for review and approval showing the dedication of one additional foot of right-of-way and the construction of 12 additional feet of pavement, curb, gutter and sidewalk or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;

3. Upon submittal of a Development Engineering Plan application, construction plans for Receda Street, Albelia Street and Mondo Street shall be submitted for review and approval showing the streets located in a 52-foot wide right-of-way and constructed with a minimum 26-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;

4. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the

- Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. The plans shall include a 12-inch water main loop in Anderson Road from Winton Street to Mondo Street to meet fire flows and velocity constraint. In addition, easements shall be dedicated as needed;**
- 5. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;**
 - 6. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, the drainage plan shall confirm that downstream culverts can safely pass the increased flows without overtopping roads. Prior to submittal of a Final Plat application, a covenant agreement shall be provided identifying maintenance and ownership of any proposed drainage elements. In addition a Major Drainage Easement shall be dedicated for any proposed drainage improvements;**
 - 7. 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;**
 - 8. 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;**
 - 9. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;**
 - 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show "Prairie Fire Subdivision" as "Prairiefire Subdivision";**
 - 11. Prior to submittal of a Final Plat application, the Planned Unit Development shall be amended by Pennington County to allow the**

- proposed residential development;**
12. **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,**
 13. **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).**

6. No. 19PL031 - Ranch at Black Gap

A request by Sperlich Consulting Inc for Double L Properties, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 10 of Block 3 of Ranch at Black Gap, legally described as the balance of Tract A of the Ranch of Black Gap, located in the E1/2 of the SE1/4 of Section 8, T1S, R8E, BHM, and the W1/2 of the SW1/4 of Section 9, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of Black Gap Road and Highway 79.

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

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to address redline comments. In addition, the redline comments shall be returned with the Final Plat application;**
2. **Prior to submittal of the Final Plat application, the plat document shall be revised to include two signature lines for the Certificate of Highway or Street Authority for both the South Dakota Department of Transportation and the Ranch at Black Gap Road District authority;**
3. **Prior to submittal of the Final Plat application, the plat document shall be revised to remove the on-site wastewater note;**
4. **Prior to submittal of a Final Plat application, that portion of the proposed plat located outside of the City's three mile platting jurisdiction shall be reviewed and approved by Pennington County.**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*7. No. 19PD008 - Kepp Heights Subdivision No. 3

A request by City of Rapid City Parks and Recreation Department to consider an application for a **Major Amendment to a Planned Development Overlay to allow an accessory structure** for Lot 16R of Kepp Heights Subdivision No. 3 and the W1/2 vacated Skyline Drive adjacent to said Lot 16R of Kepp Heights Subdivision No. 3, located in Sections 10 and 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2400 Block Skyline Drive.

Lacock presented the application noting that this item had been continued from the April 4, 2019 Planning Commission meeting. Lacock briefly reviewed the history of the item noting that it had been continued to allow staff to work with

other departments including the Parks Department and the Rapid City Police Departments to submit an operations security plan. One of the proposals is the potential for a private security company to close access to the area with either a chain or a gate from 10:00 p.m. to 6:00 a.m. much as other City parks are operated. Lacock noted that additional actions include lighting of the area, possibly making the security camera motion activated, and additional patrols, however, the Rapid City Police Department already provides numerous patrols of the entire Skyline Drive area. Lacock stated that a representative of the Rapid City Police Department was present for questions. Lacock said that should the Planning Commission determined that the operation / security plan is appropriate, staff recommends that the Major Amendment to a Planned Development Overlay to allow an accessory structure should be approved with stipulations.

Quasney noted that he had visited the site and that the proposed sidewalk along the walled area was much closer to the neighboring residence than he realized.

Braun requested the speakers keep their comments to the new security plans.

Bob Williams, 2627 Skyline Drive, requested to hear additional information on the security plan.

Glenda Williams, 2627 Skyline Drive, stated that people have been known to drive over the berm along the area and requested that there be additional landscaping such as boulders to deter people from going over the berm. She indicated that she does like the security camera.

Scott Andersons, Parks Division Manager, noted that due to the operation hours the Parks Department is limited in watching the area but that they plan to use their trail crews, as well as the maintenance crew to provide security during the hours of operation. Anderson stated they are working to have the security camera operational by summer. Anderson further stated they are reviewing options for securing the access with either a gate or chain depending on which is more feasible, noting that the private security company would be in charge of closing and opening this area.

In response to a question from Braun on the proposed sidewalk, Anderson stated that it had been removed from the plan.

In response to a question from Bulman regarding the request for boulders along the berm, Anderson stated that they would look into adding the boulders.

Lieutenant Andy Becker, of the Rapid City Police Department, reviewed police calls for the area noting that Skyline Drive as a whole is a known area of concern and that there are numerous patrols of the area. Becker stated that in 2018 there were 485 calls for service. Becker noted that of those, 402 were officer initiated calls, which include various types of calls including officer initiated patrols, after hours stops or contact with individuals in the various overlook or parking areas long Skyline and subject stops. In 2019 from January 1, 2019 to April 10, 2019 there have been 119 calls with 105 being officer initiated. There have been 14

citizen calls for the areas. Becker stated the low number of calls is probably due to the low number of homes in the Skyline Drive area. Becker stated that the Police Department is aware of the activity in the area and the need for patrols. He stated that this has been ongoing activity and expects it will continue with or without the construction of the proposed shelter.

In response to a question from Vidal on the number of arrests in the area, Lieutenant Becker stated that in 2018 there were 18 arrests and 4 citations which can be for various reasons including but not limited to underage consumption, marijuana paraphilia or intoxication. In 2019 there have been 1 arrest and 1 citation. He clarified that although tagging is a crime, solving those cases is harder as the offense is generally not reported till after the fact and the perpetrator is gone.

In response to a question from Quasney, Lieutenant Becker clarified that the arrest numbers include the entire Skyline Drive area.

In response to a question from Vangraefscheppe whether building a structure would create additional issues, Lieutenant Becker acknowledged that although there will always be those who will always want to mark or use anything inappropriately, he believes that the use of the area will continue either way.

Bulman stated that she believes this is a benefit to the community as a whole and encourages the continued cooperation between the residents and the Parks Department.

Golliher moved, Bulman seconded and Planning Commission determined that the operation / security plan is appropriate and approved the Major Amendment to a Planned Development Overlay with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required front yard setback for an accessory structure from 35 feet to 23 feet;**
- 2. Upon submittal of a Building Permit, the sidewalk shall be designed and provided in compliance with the Infrastructure Design Criteria Manual;**
- 3. Any new signage shall meet the requirements of the Rapid City Sign Code. No Light Emitting Diode (LED) message centers are being approved as a part of this request. A sign permit shall be obtained for any signage; and,**
- 4. The Major Amendment to a Planned Development Overlay shall allow for a picnic shelter. The operation / security plan shall be enforced continually. Any change in use that is a permitted use in the Park Forest District in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Park Forest District shall require the review and approval of a Major Amendment to the Conditional Use Permit.**

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. 19PD014 - Original Town of Rapid City

A request by Kristina Simmons for WAVI to consider an application for a **Major Amendment to a Planned Development Overlay to construct a playground accessory to a group home** for Lot 12 thru 16 of Block 115 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 527 Quincy Street.

Green presented the application and reviewed the associate slides noting that the requested play area is located on the north side of the building and that the existing Variance and Exceptions for reduced parking and setback reductions will remain in place. The current Exception request to allow a seven foot high opaque screening fence in lieu of a maximum of four feet allowed in a front yard does not impede the site triangles and provides screening and security for clients receiving services from WAVI. Green noted that the height is based on Federal recommendations for sensitive clients, such as those receiving services from the facility. As such, staff supports granting the Exception. Green stated that staff recommends the Major Amendment to a Planned Development Overlay to construct a playground accessory to a group home be approved with stipulations.

In response to a question from Braun on the location of the fence, Green indicated that the fence will be set back 1 foot from the sidewalk.

In response to question from Quasney on the style of fence, Fisher clarified that the style is intended to provide security for the users.

Vidal moved, Caesar seconded and the Planning Commission approved the Major Amendment to a Planned Development Overlay to allow an outdoor play area in association with a group home approved with the following stipulations:

- 1. The Exception request to allow a seven foot high opaque screening fence in lieu of a maximum of four feet allowed in a front yard is hereby approved;**
- 2. The previously granted Variance is hereby acknowledged to allow a front yard setback of 10 feet in lieu of 25 feet required;**
- 3. The previously granted exception is hereby acknowledged to allow a reduced minimum side yard setback of 0 feet on the eastern lot line in lieu of 12 feet required;**
- 4. The previously granted exception is hereby acknowledged to allow 19 parking spaces for the group home in lieu of 25 spaces required;**
- 5. A Building Permit shall be obtained prior to construction of any fence over 6 feet in height;**
- 6. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the**

Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,

- 7. The Major Amendment to the Planned Development Overlay shall allow an outdoor play area in association with the previously approved group home. All requirements of the Office Commercial District shall be maintained unless specifically authorized as a stipulation of this Major Amendment to the Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the Office Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the Office Commercial District or uses which increase the required amount of parking on the site shall require 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.

9. Discussion Items
None

10. Staff Items
Fisher noted that since the last Coffee with Planners was interrupted by the evacuation of the building due to smoke, a new Coffee with Planners has been scheduled for Wednesday, May 15, 2019 at 9:00a.m., and that the discussion items will remain the same.

11. Planning Commission Items
None

There being no further business, Caesar moved, Huus seconded and unanimously carried to adjourn the meeting at 7:39 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Hoogestraat, Huus, Quasney, Vangraefschepe and Vidal voting yes and none voting no)