

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
June 24, 2021

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Eirik Heikes, John Herr, Haven Stuck, Mike Quasney and Vince Vidal

MEMBERS ABSENT: Kelly Arguello, Mike Gollhofer, Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Sarah Hanzel, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. Approval of the June 10, 2021 Zoning Board of Adjustment Minutes

Bulman moved, Stuck seconded and the Zoning Board of Adjustment approved the June 10, 2021 Zoning Board of Adjustment Minutes. (8 to 0 with Braun, Bulman, Caesar, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

2. No. 21VA003 - Sunnyvale

A request by Fisk Land Surveying & Consulting Engineers, Inc for James and Charlette Steele to consider an application for a **Variance to reduce the rear yard setback from 25 feet to 4.8 feet and the side yard setback from 8 feet to 5 feet** for Lot 10 of Tract D of Sunnyvale, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1605 Sunnyvale Drive.

Fisher presented the application noting that this application had been continued to this meeting from the May 27, 2021 Zoning Board of Adjustment Meeting as there are issues that required additional information, including a building permit, which has not been received to date and as such staff recommends the Variance to reduce the rear yard setback from 25 feet to 4.8 feet and the side yard setback from 8 feet to 5 feet be continued to the July 22, 2021 ZBOA meeting at the applicant's request.

Vidal moved, Quasney seconded and the Zoning Board of Adjustment continued the Variance to reduce the rear yard setback from 25 feet to 4.8 feet and the side yard setback from 8 feet to 5 feet to the July 22, 2021 Zoning Board of Adjustment Meeting at the applicant's request. (8 to 0 with Braun, Bulman, Caesar, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

3. Discussion Items
None

4. Staff Items
None

Zoning Board of Adjustment Minutes
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5. Zoning Board of Adjustment Items
None

There being no further business Caesar moved, Heikes seconded and unanimously carried to adjourn the meeting at 7:05 a.m. (8 to 0 with Braun, Bulman, Caesar, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 24, 2021

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Eirik Heikes, John Herr, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Eric Ottenbacher, Mike Golliher. Council Liaison Bill Evans was also absent

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Sarah Hanzel, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:05 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 Heikes seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (8 to 0 with Braun, Bulman, Caesar, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 10, 2021 Planning Commission Meeting Minutes.

*2. No. 21PD023 - Second Floor Subdivision

A request by KTM Design Solutions, Inc for LLAP LLC to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Tract A of Second Floor Subdivision, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5125 Mt. Rushmore Road.

Planning Commission approved the Final Planned Development Overlay with the following stipulations:

1. **The Exception previously granted to waive the screening fence requirement contingent upon a landscape buffer being provided along the west property line is hereby acknowledged;**
2. **The Exception previously granted to waive the nine required landscape islands contingent upon 17 landscaped peninsulas being provided, with a minimum of one-tree included in each peninsula, is hereby acknowledged;**
3. **A minimum 58-foot setback shall be maintained along the west lot line, a section line highway;**
4. **All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Major Amendment to the Initial and/or Final Planned Development Overlay;**
5. **Upon submittal of a building permit a drainage report shall be submitted**

for review and approval, demonstrating that all drainage and water quality requirements are being met. The drainage plan shall demonstrate that drainage from property to the north shall be accommodated through the site to the same discharge point since it historically flows through the property;

6. Upon submittal of a building permit, a utility plan shall be submitted for review and approval demonstrating that Phase I shall include sewer up to Manhole 2 of the north alignment;
7. Upon submittal of a building permit, the construction plans shall demonstrate that Phase I shall include a detention pond;
8. Upon submittal of a building permit, the applicant shall demonstrate that pond slopes don't exceed 4:1;
9. Upon submittal of a building permit, the construction plans shall demonstrate that fill slopes steeper than 5:1 and over 5' high (west and southeast areas of property) shall be benched per Infrastructure Design Criteria Manual;
10. Upon submittal of a building permit, the utility plans shall clearly label water and sewer on-site as private;
11. Upon submittal of a building permit, provide water and sewer reports for review and approval demonstrating that all Infrastructure Design Criteria Manual are met;
12. 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
13. This Final Planned Development Overlay shall allow a 308-unit apartment development. Any change in use that is a permitted use in the Office Commercial District and complies 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 Office Commercial District 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. 21PL056 - Dewalds Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc for Kevin and Gayle Thom to consider an application for a **Preliminary Subdivision Plan** for proposed Lot C1 and C2 of Dewalds Subdivision, legally described as Lot C of Dewalds Subdivision and the balance of the SW1/4 of the NW1/4 of Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 2667 Cavern Road.

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

1. Prior to submittal of a Final Plat application, the Certificate of Finance Director shall be revised eliminating the certification of signature for the

Public Works Director as this Director's signature is not required on a Final Plat application;

2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the recording information for the Access and Utility Easement as A201602231 instead of A2016602231;
3. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable; and,
4. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provisions are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative.

*4. No. 21PD026 - Big Sky Business Park

A request by Indigo Design, LLC to consider an application for a **Revocation of a Planned Development Designation** for Lot 7 of Block 5 of Big Sky Business Park, located in Section 2, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Degeest Drive and Berniece Street.

Planning Commission approved of the Planned Development Designation Revocation.

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.

5. 21TP010 – 2022-2025 Transportation Improvement Program – Draft Report

Planning Commission recommended approval of the 2022-2025 Transportation Improvement Program – Draft Report.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*6. No. 21PD024 - Sections 4 and 9, T1N, R8E

A request by TerraSite Design for Recreational Adventures, Co. to consider an application for a **Final Planned Development Overlay to allow the expansion of an existing campground** for Tract A of the SE1/4 of the SW1/4 of Section 4 and the NE1/4 of the NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2001 Lancer Drive.

Bauer presented the application and reviewed the associated slides stating that construction of the 14 additional sites was already initiated and that the development called the expansion to the City's attention. Bauer reviewed the history of the campground stating that the campground had been built in the County and had been operating to County Standards. The property was annexed into the City limits in 2008 and was rezoned to General Commercial with a Planned Development Designation to allow the campground to continue to operate within the City limits. Bauer stated that in 2010 a Planned Commercial Development was approved to allow a caretaker's residence on site. Bauer noted that the campground is accessed via S.D. Highway 44 with the additional sites being accessed by internal streets, Bauer stated that the 14 additional camper spaces will be required to be built to City standards, which require that the roads and the sites be paved. The applicant is requesting Exceptions to allow gravel internal access roads and camper parking spaces contingent upon the surfaces being paved by November 1, 2021 or the end of the 2021 paving season, whichever occurs first. In addition, the gravel surfaces shall be maintained in a dust-free manner. The applicant is also requesting an Exception to allow the required bathhouse, management office, and recreational area to be located on adjacent property since it is under the same ownership and management as the subject property. Bauer noted that staff supports the request with the requirement that a Developmental Lot Agreement be entered into. Bauer reviewed that the original sites and services are built to County standards and then annexed into the City limits so the rest of the campground is considered legal non-conforming and any revisions or improvements to it must be built to City Standards. Bauer stated that staff recommends approval of the Final Planned Development Overlay to allow the expansion of an existing campground with stipulation outlined in the Project Report.

Heikes noted that he would be abstaining from voting as he has a conflict of interest.

Fisher clarified that the access roads be allowed to be gravel and not paved with the requirement they be paved by November 1, 2021 or the end of the 2021 paving season and that they be maintained in a dust free manner until they are paved and that staff is supporting the Exception request for the services that are located on a separate parcel as they are owned and operated by the same entity.

In response to a question from Caesar on how the City was going to ensure that the ownership of the two separate parcels remains associated, so that the amenities being on separate lots remain under the same ownership, Fisher stated that a Developmental Lot Agreement would be required prior to obtaining a building permit.

In response to a question from Stuck on whether the paving of the new sites would require the remainder or existing sites be paved also, Fisher clarified it does not, as they are considered legal non-conforming; however, additional revisions or expansion of the existing sites would require they be built to City standards or receive approval to remain graveled.

Shane Matt, TerraSite Design, stated that he was here to answer questions if needed.

Caesar moved, Quasney seconded and the Planning Commission approved the Final Planned Development Overlay with the following stipulations:

1. An Exception is hereby granted to allow gravel internal access roads and camper parking spaces contingent upon the surfaces being paved by November 1, 2021 or the end of the 2021 paving season, whichever occurs first. In addition, the gravel surfaces shall be maintained in a dust-free manner.
2. An Exception is hereby granted to allow the required bathhouse, management office, and recreational area to be located on adjacent property since it is under the same ownership and management as the subject property.
3. The water and sewer plans shall be designed in compliance with Rapid Valley Sanitary District Requirements.
4. Prior to issuance of a Building Permit, all redline comments shall be addressed;
5. Landscaping, parking and open space shall be provided pursuant to the plans approved as a part of this Final Planned Development Overlay application;
6. All signage shall comply with the requirements of the Rapid City Municipal Code. Electronic or Light Emitting Diode (LED) message centers are not permitted as a part of this request. The addition of LED message centers in the future shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign; and,
7. The Final Planned Development Overlay shall allow for the construction of 14 camper spaces. Any expansion of use or area shall require an amendment to the Final Planned Development Overlay. (7 to 0 to 1 with Braun, Bulman, Caesar, Herr, Quasney Stuck and Vidal voting yes and none voting no and Heikes 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.

7. Discussion Items

None

8. Staff Items

A. Coffee with Planners

Fisher stated that a Coffee with Planners is scheduled July 1, 2021 at 9:00 a.m. in the Community Room and hopes that the Planning Commissioners will plan to attend. Fisher stated that they will again be offering three round table discussions with individual topics that will include Transportation items, presented by Brennan; Landscape Ordinance Revisions, presented by Sarah Hanzel and Medical Cannabis with an overview worksheet and addressing of planning issues associated.

9. Planning Commission Items

Braun stated that Dan Senftner is retiring from Main Street Square and he wanted to speak to the service and work that he put into Rapid City including the Downtown Business Improvement District and the Legacy Commons.

Quasney made comment on development debris along Nickel Street and asked how to address. Fisher directed him to Public Works Division.

Heikes spoke to his interest in alternative transportation options in development including bike, pedestrian and bussing.

In response to Caesar's requested for information on the Coffee with Planners items, Fisher stated she would see what information she could provide for their review.

There being no further business, Quasney moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:31 a.m. (8 to 0 with Braun, Bulman, Caesar, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no).