

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
July 22, 2021

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

MEMBERS ABSENT: Erik Braun, Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Tim Behlings, Chip Premus, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Caesar informed the audience they were experiencing technical difficulties and asked for their patience as they worked to correct them.

Caesar called the meeting to order at 7:02 a.m. noting that they were still experience technical difficulties but they would continue with the meeting.

1. Approval of the July 8, 2021 Zoning Board of Adjustment Minutes

**Bulman moved, Quasney seconded and the Zoning Board of Adjustment approved that the July 8, 2021 Zoning Board of Adjustment Minutes be approved. (9 to 0 with Arguello, Bulman, Caesar, Gollhofer, 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 at 1605 Sunnyvale Drive.

Fisher reviewed the application noting that the item has been previously continued to allow staff to work with the applicant on a retaining wall on the property. Fisher stated that information has been received, but that staff needs time to review it and as such staff is recommending the item be continued to the August 5, 2021 Zoning Board of Adjustment Meeting.

In response to a question from Heikes whether the structure would be classified as an Accessory Dwelling Unit, Fisher clarified that the structure actually qualifies as a duplex.

**Vidal moved, Quasney seconded and Zoning Board of Adjustment approved that 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 August 5, Zoning Board of Adjustment Meeting at the applicant's request. (9 to 0 with Arguello, Bulman, Caesar, Gollhofer, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**

Zoning Board of Adjustment Minutes  
July 22, 2021

3. Discussion Items  
None
4. Staff Items  
None
5. Zoning Board of Adjustment Items  
None

**There being no further business Bulman moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:05 a.m. (9 to 0 with Arguello, Bulman, Caesar, Golliher, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
July 22, 2021

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

MEMBERS ABSENT: Erik Braun and Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Tim Behlings, Chip Premus, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Caesar called the meeting to order at 7:17 a.m.

**Caesar 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 Golliher seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (9 to 0 with Arguello, Bulman, Caesar, Golliher, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the July 8, 2021 Planning Commission Meeting Minutes.
2. No. 21CA002 - Section 14, T2N, R7E  
A request by Longbranch Civil Engineering, Inc for Doeck, LLC to consider an application for a **Comprehensive Plan Amendment to allow for the new alignment of Bunker Drive** for the SE1/4 of the NE1/4 of Section 14, T2N, R7E, less Auburn Hills Subdivision and a portion of the NE1/4 of the SE1/4 of Section 14, T2N, R7E, less Auburn Hills Subdivision, located in the NE14 and in the SE1/4 of Section 14, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the western Terminus of Coal Bank Drive.

**Planning Commission recommended approving the request to amend the Comprehensive Plan to revise the Major Street Plan by realigning a portion of a proposed collector street.**

3. No. 21PL059 - Highwood Estates Subdivision  
A request by Fisk Land Surveying & Consulting Engineers, Inc. for Thomas and Pamela Kovarik to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Highwood Estates Subdivision, legally described as that portion of Lot 1 located in the NE1/4 of the NE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2102 Highwood Road.

**Planning Commission recommended that the Preliminary Subdivision Plan**

be approved with the following stipulations:

1. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of right-of-way for a turnaround at the western terminus of Highland Road and construction plans for the turnaround and the proposed 50-foot wide access easement identifying a proposed typical street section with a minimum 20-foot wide gravel surface and ditch in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval;
2. Prior to submittal of a Final Plat application, proposed Lot 2 shall be rezoned from General Agriculture District to Low Density Residential District I;
3. Prior to submittal of a Final Plat application, the applicant shall contact the Fire Department to conduct a wildland fuels mitigation assessment to determine if a Wild Fire Mitigation Plan for the property is needed. In addition, a copy of the approved plan shall be submitted with the Final Plat application or written documentation from the Fire Department shall be submitted indicating that a plan is not needed;
4. Prior to submittal of a Final Plat application, the correct Certificate of Titles for a Final Plat shall be shown on the plat document. In particular, the Certificate of Finance Director Certificate shall be revised eliminating the reference to the Public Works Director;
5. Upon 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;
6. Upon 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 provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative;
7. 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,
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

4. No. 21PL064 - Scotland Hills Subdivision #2

A request by KTM Design Solutions, Inc for Yasmeeen Dream, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 4 of Block 1 of Scotland Hills Subdivision #2, legally described as a portion of the N1/2 of the SE1/4 less right-of-way; the N1/2 of the S1/2 of the SE1/4 of Section 14 and Lot 1 of Block 1 of PLM Subdivision #2 of Section 13, located in Sections 13 and 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Strumer Road and Ranchester Street intersection.

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

1. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval showing the extension of approximately 45 feet of water main along Ranchester Street and for a temporary turnaround at the western terminus of Ranchester Street 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;
2. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow 37 dwelling units on a cul-de-sac street in lieu of a maximum of 20 dwelling units or the plat document shall be revised accordingly. If an Exception is obtained, then upon 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 all residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative;
3. Prior to submittal of a Final Plat application, the applicant shall contact the Fire Department to conduct a wildland fuels mitigation assessment to determine if a Wild Fire Mitigation Plan for the property is needed. In addition, a copy of the approved plan shall be submitted with the Final Plat application or written documentation from the Fire Department shall be submitted indicating that a plan is not needed;
4. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
6. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
7. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted for review and approval showing all existing easements located on the subject property. In particular, the easements for the two power transmission lines shall be shown to ensure that they do not conflict with proposed driveway locations;
8. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
9. 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,
10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

5. No. 21PL065 - Red Rock Shadows Subdivision

A request by KTM Design Solutions, Inc for Redrock Apartments LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1A thru 12B

of Block 2 of Red Rock Shadows Subdivision, legally described as Lot B of Red Rock Shadows Subdivision, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Portrush Road and Muirfield Drive.

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

- 1. Upon submittal of a Development Engineering Plan application, the lot layout shall be revised to ensure that all lots will have compliant driveways for corner clearances. In addition, the lot lines shall be revised to be perpendicular to the street right-of-way where shared driveways will be required;**
- 2. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted for review and approval identifying the existing right-of-way for Portrush Road and Muirfield Drive and the dedication of additional right-of-way if necessary to meet the minimum width of 68 feet pursuant to the Infrastructure Design Criteria Manual;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Road 1 and Road 2 shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb(s) at the street terminus shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;**
- 4. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow 24 dwelling units on a cul-de-sac street in lieu of a maximum of 20 dwelling units or the plat document shall be revised accordingly. If an Exception is obtained, then upon 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 all residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable;**
- 5. Prior to submittal of a Development Engineering Plan application, proposed street names for Road 1 and Road 2 shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the construction plans shall identify the approved street names;**
- 6. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
- 7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
- 8. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual.**

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;

9. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
10. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
11. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the existing drainage pond and any other drainage elements created with the proposed development. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;
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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Due to technical difficulties with the project equipment the audience was moved to the area in front of the dais to view the presentation.

\*6. No. 21UR011 - Pine Hills Subdivision

A request by Fred and Connie Hilpert to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 9 of Pine Hills Subdivision, located in Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4305 Sturgis Road.

Bauer presented the application and reviewed the associated slides. Bauer stated that the applicant is requesting an Exception to allow an attached over-sized garage 3,100 square feet in size, in lieu of the maximum allowed 1,500 square feet. Bauer explained the garage will provide residence on the second floor with the first floor to be used to store vehicles, and allow for hobby activities such as welding, woodworking and model trains. Bauer noted that the property currently has a shared access with two other lots and that one of the stipulations of approval is that Lot 9 acquires access easement to secure legal access from Sturgis Road. Bauer also noted that the Fire Department has stipulated that the building have a fire suppression system be installed. Bauer stated that staff is recommending approval of the Conditional Use Permit to allow an oversized garage with the stipulations outlined in the Project Report.

In response to a question from Heike on layout and design, Fisher confirmed that it is two lots with two structures. In response to the question, Heike asked about the fire suppression, Behlings stated that the water flow or lack thereof in the area and

the use urged the requirement.

In response to a questions from Stuck on review of Conditional Use Permits after their approval, Fisher stated that as a general rule they are not reviewed

In response to a question from Bulman on requirements of air exchange due to the dual use, Fisher stated that the multi-use is allowed and must meet Building Codes and Fire Codes. Fisher also identified that this is the reason the Fire Department had stipulated the fire suppression system. Behlings reviewed the steps that are implemented in this type of use.

Fisher spoke to the need for the separate access and that the easement would need to be confirmed prior to the issuance of building permits.

Arguello asked about separate septic and well and who reviews these. Peckosh confirmed that City Public Works Department reviews the septic and that the State reviews the well.

In response to a question from Quasney whether adding a third residence to the driveway would be allowed, Fisher stated the easement can serve up to 4 lots and believes that the State would rather not have another driveway access along Sturgis Road.

Doris Anne Werlinger, 4295 Sturgis Road, stated that she has questions on the easement noting that they share it for access and that there is a blockage of this access and would like there to be a separate access.

Fred Hilpert, 4305 Sturgis Road, asked questions on the fire suppression requirements. Behlings reviewed requirements confirming that it was for both first and second floors. Hilpert reviewed their plans for air exchange in regards to the welding to maintain the air quality for the residence. Hilpert further noted that the vehicles on the property, which are vintage, will be moved into the proposed garage and restored. Hilpert discussed the existing and proposed easement in regards to both Lot 9 and Lot 10.

Caesar clarified that the Planning Commission will be reviewing the Conditional Use Permit for the oversized garage and the easement will be reviewed by staff separately.

**Bulman moved, Heikes seconded and the Planning Commission approved the Conditional Use Permit to allow an over-sized garage with the following stipulation:**

- 1. An Exception is hereby granted to allow an attached over-sized garage 3,100 square feet in size, in lieu of the maximum allowed 1,500 square feet;**
- 2. Prior to issuance of a Building Permit, an access easement across the neighboring property shall be recorded with the Register of Deeds Office securing legal access to the property;**
- 3. The proposed over-sized garage shall be constructed with the same design elements as shown on the applicant's submitted elevations;**
- 4. The Conditional Use Permit shall allow for an over-sized garage on the**



property. The garage shall not be used for commercial purposes. Any change in use that is a permitted use in the Low Density Residential District shall require a Building Permit. Any expansion to the garage or change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit; and,

5. Since welding will occur within the garage, the Fire Department has indicated that a fire suppression system shall be installed in the structure. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. (9 to 0 with Arguello, Bulman, Caesar, Gollhofer, Heikes, 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.***

7. Discussion Items

Fisher stated that she and Wade Nyberg of the Attorney's Office have been working on a draft Ordinance for Medical Cannabis and asked if Planning Commission would like a Working Session to review the Ordinance or if they would be OK with the Ordinance being brought before them at a Planning Commission meeting. Fisher said she would follow up with an email to see which they would prefer.

8. Staff Items

None

9. Planning Commission Items

Heikes commented on the work load of staff in the current building boom and the fact that staff is operating at a staffing deficit yet providing professional level of work and that the City needs to compensate staff accordingly. Vidal voiced his agreement.

**There being no further business, Gollhofer moved, Vidal seconded and unanimously carried to adjourn the meeting at 8:00 a.m. (9 to 0 with Arguello, Bulman, Caesar, Gollhofer, Heikes, Herr, Quasney Stuck and Vidal voting yes and none voting no)**