

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
August 5, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Gollither, Eric Ottenbacher, and Vince Vidal.

MEMBERS ABSENT: Racheal Caesar, Haven Stuck, Eirik Heikes, John Herr and Mike Quasney. Bill Evans, Council Liaison was also absent.

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

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

1. Approval of the July 22, 2021 Zoning Board of Adjustment Minutes

**Bulman moved, Vidal seconded and the Zoning Board of Adjustment approved the July 22, 2021 Zoning Board of Adjustment Minutes. (6 to 0 with Arguello, Braun, Bulman, Gollither, Ottenbacher, 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 explaining that the applicant has requested additional time to address an issue with a water/sewer service and as such has requested to continue the item to the September 9, 2021 Zoning Board of Adjustment Meeting. Fisher stated that as such, staff is recommending to continue 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 September 9, 2021 Zoning Board of Adjustment Meeting at the applicant's request.

**Vidal moved, Ottenbacher 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 September 9, 2021 Zoning Board of Adjustment meeting. (6 to 0 with Arguello, Braun, Bulman, Gollither, Ottenbacher, and Vidal 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 Bulman moved, Golliher seconded and unanimously carried to adjourn the meeting at 7:03 a.m. (6 to 0 with Arguello, Braun, Bulman, Golliher, Ottenbacher, and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 5, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Golliher, Eric Ottenbacher and Vince Vidal.

MEMBERS ABSENT: Racheal Caesar, Eirik Heikes, John Herr, Mike Quasney, Haven Stuck. Bill Evans, Council Liaison was also absent.

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

Braun called the meeting to order at 7:03 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 Golliher seconded by 'Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (6 to 0 with Arguello, Braun, Bulman, Golliher, Ottenbacher and Vidal voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the July 22, 2021 Planning Commission Meeting Minutes.
2. No. 21RZ018 - Kateland Subdivision  
A request by Citcra LLC to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for a portion 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 northwesterly corner of Lot 1, Block 1 of Mallridge Subdivision No. 2, and the point of beginning. Thence, first course: S 01°50'37" W, along the westerly boundary of said Mallridge Subdivision No. 2, a distance of 181.94 feet; Thence, second course: S 01°55'06" W, along the westerly boundary of said Mallridge Subdivision No. 2, a distance of 182.94 feet to the northeasterly corner of Lot 6, Block 5 of Tyler Knue Subdivision; Thence, third course: N 88°22'18" W, along the northerly boundary of said Tyler Knue Subdivision, a distance of 71.27 feet; Thence, fourth course: S 87°49'07" W, along northerly boundary of said Tyler Knue Subdivision, a distance of 136.79 feet; Thence, fifth course: N 02°37'58" W, a distance of 28.42 feet; Thence, sixth course: N 56°40'54" W, a distance of 25.19 feet; Thence, seventh course: N 05°16'30" E, a distance of 33.81 feet; Thence, eighth course: N 44°10'33" W, a distance of 52.74 feet; Thence, ninth course: N 21°31'00" W, a distance of 89.87 feet; Thence, tenth course: N 32°26'38" E, a distance of 44.46 feet; Thence, eleventh course: N 38°52'40" W, a distance of 34.97 feet; Thence, twelfth course: N 28°59'24" E, a distance of 48.42 feet; Thence, thirteenth course: N 20°02'32" W, a distance of 78.71 feet; Thence, fourteenth course: S 88°03'39" E, a distance of 310.65 feet, to the said point of beginning,

more generally described as being located southeast of the intersection of Country Road West and Brooke Street.

**Planning Commission recommended approval of the Rezoning request from General Agricultural District to Medium Density Residential District in conjunction with a Planned Development Designation.**

3. No. 21PL069 - Kateland Subdivision

A request by Citcra LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Block 6 of Kateland Subdivision, legally described as a portion of the unplatted balance of the N1/2 of the NW1/4 of the NW1/4 of Section 24, T2N, R7E and a portion of the S1/2 of the SW1/4 of the SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Country Road West and Brooke Street.

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

1. Upon submittal of a Final Plat application, the two proposed lots shall be included on the same plat document as the nine proposed lots included in the Development Engineering Plan application (File #21PL028) for the adjacent phase of the Kateland Subdivision or a Development Engineering Plan application shall be submitted for these two proposed lots limiting the construction of Country Road West and Brooke Street to that portion of the right(s)-of-way that abut the subject property. If the two phases are combined into one Final Plat, then a Development Engineering Plan application is not required for the subject property as the street, drainage and utility improvements are addressed as a part of the approved construction plans for File #21PL028;
2. If the applicant chooses to Final Plat the two phases of Kateland Subdivision separately then the following items shall also be addressed as a part of the Development Engineering Plan application for this phase of the development:
  - a) 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;
  - b) Construction plans for Country Road West (collector street) and Brooke Street (local street) shall be submitted for review and approval 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;
- c) A cost estimate for the required subdivision improvements shall be submitted for review and approval;
- d) A Development Agreement shall be entered into with the City for all public improvements;
- e) Approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
- f) An Oversize Agreement shall be entered into with the City;
- g) Any necessary off-site easements shall be secured;
- 3. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements and a Major Drainage Easement shall be dedicated for all drainage improvements;
- 4. 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,
- 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

4. No. 21PL070 - Diamond Ridge Subdivision

A request by KTM Design Solutions, Inc for Yasmeeen Dream II, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Tract 1 of Diamond Ridge Subdivision, legally described as a portion of the east 910 feet of Government Lot 4, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Diamond Ridge Boulevard and Radiant Avenue.

**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 northern plat boundary as being on the section line highway with the dedication of the south 50 feet of right-of-way for Anamosa Street. In addition, construction plans for Anamosa Street shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a principal arterial street or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, construction plans for the cul-de-sac bulb for Radiant Avenue shall be submitted for review and approval pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. 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 shall be obtained from City Council to allow 54 dwelling units with one point of access in lieu of a maximum of 40 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;
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, 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;
  7. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
  8. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
  9. Prior to submittal of a Final Plat, the adjacent right-of-way for Radiant Avenue and Diamond Ridge Boulevard shall be dedicated to provide access to the proposed lot or the Final Plat for the subject property shall be revised to include the right(s)-of-way;
  10. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements and a Major Drainage easement shall be dedicated for all drainage improvements;
  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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- \*5. No. 21UR014 - Countryside Subdivision  
A request by Tony Fischer and Marie Midttveit to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 21 of Block 12 of Countryside Subdivision, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 7230 Tanager Drive.

Bauer presented the application and reviewed the associated slides stating that the square footage of the requested garage and existing structures combined creates the need for the request to allow the oversized garage. Bauer reviewed the layout and uses of the proposed garage and the elevations which show the finishings of the garage which are planned to match the residence and existing structures. Bauer presented staff's recommendation to approve the Conditional Use Permit to allow an oversized garage with stipulations as outlined in the Project Report.

In response to a question from Arguello regarding the access to the lower level of the garage, Bauer stated it is intended for storage and not vehicles.

**Golliher moved, Vidal seconded and the Planning Commission approved the Conditional Use Permit to allow an over-sized garage with the following stipulations:**

- 1. An Exception is hereby granted to allow an attached over-sized garage and detached shed with a combined area of 1,960 square feet for the proposed and existing garage area, in lieu of the maximum allowed 1,500 square feet;**
- 2. Prior to submittal of a Building Permit, the site plan shall be revised to show property line sidewalk along Tanager Drive or a Variance shall be obtained from the City Council;**
- 3. The proposed over-sized garage and shed 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. (6 to 0 with Arguello, Braun, Bulman, Golliher, Ottenbacher 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.***

6. Discussion Items

Fisher stated that staff continues to work on the ordinance for medical cannabis noting they are currently working on the licensing portion and she will keep the Commission updated.

In response to a question from Braun on limits, Nyberg reviewed the options.

7. Staff Items

None

8. Planning Commission Items

Planning Commission Minutes  
August 5, 2021

None

**There being no further business, Bulman moved, Golliher seconded and unanimously carried to adjourn the meeting at 7:34 a.m. (6 to 0 with Arguello, Braun, Bulman, Golliher, Ottenbacher and Vidal voting yes and none voting no)**