MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
May 26, 2022

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Racheal Caesar, Eirik Heikes, John Herr, Haven Stuck, Eric Ottenbacher, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: Karen Bulman, Mike Golliher. Ron Wiefenbach, Council Liaison was also absent.


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

1. Approval of the March 24, 2022 Zoning Board of Adjustment Minutes

Caesar moved and Vidal seconded and the Zoning Board of Adjustment approved of the March 24, 2022 Zoning Board of Adjustment Meeting Minutes.

2. No. 21VA010 - Deadwood Avenue Tract
A request by Matt Neibauer of Prairie Supply to consider an application for a **Variance to reduce the side yard setback from 25 feet to 12 feet** for Lot 6 of Tract E of Deadwood Avenue Tract, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2801 Plant Street.

Halonen presented the application and reviewed the slides noting that the item had been continued from the January 27, 2022 Zoning Board of Adjustment meeting to allow the applicant to review options. Halonen presented the proposed layout noting that topography and circulation isle needed to meet the turning requirements for trucks limits the applicant’s ability to move the layout of the buildings. Halonen stated that staff recommends that the Variance to reduce the side yard setback from 25 feet to 12 feet be approved.

Fisher spoke to the circumstances that limit the applicant’s options noting that these issues create special circumstances. Fisher also noted that the applicant was able to modify their Variance request from 8 foot setback to 12 foot setback and that due to this and the applicants need to expand staff, recommends approval.

In response to a question from Stuck regarding buildings on neighboring property that appear to be on or near the lot line, Fisher clarified that those buildings are legal non-conforming but are not included in this request.

Quasney moved and Heikes seconded and the Zoning Board of Adjustment approved the Variance to reduce the side yard setback from 25 feet to 12 feet
based on Criteria # 2 special circumstances. (9 to 0 with Arguello, Braun, Caesar, Heikes, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

3. **No. 22VA005 - Green Acres Subdivision**
   A request by Avvampato Construction Company, Inc. to consider an application for a **Variance to reduce the side yard setback from 12 feet to 8 feet** for Lots 31 thru 32 of Block 9 of Greenacres Subdivision, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 W. Rapid Street.

   Fisher noted that in reviewing this application staff found that they could not support the request, but with a small adjustment to the placement of the structure the applicant was able to obtain a Zoning Exception and withdrew the application and as such staff requests that the Zoning Board of Adjustment acknowledge the withdrawal.

   Caesar moved and Vidal seconded and the Zoning Board of Adjustment acknowledged the withdrawal of the Variance to reduce the side yard setback from 12 feet to 8 feet at the applicant’s request. (9 to 0 with Arguello, Braun, Caesar, Heikes, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

4. **Staff and Zoning Board of Adjustment Discussion Items**
   None

   There being no further business Vidal moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:10 a.m. (9 to 0 with Arguello, Braun, Caesar, Heikes, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)
MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 26, 2022

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Rachael Caesar, Eirik Heikes, John Herr, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Karen Bulman, Mike Golliher. Ron Weifenbach, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Kip Harrington, Tanner Halonen, Marlo Kapsa, Chip Premus, Mary Bosworth, Roger Hall, Nicole Lecy, Dale Tech, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:10 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.

Staff requested that Items 2 be removed from the Consent Agenda for separate consideration.

Motion by Vidal seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations with the exception of Item 2. (9 to 0 with Arguello, Braun, Caesar, Heikes, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 5, 2022 Planning Commission Meeting Minutes.

3. No. 22PL047 - Trailwood Village
   A request by Baseline Surveying for Gordon Howie to consider an application for a Preliminary Subdivision Plan for proposed Lots 4, 5 and Drainage Lot 1 of Block 22 of Trailwood Village, legally described as Balance of Tract T less Lot H1, located in the SE1/4 of the SE1/4 of Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Long View Road and Reservoir Road.

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

1. Upon submittal of a Final Plat application, the 20-foot wide pedestrian access easement label on the plat document shall be revised to read, “20-foot wide Pedestrian Access Easement for the Residents of the Planned Unit Development to Access Turtle Pond this Plat.”; and,
2. Upon submittal of a Final Plat application, the approved Declaration for Maintenance of Drainage Easement for Drainage Lot 1 of Trailwood Village shall be submitted for recording.
No. 22PD022 - Superpumper Addition

A request by KTM Design Solutions, Inc for Rapid Storage LLC to consider an application for a Final Planned Development Overlay to allow mini warehousing for Lot 2 less Lot A, B and C less Drainage Lot 1, less Drainage Lot 2 and less right-of-way of Superpumper Addition, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell between E. Fairmont Boulevard and E. Oakland Street.

Halonen presented the application and reviewed the associated slides. Halonen stated that in addition to the previously granted Exceptions approved with the Initial Planned Development, the applicant has requested an Exception to allow a 6-foot high chain-link fence along E. Fairmont Boulevard in lieu of the 4-foot maximum, which staff supports as it provides additional security. Halonen stated that staff recommends the application be approved with stipulations.

Nathan Barton, speaking on behalf of South Side Church of Christ, stated that they appreciate the changes made addressing their concerns. Barton spoke to their concerns regarding the construction and to keep the impacts it may have to their uses to a minimum. Braun stated that although he understands the concerns the scheduling of construction is outside of Planning Commission purview. Fisher stated that the building permit will address many of these concerns and if there are concerns they should be directed to the Building Services Division of the Community Development.

In response to question on hours of operation Dale Tech, Public Works Director, stated that these hours are between 6:00 a.m. and 9:00 p.m. for Public Works projects, but that residential construction hours might vary slightly.

In response to questions from Heikes on the appropriateness of the use in this location, Fisher confirmed that this location supports this use and noted the need for these uses and the design aspects that makes the structure pleasing.

Vidal moved, Quasney seconded and the Planning Commission approved the Initial Planned Development Overlay to allow mini warehousing with the following stipulations:

1. Acknowledge the previously approved Exception to grant a decorative iron fence or black chain link fence in lieu of decorative opaque screening material contingent upon a continuous landscaping screen comprised of coniferous trees along the property boundaries. In addition, coniferous trees spaced at a minimum of 40 feet shall be prioritized along the western lot line to provide a visual and sound buffer for the residential uses located on the adjacent property;
2. Acknowledge the previously approved Exception to grant metal siding on the sidewall elevations in lieu of masonry, concrete or wood, or metal simulated wood siding contingent upon the applicant incorporating a decorative cladding element on the upper portions of the side wall elevations (at 6 feet), so they are visible above the required 6-foot fence;
3. An Exception is hereby granted to allow a 6-foot high chain-link fence along E. Fairmont Boulevard in lieu of the 4-foot maximum;
4. A minimum of two parking spaces shall be provided with one of the spaces being ADA van accessible. Parking shall be designed in compliance with the City’s Parking Regulations;

5. All signage shall continually conform to the Sign Code. 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 sign;

6. All outdoor lighting shall continually be reflected within the property boundaries to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;

7. Upon issuance of a Building Permit, an Exception shall be obtained for the portion of sidewalk along Cambell Street that is shown as curbside; and,

8. The Final Planned Development Overlay shall allow for mini-warehousing on the property. Any change in use or expansion of use that is permitted in the General Commercial District and is in compliance with the Parking Regulations shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (8 to 1 with Arguello, Braun, Caesar, Herr, Ottenbacher, Quasney Stuck and Vidal voting yes and Heikes 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*4. No. 22PD019 - Founders Park Subdivision
A request by Henriksen, Inc for Founders Park, LLC to consider an application for a Major Amendment to a Planned Development to allow an office building for Lot 1 of Founders Park Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 243 Founders Park Drive.

Halonen presented the application and reviewed the associated slides noting the proposed building will be a one-story, 10,350 square feet, housing 3 office suites, located in the southwest section of the lot. Halonen stated that the applicant is requesting Exceptions to south side and rear yard setbacks and that staff supports these requests as this will not create a lighting or space issue since the adjacent property is open space. Staff recommends approval of the Major Amendment to a Planned Development to allow an office building with stipulations.

In response to questions from Ottenbacher regarding the construction in the floodplain, Halonen noted the applicant will need to obtain a Floodplain Permit.

Ottenbacher questioned why development is be promoted in this Founders Park
area, Fisher discussed that this is outside of the greenway tract but within the fringe of the floodway and with the proper permits and designs development is allowed in these areas.

In response to a question from Ottenbacher regarding continued use of parking being available for hikers, Pat Tiustos, stated there are 500 parking spaces and they only use 60 percent of this so they plan to continue to share parking with hikers using the Hanson Larsen Park.

Stuck questions on lot size and Cowboy Road and access issues, Tiustos spoke to this proposed development and other development in the area and the relationship with the Hansen Larsen Park and the use of Cowboy Road. Tiustos clarified that Cowboy Road is actually only an easement, not a developed road. Further discussion on the use and ownership of the road and surrounding parcels followed.

Discussion followed on the design and use of the land complementing the developer for their efforts.

Caesar moved and Arguello seconded and the Planning Commission approved the Major Amendment to a Planned Development to allow an office building with the following stipulations:

1. An Exception is hereby granted to allow a 14-foot rear yard setback in lieu of 25 feet;
2. An Exception is hereby granted to allow a 23-foot side yard setback in lieu of 25 feet; and,
3. An Exception is hereby granted to allow an 11-foot side yard setback for the covered entry in lieu of 19 feet;
4. A minimum of 52 parking spaces shall be provided with three of the spaces being ADA accessible and one of which shall be van accessible. Parking shall be designed in compliance with the City's Parking Regulations; and,
5. A minimum of 85,486 landscaping points shall be provided. All landscaping shall be designed in compliance with the City's Landscaping Regulations;
6. All signage shall continually conform to the Sign Code. 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 sign;
7. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained; and,
8. The Major Amendment to the Planned Development Overlay shall allow for an office building. Any change in use or expansion of use that is permitted in the Office Commercial District and is in compliance with the Parking Regulations shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (8 to 1 with Arguello, Braun, Caesar, Heikes, Herr, Quasney Stuck and Vidal voting yes and Ottenbacher 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.

5. Floodplain Presentation by Mary Bosworth of Public Works Department

Mary Bosworth presented a presentation reviewing the history of floods in the area and the management of flood hazard areas.

Bosworth discussed how development in these areas is reviewed and managed.

Numerous questions and discussion followed regarding various aspects of flood mapping and planning and development management of floodway and floodplain areas.

6. Planning Commission and Staff Discussion Items

Fisher discussed the upcoming 50th Commemorative Flood Event and encourages everyone to attend.

There being no further business, Caesar moved, Vidal seconded and unanimously carried to adjourn the meeting at 841 a.m. (9 to 0 with Arguello, Braun, Caesar, Heikes, Herr, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)