

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
July 7, 2022

MEMBERS PRESENT: Kelly Arguello, Karen Bulman, Mike Golliher, Eirik Heikes, Haven Stuck, and Vince Vidal.

MEMBERS ABSENT: Erik Braun, John Herr, Mike Quasney and Eric Ottenbacher. Ron Wiefenbach, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Tanner Halonen, Marlo Kapsa, Kip Harrington, Sarah Hanzel, Chip Premus, Todd Peckosh, Kinsley Groote and Andrea Wolff.

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

1. Approval of the June 23, 2022 Zoning Board of Adjustment Minutes

**Golliher moved and Stuck seconded and the Zoning Board of Adjustment approved the June 23, 2022 Zoning Board of Adjustment Minutes. 6 to 0 with Arguello, Bulman, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

2. No. 22VA007 - South Belleview Addition

A request by Andrea Young to consider an application for a **Variance to allow a two-story, 20.5 foot high accessory structure in lieu of the maximum height of 15 feet** for Lot 2 of South Bellview Addition, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 141 Belleview Drive.

Hanzel presented the application noting that it had been continued from the June 23, 2022 Zoning Board of Adjustment meeting. Hanzel stated that the applicant is requesting a two story garage which is 5 feet higher than the maximum allowed 15 foot height and reviewed the proposed layout and design of the structure noting that parking would be accessed from the alley on the lower level with walk-in access from the front of the upper level. She also noted staff had received 2 comments in opposition to the request. Hanzel reviewed staffs reasons for recommending denial including that although there is a topography change in elevation it does not limit the building area, that there is reasonable use of the property and the proposed garage is not in harmony with the neighborhood.

In response to a question from Heikes regarding the proposed use of the two stories, Hanzel confirmed the lower level is for parking with the upper level for storage with separate accesses. Heikes noted he does not believe the garage was in harmony with the neighborhood.

Mike Gebhardt, applicant, explained why they are requesting the storage, noting that there are other houses that are 20 feet or higher in the neighborhood and that they have worked to try and meet requirements and will continue to work with the Board to be able to build the garage.

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Bill Evans, alderman for Ward 2 and neighbor, stated that he is glad to have improvements in the area but suggested alternatives such as hipped roof and believes there are additional changes that can be made to make the garage a better fit. Evans stated that he doesn't think there have been enough change for Planning Commission or City Council to approve the request.

Fisher confirmed that that Zoning Board of Adjustment is a quasi-judicial board and its findings are final unless taken to court.

Andrea Young, applicant, spoke to the reason for the design of the garage and proposed uses. Young state that the hipped roof will reduce the height at least a foot but she had not looked into further option at this point due to cost, but request the Variance be granted.

Arguello stated that he supports the improvements to the neighborhood and likes the hipped roof, stating that the topography makes a difference and he supports the Variance.

Fisher reviewed why accessory structures are limited differently from the residential structures, including longevity issues and options available to allow reasonable use of the property, clarifying that the Variance if granted would be for 19.75 feet rather than 20.5 feet.

**Golliher moved and Vidal seconded and the Zoning Board of Adjustment denied the Variance to allow a two-story, 20.5 foot high accessory structure in lieu of the maximum height of 15 feet based on Criteria # 3 and #4. (5 to 1 with Bulman, Golliher, Heikes, Stuck and Vidal voting yes and Arguello voting no)**

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Staff and Zoning Board of Adjustment Discussion Items

None

**There being no further business Vidal moved, Golliher seconded and unanimously carried to adjourn the meeting at 7:26 a.m. (6 to 0 with Arguello, Bulman, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
July 7, 2022

MEMBERS PRESENT: Kelly Arguello, Karen Bulman, Mike Golliher, Eirik Heikes, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Erik Braun, John Herr, Eric Ottenbacher, Mike Quasney. Ron Weifenbach, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Marlo Kapsa, Chip Premus, Todd Peckosh, Kinsley Groote and Andrea Wolff.

Bulman called the meeting to order at 7:27 a.m.

**Bulman 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 3 and 7 be removed from the Consent Agenda for separate consideration.**

**Motion by Heikes seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Items 3 and 7. (6 to 0 with Arguello, Bulman, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the June 23, 2022 Planning Commission Meeting Minutes.
2. No. 22PL060 - North 80 Subdivision  
A request by Renner Associates, LLC for C.R. Lloyd Associates, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 8 and 9 of North 80 Subdivision, legally described as Government Lot 1 less Gemstone Subdivision, less North 80 Subdivision, less Lot H-1 and less right-of-way; Government Lot 2 less North 80 Subdivision, less BHP Lot 1, less Lot H2 thru H4 and less right-of-way, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Shelby Avenue and E. Stumer Road.

**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 for the easterly 125 of E. Stumer Road shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a collector street or shall meet criteria for obtaining an Exception. In addition, the plat document shall be revised to show the dedication of 4 additional feet of right-of-way along E. Stumer Road as it abuts the subject property or shall meet**

criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show all necessary and/or proposed easements on the subject property;
3. Upon submittal of a Development Engineering Plan application, all information pursuant to Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, 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 Registered 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. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements located within the unplatted balance created as a result of this plat;
10. 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,
11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

4. No. 22PL066 - Quail Ridge Subdivision

A request by KTM Design Solutions, Inc for Banner Communities LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 4 of Quail Ridge Subdivision, legally described as portions of the unplatted lands in the SE1/4 of Section 4, T1N, R8E, located in the SE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Elk Vale Drive at Concourse Drive and Jolly Lane at Jubilee Lane.

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

1. Prior to submittal of a Development Engineering Plan application, a Traffic Impact Study per Section 2.17 of the Infrastructure Design Criteria Manual shall be submitted for review and approval by the City of Rapid City and South Dakota Department of Transportation or criteria for obtaining an Exception to waive the requirement shall be met. Upon submittal of a Development Engineering Plan application, construction plans for any improvements identified within the Traffic Impact Study shall be submitted for review and approval or criteria for obtaining an Exception to waive the requirement shall be met. 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 Elk Vale Road shall be submitted for review and approval showing the street constructed with curb and gutter that meets the criteria set forth in Figure 2-1 of the Infrastructure Design Criteria Manual or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application. Additionally, construction plans for fire hydrants, sewer, and water that meets Rapid Valley Sanitary District and the Infrastructure Design Criteria Manual standards shall be submitted for review and approval or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, construction plans for Lancer Drive shall be submitted for review and approval including curb and gutter that meets the criteria set forth in Figure 2-1 of the Infrastructure Design Criteria Manual or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application. Additionally, construction plans for fire hydrants, sewer, and water that meet Rapid Valley Sanitary District and the Infrastructure Design Criteria Manual standards shall be submitted for review and approval or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, construction plans for Concourse Drive shall be submitted for review and approval including street light conduit that meets the criteria set forth in Figure 2-1 of the Infrastructure Design Criteria Manual or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, construction plans for water and sewer that meets Rapid Valley Sanitary District and the Infrastructure Design Criteria Manual standards shall be submitted for review and approval or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be

- submitted with the Development Engineering Plan application;
5. Upon submittal of a Development Engineering Plan application, construction plans for Jubilee Lane shall be submitted for review and approval including the installation of a minimum pavement width of 34 feet, curb, gutter, sidewalk, and street light conduit which meets the criteria set forth in Figure 2-1 of the Infrastructure Design Criteria Manual or criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, construction plans for water and sewer that meets Rapid Valley Sanitary District and the Infrastructure Design Criteria Manual standards shall be submitted for review and approval or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
  6. Upon submittal of a Developmental Engineering Plan application, construction plans for Twilight Drive shall be submitted for review and approval including a pavement width of 35 feet and street light conduit which meets the criteria set forth in Figure 2-1 of the Infrastructure Design Criteria or criteria for obtaining an Exception shall be met waiving the requirement. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, construction plans for water and sewer that meet Rapid Valley Sanitary District and the Infrastructure Design Criteria Manual standards shall be submitted for review and approval or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
  7. Upon submittal of a Development Engineering Plan application, construction plans for Jolly Lane shall be submitted for review and approval including a pavement width of 26 feet, street light conduit, curb, and gutter which meets the criteria set forth in Figure 2-1 of the Infrastructure Design Criteria Manual or criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, construction plans including fire hydrants that meet Rapid Valley Sanitary District and the Infrastructure Design Criteria Manual standards shall be submitted for review and approval or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
  8. Upon submittal of the Development Engineering Plan, the plat document shall be revised to show an additional 1.5 feet of right-of-way dedicated along Jolly Lane or criteria for obtaining an Exception to waive the improvements shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
  9. 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 or criteria to obtain an Exception waiving the requirement shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;

10. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval;
11. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
13. 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 and Rapid Valley Sanitary District standards. 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 Registered Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;
14. Prior to submittal of a Final Plat application, easements and conveyances shall be secured as needed for the proposed development. In addition, upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements;
15. 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,
16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

5. No. 22RZ009 - Quail Ridge Subdivision

A request by KTM Design Solutions, Inc for Banner Communities LLC to consider an application for a **Rezoning request from General Commercial District to Office Commercial District** for the unplatted balance of the SE1/4 including Lot X of Lot H1 in the SW1/4 of the SE1/4 less Lot H1, Less Lots H3 and H4 of the W1/2 of the SE1/4 and less Lots H3, H4 and H5 of the E1/2 of the SE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Elk Vale Drive at Concourse Drive and Jolly Lane at Jubilee Lane.

**Planning Commission recommended approval of the Rezoning request from General Commercial District to Office Commercial District in conjunction with a Planned Development Designation.**

6. No. 22RZ010 - Fountains Springs Business Park

A request by TSP, Inc for Nance L and John E Pruitt to consider an application for a **Rezoning request from Light Industrial District to Office Commercial District** for Tract T of Fountain Springs Business Park, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1949 Plaza Boulevard.

**Planning Commission recommended approval of the Rezoning request from Light Industrial District to Office Commercial District in conjunction with a Planned Development Designation.**

**---END OF CONSENT CALENDAR---**

3. No. 22UR015 - Western Heights Subdivision

A request by Kennedy Design Group, Inc for Children's House Montessori to consider an application for a **Major Amendment to a Conditional Use Permit to allow a preschool** for Lot 2 of Block 8 of Western Heights Subdivision, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4021 Range Road.

Halonen noted that staff wanted to address the change to the stipulation for the fence height from 52 inches to reflect the required height of 42 inches minimum and 48 inches maximum. Halonen then reviewed the layout and design of the proposed preschool and stated that staff recommends approval of the Major Amendment to a Conditional Use Permit to allow a preschool with stipulations.

**Golliher moved, Vidal seconded and the Planning Commission recommended that the Conditional Use Permit to allow a child care center be approved with the following stipulations;**

1. **A minimum of 12 parking spaces shall be provided. For 29 provided parking spaces, two ADA-accessible spaces shall be provided, one of which shall be van accessible. All parking shall be designed in compliance with the City's Parking Regulations;**
2. **A minimum of 39,615 landscaping points shall be provided. All landscaping shall be designed in compliance with the City's Landscaping Regulations;**
3. **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 individual sign;**
4. **Upon submittal of a Building Permit, the fence height in the required front yard shall be revised to be a minimum of 42 inches in height to a maximum of 48 inches in height and,**
5. **The Conditional Use Permit shall allow a preschool for a maximum of 62 children. Any change in use or expansion of use that is permitted in the Medium Density Residential District 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 Medium Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit. Any change to the submitted operational plan shall be allowed as a Minimal Amendment to the Conditional Use Permit. (6 to 0 with Arguello, Bulman, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

7. No. 22TP012 - 2023-2026 Transportation Improvement Program – Draft Report

Harrington reviewed the Transportation Improvement Program, noting it is a summary of the 4-Year Plan for the surrounding areas for projects including the South Dakota Department of Transportation, Rapid City, Box Elder, Pennington County Highway and Meade County Highway Departments . Harrington noted that the Statewide Transportation Improvement Program Pubic meeting will be held July 14<sup>th</sup>, at 7:00 p.m. at the Ramkota Hotelstating it is a great opportunity to learn the upcoming plans and to provide input. Harrington noted that this is a draft with the final report anticipated in August.

Heikes asked if the Transportation Bill that was passed recently has helped with these procedures, Harrington stated that it will help allow future projects going forward.

In response to comments from Stuck regarding traffic issues on Sheridan Lake Road, Harrington noted there is a projected project for Sheridan Lake Road in 2024 -2025 as well as the Highway 16 Corridor project in 2026.

Discussion regarding traffic and growth followed.

**Vidal moved, Golliher seconded and the Planning Commission acknowledged of the 2023-2026 Transportation Improvement Program – Draft Report. (6 to 0 with Arguello, Bulman, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

8. Staff and Planning Commission Discussion Items

A. Planning Commission liaison for the Tax Increment Finance Committee

Hanzel explained the Planning Commission's role in the TIF Committee and the need to replace the Planning Commission representative for the committee previously held by Rachel Caesar who is no longer on the Planning Commission.

In response to Hanzel's request for interest in serving as a member of the TIF Committee Vidal and Bulman stated they would be. Fisher clarified that Hanzel will submit the names for recommendation to appoint by Mayor.

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**There being no further business, Vidal moved, Golliher seconded and unanimously carried to adjourn the meeting at 7:43 a.m. (6 to 0 with Arguello, Bulman, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**