

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 6, 2023

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Golliher, Eirik Heikes, Brook Kaufman, Mike Quasney and Haven Stuck.

MEMBERS ABSENT: John Herr, Vince Vidal Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Alex Osborne, Jonathan Howard, Chip Premus, Todd Peckosh, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:00a.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 6 be removed from the Consent Agenda for separate consideration.

Motion by Quasney seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff's recommendations with the exception of Item 6. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, Quasney and Stuck voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 23, 2023 Planning Commission Meeting Minutes.
2. No. 23AN001 - Canyon Park Subdivision
A request by Interstate Engineering, Inc for Carey Kassube to consider an application for a **Petition for Annexation** for Lots 1 and 2 of Lot J and the balance of Lot J of Parcel No. 2 of Canyon Park Subdivision, located in Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5900 W. Highway 44.

Planning Commission recommended approval of the Petition for Annexation.

3. No. 23PL021 - Chateaux Preserve Subdivision and Sammis Subdivision
A request by All Aspects Surveying for Wind River, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 4A of Chateaux Preserve Subdivision, being a portion of Lot 4 of Chateaux Preserve Subdivision and Lots 2A and 2B of Sammis Subdivision, legally described as Lot 2 of Sammis Subdivision and a portion of Lot 4 of Chateaux Preserve Subdivision; formerly Tracts A and B of Carlson Subdivision and Lots 1, 8 and 10 of Chateaux Ridge Subdivision, located in the E1/2 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the southern terminus of Easy Street.

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

- 1. Upon the 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;**
- 2. Upon the submittal of a Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) shall be submitted for review and approval as per Chapter 1.15 of 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;**
- 3. Upon the submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval to improve the north adjacent turnaround to proposed Lots 2A and 4A to City Standards and a revised plat document shall be submitted identifying additional right-of-way for those improvements or the 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;**
- 4. Upon the submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval to extend the water main in Vista Hills Drive to the south right-of-way line of the turnaround and terminate with a new fire hydrant to allow for a conforming water service to Lots 2A and 4A or the 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;**
- 5. Upon the submittal of a Development Engineering Plan application, a site plan identifying the existing structural development shall be submitted for review and approval;**
- 6. Prior to the approval of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
- 7. Prior to the approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be obtained;**
- 8. Prior to the approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
- 9. Upon the submittal of a Final Plat application, the former and proposed legal descriptions on the plat document shall be revised to read 'Sammi's Subdivision' rather than 'Sammis Subdivision';**
- 10. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements; and,**
- 11. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.**

4. No. 23PL024 - Canyon Park Subdivision

A request by Interstate Engineering, Inc for Carey Kassube to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1A and 2A of Lot

J of Parcel No. 2 of Canyon Park Subdivision, legally described as Lots 1 and 2 of Lot J and Lot J of Parcel No. 2 of Canyon Park Subdivision, located in Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5900 W. Highway 44.

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

- 1. Prior to the submittal of a Development Engineering Plan application, a Variance shall be obtained from City Council waiving the requirement to construct a sidewalk along S.D. West Highway 44 and the private access and utility easement or upon submittal of a Development Engineering Plan, construction plans showing sidewalks along the two streets shall be submitted for review and approval. If a Variance is obtained and no other subdivision improvements are required, then documentation showing that the Variance has been obtained shall be submitted with the Final Plat application;**
- 2. Upon the submittal of a Development Engineering Plan application, a utility plan clearly showing the location of water and sanitary sewer service lines for each lot shall be submitted for review and approval. If all subdivision improvements are waived and a Development Engineering Plan application is not required, then the documentation shall be submitted with the Final Plat application;**
- 3. Upon the submittal of a Development Engineering Plan application, written concurrence from Rapid Canyon Sanitary District for the sanitary sewer system design shall be submitted. If all subdivision improvements are waived and a Development Engineering Plan application is not required then the documentation shall be submitted with the Final Plat application;**
- 4. Upon the submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;**
- 5. Prior to the approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements if any are required;**
- 6. Prior to the submittal of a Final Plat application, the property shall be annexed into the City limits of Rapid City;**
- 7. Upon the annexation and prior to the submittal of a Rezone application and Final Plat application, a Variance from the City's Zoning Board of Adjustment shall be obtained to:**
 - Reduce the minimum lot size requirement in the Park Forest District from 3 acres to 1.37 acres for proposed Lot 1A and 1.27 acres for proposed Lot 2A;**
 - Allow any setback encroachments along the common lot line or the lot layout shall be revised to comply with the minimum setback requirements in the Park Forest District; and,**
 - Allow the existing structural development to cover more than 25% of the lot area on proposed Lot 2A or the lot layout shall be revised to comply with the maximum lot coverage requirement in the Park Forest District.**

If the Variances are obtained, then prior to the submittal of a Final Plat

- application, the property shall be rezoned from No Use District to Park Forest District;
8. Prior to the submittal of a Final Plat application, the plat document shall identify an easement for the shared well and the service line from the well to proposed Lot 2A. Upon the submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the shared well;
 9. Prior to the submittal of a Final Plat application, the plat document shall be revised removing the setback line notations;
 10. Prior to the submittal of a Final Plat application, the applicant shall verify whether revisions are needed to the legal description to read 'the balance of Lot J' rather than 'Lot J';
 11. Prior to the submittal of a Final Plat application, an Approach Permit shall be obtained from the South Dakota Department of Transportation and from the Pennington County Highway Department;
 12. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements;
 13. Upon the 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,
 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

*5. No. 23UR006 - Stoney Creek Subdivision

A request by Trevor Johnson to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 11 of Block 6 of Stoney Creek Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2612 Harvard Avenue.

Planning Commission approved the Conditional Use Permit to allow an oversized garage with stipulations identified at the end of this report.

1. Exterior building materials shall match the residential structure;
2. The garage shall not be used for any commercial use; and,
3. A building permit shall be obtained prior to any construction. A certificate of occupancy shall be obtained prior to use.

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. No. 23UR008 - Section 7, T1N, R8E

A request by FMG Engineering for Black Hills Works to consider an application for a **Conditional Use Permit to allow a group home** for N1/2 of the N1/2 of the E1/2 of the SE1/4 of the SE1/4 of Section 7, located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East Oakland Street and Cambell Street.

Planning Commission approved the Conditional Use Permit to allow a group home with the following stipulations;

1. Upon the submittal of a Building Permit application, the applicant shall provide a drainage report for review and approval;
2. Upon the submittal of a Building Permit application, the applicant shall verify the cleanout spacing in the six-inch portion of the sewer service and confirm that cleanouts shall not exceed 100-foot spacing;
3. Upon the submittal of a Building Permit application, the plans submitted shall identify that the building has sufficient fire sprinkler and fire alarm systems;
4. Prior to the approval of a Building Permit application, the plans submitted shall identify the height of the trash enclosure as six feet or lower pursuant to Section 17.50.340.B of the Rapid City Municipal Code, or an Exception shall be obtained;
5. Prior to the approval of a Building Permit application, the plans submitted shall identify property line sidewalks along the Cambell Street frontage, or a Variance shall be obtained from City Council, or the proposed plat shall be recorded therefore negating this requirement;
6. A minimum of 72,820 landscaping points shall be provided. The landscaping shall be designed in compliance with the City's Landscaping Regulations; and,
7. The Conditional Use Permit shall allow for a group home in compliance with the applicant's operational plan. Any change in use or expansion of use 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 review and approval of a Major Amendment to the Conditional Use Permit.

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.

---END OF CONSENT CALENDAR---

- *6. No. 23UR007 - Springbrook Acres Subdivision
A request by Tyler Davis to consider an application for a **Conditional Use Permit to allow an oversized garage** for Lot 7 of Block 3 of Springbrook Acres Subdivision, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2602 Mountain Meadow Road.

Osborne presented the application and reviewed the associated slides noting the applicant was granted a Zoning Exception to allow the garage to be 18 feet in height in lieu of the maximum 15 feet allowed as they have agreed to regrade the yard to reduce the height impact. Osborne noted that the applicant has left trees along the lot line to provide a buffer but noted that the steel siding of the garage does not match the existing residence and is not consistent with the residential character of surrounding neighborhood.

Tyler Davis, property owner, presented photos of other houses in the surrounding

neighborhood in various stages of repair and design noting that the pros for steel siding versus aluminum and that the cosmetic difference is minor. Davis also noted steps he has taken to reduce the impact of the structure including lowering the ground, roof color and seam style.

Fisher noted this area was annexed in 1978 which explains the numerous types of house including mobile homes, which allowed the existing mix of housing types and structures, but stated that new builds require adherence to City requirements stating matching materials help to reduce the impact of oversized structures.

Discussion followed identifying the hobby use as working on automobiles and the lift requires the height for viability, options to have the same siding on the house as the garage, additional approach needing to be removed or a permitted and paved, which, being located on a private road, would be issued from the Home Owners Association and not Public Works Department, number of letters of received with concerns is important to the Planning Commission.

Quasney asks for assistance with revised stipulations including requiring steel color matching, wainscoting and that the second approach be removed or permit will be obtained and the first 50 feet be paved.

Quasney moved and Bulman seconded and the Planning Commission approved the Conditional Use Permit to allow an oversized garage to with the following stipulations.

1. **The proposed steel material is acceptable with wainscoting and matching colors with the residence;**
2. **The detached garage shall be used for residential purposes incidental and shall not be used for commercial purposes;**
3. **A building permit shall be obtained; and,**
4. **A Certificate of Occupancy shall be obtained before use; and,**
5. **Prior to submittal of a Building Permit, the second approach shall be removed or approval from the Home Owners Association shall be obtained and the 1st 50 feet of the driveway shall be paved or concreted. (5 to 3 with Arguello, Braun, Bulman, Golliher and Quasney voting yes and Heikes, Kaufman and Stuck 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---

- *8. No. 23PD006 - Section 14, T1N, R7E
A request by VIKOR for Black Hills Energy to consider an application for a **Final Planned Development Overlay to replace an existing communication tower** for Lot M of the NE1/4 of the NW1/4, located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3575 Skyline Drive.

Halonen presented the application and noted that the associated rezone (23RZ001)

has been approved by the City Council then reviewed the site plan showing why the Exception to allow a 2.8 front yard setback in lieu of 35 feet; Exception to allow a 32.4 side yard setback in lieu of 35 feet; Exception to allow the vehicle for the one parking stall proposed to back into the right-of-way and Exception to allow a six-foot fence in the front yard in lieu of the four-foot maximum are recommended to be granted as they do not harm the neighboring properties or cause hardship. Halonen noted that the applicant is planning to pave the approach to the one required parking stall and staff recommends approval of the Final Planned Development Overlay to replace an existing communication tower with stipulations.

Fisher discussed that this is an existing site noting as it is not in a residential area. As such, the Exceptions requested do not create hardships. It was further discussed that backing into the right-of-way is limited as the site is only used for maintenance, fence is for security and not screening, and the new tower reduction will be 10 feet lower and self-supporting rather than with guide wires as the previous tower.

Golliher moved and Quasney seconded and the Planning Commission approved the Final Planned Overlay to replace an existing communication tower with the following stipulations:

- 1. An Exception is hereby granted to allow a 2.8 front yard setback in lieu of 35 feet;**
- 2. An Exception is hereby granted to allow a 32.4 side yard setback in lieu of 35 feet;**
- 3. An Exception is hereby granted to allow the vehicle for the one parking stall proposed to back into the right-of-way;**
- 4. An Exception is hereby granted to allow a six-foot fence in the front yard in lieu of the four-foot maximum;**
- 5. Upon submittal of a Building Permit, the applicant shall provide a drainage report signed and sealed by a professional engineer to address runoff, water quality, and erosion control;**
- 6. Prior to the approval of a Building Permit, the applicant shall revise the site plan to identify a paved approach to the one required parking stall;**
- 7. Prior to the approval of a Building Permit, the property shall be rezoned from No Use District to General Agriculture District;**
- 8. Prior to the approval of a Building Permit, the applicant shall revise the site plan to remove the barbed wire notation; and,**
- 9. The Final Planned Development shall allow for an 80-foot-tall communication tower on the property. Any change in use or expansion of use that is permitted in the General Agriculture 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 General Agriculture District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, Quasney and Stuck 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.

9. Staff and Planning Commission Discussion Items
None

There being no further business, Quasney moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:52 a.m. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, Quasney and Stuck voting yes and none voting no)