

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
October 26, 2023

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Golliher, Haven Stuck, Brook Kaufman, Mike Quasney and Vince Vidal. Pat Roseland Council Liaison was also present.

MEMBERS ABSENT: John Herr, Eirik Heikes and Alicia Ginsberg

STAFF PRESENT: Vicki Fisher, Tanner Halonen, Chip Premus, Roger Hall, Kinsley Groote and Kristin Garvin.

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

1. Approval of the October 5, 2023 Zoning Board of Adjustment Meeting Minutes.

Kaufman moved, Vidal seconded and the Zoning Board of Adjustment approved the October 5, 2023 Zoning Board of Adjustment Meeting Minutes. (8 to 0 with Arguello, Braun, Bulman, Golliher, Stuck, Kaufman, Quasney, and Vidal voting yes and none voting no)

2. No. 23VA020 - Scotts Addition

A request by Amber Peterson to consider an application for a **Variance to front yard setback to 1 foot in lieu of 35 feet and a Variance to side yard setback to 4 feet in lieu of 5 feet to allow an existing accessory structure** for Lot 7 of Block 21 of Scotts Addition, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 901 Silver Street.

Fisher presented the application and reviewed the associated slides. The applicant, Amber Peterson, spoke to the application and provided letters from neighbors in support of the variance. Discussion follows with the members of the Planning Commission pertaining to the setback requirements and distance of the shed to the road. Quasney and Stuck discussed their support of the Variance. Fisher stated that staff recommends to deny the Variance citing specifically because reasonable use exists without the shed already. Fisher also noted that it is not in the general purpose, intent, and harmony of the ordinance or the City of Rapid City to allow accessory structures in the front yard and it could be deemed injurious to the neighborhood.

Bulman moved, Kaufman seconded and the Zoning Board of Adjustment denied the Variance to front yard setback to 1 foot in lieu of 35 feet and a Variance to side yard setback to 4 feet in lieu of 5 feet to allow an existing accessory structure based on the following criteria:

1. **The lot designation and setback requirements do not constitute a special circumstance that does not apply generally in the district.**
2. **Allowing a shed within one foot of a front lot line is not in harmony with the general purpose and intent of the Medium Density Residential District.**

3. There appears to be sufficient area in the rear yard to relocate the accessory structure while conforming to all area regulations. (6 to 2 with Arguello, Braun, Bulman, Golliher, Kaufman, and Vidal voting yes and Stuck and Quasney voting no)

3. Staff and Zoning Board of Adjustment Items

There being no further business Vidal moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:25 a.m. (8 to 0 with Arguello, Braun, Bulman, Golliher, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 26, 2023

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Golliher, Brook Kaufman, Mike Quasney, Haven Stuck and Vince Vidal. Pat Roseland Council Liaison was also present.

MEMBERS ABSENT: John Herr, Eirik Heikes and Alicia Ginsberg

STAFF PRESENT: Vicki Fisher, Tanner Halonen, Chip Premus, Roger Hall, Kinsley Groote and Kristin Garvin.

Braun called the meeting to order at 7:25 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 Vidal, seconded by Golliher and unanimously carried to recommend approval of the Consent Agenda (8 to 0 with Arguello, Braun, Bulman, Golliher, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 5, 2023 Planning Commission Meeting Minutes.

*2. No. 23PD028 - Menard Subdivision

A request by Renner Associates, LLC for Creek Drive Land, LLC to consider an application for a **Conditional Use Permit to allow storage units** for Lot 2 of Block 3 of Menard Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 415 North Creek Drive.

Planning Commission approved the Initial and Final Planned Development Overlay to allow storage units in the General Commercial Zoning District request with the following stipulations:

1. **The requested Exception to allow a 6-foot fence in lieu of a 4-foot fence in the front yard and the side yard abutting a street is hereby granted;**
2. **The requested Exception to allow steel panel construction of the proposed storage units in lieu of the required masonry, wood, or simulated wood siding is hereby granted;**
3. **All landscaping shall comply with the Rapid City Landscaping Ordinance and the approved landscaping plan. Changes in the landscaping plans which decrease the approved landscaping requirements shall require a Major Amendment to the Planned Development; and,**
4. **This Initial and Final Planned Development Overlay shall allow for the construction of ministorage units on the property. All requirements of the General Commercial District shall be continually maintained**

unless specifically authorized as a part of this Final Planned Development or a future Major Amendment to the Planned Development.

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.

3. No. 23PL095 - Deadwood Storage Subdivision

A request by FMG Engineering for Heavy Constructors, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Deadwood Storage Subdivision, legally described as that portion of the SE1/4 of the SE1/4 lying north and east of right-of-way line of State Highway 90 less H1, located in the SE1/4 of Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and east of Interstate 90, west of Deadwood Avenue.

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

1. **Upon the submittal of a Final Plat application, the plat document shall continue to show the dedication of right-of-way adjacent to the proposed lot which includes an additional 10 feet along Deadwood Avenue North and the western 33 feet of the Section Line Highway 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 Final Plat application; and,**
2. **Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements. Miscellaneous documents shall be provided for all necessary easements outside of the plat boundary.**

4. No. 23PL096 - Comford Subdivision

A request by FMG Engineering for Comford Investments, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 and Lot 2 of Comford Subdivision, legally described as Tract C of the SW1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Cabell Street, between Highway 44 and E. North Street.

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

1. **Prior to the submittal of a Development Engineering Plan application, the applicant shall schedule a pre-application conference as required by §16.08.040 of the Rapid City Municipal Code;**
2. **Upon the submittal of a Development Engineering Plan application, all information as per §16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;**
3. **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 §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;

4. **Upon the submittal of a Development Engineering Plan application, construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Commercial Street shall be submitted for review and approval for the Shared Access Easement 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. **Prior to the approval of a Development Engineering Plan application, the plat document shall be revised to identify a direct water service from the main to proposed Lot 1 and to identify direct water and sewer services to proposed Lot 2 without crossing the side lot line of proposed Lot 1 or the criteria for obtaining an Exception shall be met to allow non-conforming service lines. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;**
 6. **Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;**
 7. **Upon the submittal of a Final Plat application, the plat document shall continue to show the dedication of an additional 10 feet of right-of-way along N. Cambell Street adjacent to the proposed lots 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 Final Plat application;**
 8. **Upon the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City for the maintenance of the water and sewer services if an Exception is obtained to allow non-conforming service lines;**
 9. **Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements. Miscellaneous documents shall be provided for all necessary easements outside of the plat boundary;**
 10. **Upon the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City for the maintenance and ownership of any proposed drainage elements; and,**
 11. **Upon the submittal of a Final Plat application, a Major Drainage Easement shall be dedicated for all drainage improvements.**
5. No. 23RZ018 - Section 32, T2N, R8E
A request by Longbranch Civil Engineering, Inc for American Storage LLC to consider an application for a **Rezoning request from General Commercial District to Light Industrial District** for Lot B of Lot 1 of the SW1/4 of the NW1/4 of Section 32, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Century Road and East North Street.

Planning Commission recommends the Rezoning request from General Commercial District to Light Industrial District be approved in conjunction with the associated Annexation.

6. 23TP029 – 2024 Unified Planning Work Program – Final Report

Planning Commission acknowledged the 2024 Unified Planning Work Program – Final Report.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

7. No. 23AN004 - Section 2, T1N, R8E
A request by Towey Design Group for Rob Poeppel to consider an application for a **Petition for Annexation** for all of Government Lot 4 and all of Reservoir Road right-of-way in Section 2 lying north of the southerly right-of-way of North Pitch Court in Section 2, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Northeast corner of (Government) Lot 4, located in Section 2, T1N, R8E, BHM, Pennington County, South Dakota, being monumented by a rebar and cap marked LS4224 and being the Point of Beginning; Thence (1) with the east line of said (Government) Lot 4, South 2°00'35" West, 1,362.51 feet more or less to the southeast corner of said (Government) Lot 4; Thence (2) with the south line of said (Government) Lot 4, North 88°09'15" West, 988.40 feet more or less to a point on the east boundary of Lot 2A, Block 8 of Meadow Ridge Subdivision; Thence (3) with the east line of said Lot 2A, Block 8, North 1°55'10" East, 19.88 feet more or less to the northeast corner of said Lot 2A and coincident with the southeast corner of Lot 3R, Block 8 of Meadow Ridge Subdivision, being monumented by a rebar and cap marked LS1019; Thence (4) with the east line of said Lot 3R of Block 8, North 1°57'00" East, 89.00 feet more or less to northeast corner of said Lot 3R and coincident with the southeast corner of Lot 4R, Block 8 of Meadow Ridge Subdivision; Thence (5) with the east line of said Lot 4R of Block 8, North 1°57'00" East, 88.00 feet more or less to the northeast corner of said Lot 4R and coincident with the southeast corner of Lot 5R, Block 8 of Meadow Ridge Subdivision; Thence (6) with the east line of said Lot 5R, Block 8, North 1°57'00" East, 20.88 feet more or less to an angle point on the east line of boundary of said Lot 5R, being monumented by a rebar and cap marked LS1019; Thence (7) continuing with the east line of said Lot 5R, Block 8, North 37°32'37" West, 51.87 feet more or less to an angle point on the east line of said Lot 5R; Thence (8) continuing with the east line of said Lot 5R, Block 8, North 1°58'19" East, 17.00 feet more or less to the northeast corner of said Lot 5R and coincident with the southeast corner of Lot 6R, Block 8 of Meadow Ridge Subdivision, being monumented by a rebar and cap marked LS1019; Thence (9) with the east line of said Lot 6R, Block 8, North 1°59'03" East, 79.00 feet more or less to northeast corner of Lot 6R, Block 8 of Meadow Ridge Subdivision and coincident with the southeast corner of Bridge Drive right-of-way; Thence (10) with the east line of said Bridge Drive right-of-way, North 1°59'03" East, 66.00 feet more or less to the northeast corner of Bridge Drive right-of-way and coincident with the southeast corner of Lot 1, Block 10 of Meadow Ridge Subdivision; Thence (11) with the east line of said Lot 1, Block 10, North 1°59'03" East, 97.00 feet more or less to the northeast corner of said Lot 1, Block 10; Thence (12) with the north line of said Lot 1, Block 10, North 88°00'57" West, 84.00 feet more or less to the northwest corner of Lot 1 and coincident with the northeasterly corner of Ennen Drive right-of-way; Thence (13) with the north line of

Ennen Drive right-of-way, North 79°24'01" West, 66.76 feet more or less to the northwesterly corner of Ennen Drive right-of-way of Ennen Drive and coincident with the northeast corner of Lot 2, Block 9 of Meadow Ridge Subdivision; Thence (14) with the north line of said Lot 2, Block 9, North 88°00'57" West, 120.00 feet more or less to the northwest corner of said Lot 2 and coincident with the easterly right-of-way of Reservoir Road; Thence (15) with the easterly right-of-way of said Reservoir Road, South 2°04'58" West, 1,581.84 feet more or less to a jog in said easterly right-of-way; Thence (16) continuing with said east Reservoir Road right-of-way, South 87°52'48" East, 7.00 feet more or less to the northwest corner of Lot 47 of Block 4 of Meadow Ridge Subdivision; Thence (17) continuing with said east Reservoir Road right-of-way, South 2°07'01" West, 285.99 feet more or less to a point on the southerly right-of-way of North Pitch Court and coincident with the northwest corner of Lot 41 in Block 4 of Meadow Ridge Subdivision; Thence (18) North 87°57'14" West, 40.00 feet more or less to a point on the west section line of aforementioned Section 2; Thence (19) with said Section line, North 2°07'09" East, 1,340.22 feet more or less to the southwest corner of aforementioned (Government) Lot 4, from which a rebar and cap marked LS11700 lies North 88°09'15" West, 50.00 feet; Thence (20) continuing with said section line and coincident with the westerly boundary of said (Government) Lot 4, North 1°58'28" East, 1,366.06 feet more or less to the northwest corner of said Section 2 and coincident with the northwest corner of said (Government) Lot 4, from which a 5/8" rebar reference monument lies North 44°10'02" West, 47.08 feet, and a second 5/8" smooth rebar reference monument lies South 44°10'02" East, 47.08 feet; Thence (21) with the north line of said Section 2 and said (Government) Lot 4, South 88°00'03" East, 1,325.66 feet more or less to the Point of Beginning, more generally described as being located east of Reservoir Road, north of Bridge Drive.

Fisher presented items #7 and #8 together. Members of the Planning Commission discussed access and road improvements. Fisher reviewed the process explaining how improvements to Reservoir Road would be addressed through a future Final Planned Development and future platting of the property. Quasney discussed his opposition for the Annexation and Rezone stating that the streets are not designed for heavy traffic.

Golliher moved, Vidal seconded and the Planning Commission recommended the Petition for Annexation be approved. (7 to 1 with Arguello, Braun, Bulman, Golliher, Kaufman, Stuck and Vidal voting yes and Quasney voting no)

8. No. 23RZ019 - Section 2, T1N, R8E

A request by Towey Design Group for Rob Poeppel to consider an application for a **Rezoning request from No Use District to Low Density Residential District I** for Government Lot 4, less Meadow Ridge Subdivision, located in Section 2, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road, north of Bridge Drive.

Golliher moved, Vidal seconded and the Planning Commission recommended that the Rezoning request from No use District to Low Density Residential District 1 be approved in conjunction with annexation. (7 to 1 with Arguello, Braun, Bulman, Golliher, Kaufman, Stuck and Vidal voting yes and Quasney voting no)

9. Staff and Planning Commission Discussion Items

A. Election of Officers

Arguello nominates Braun as Chair and Bulman seconded
**(8 to 0 with Arguello, Braun, Bulman, Gollhofer, Kaufman, Quasney,
Stuck and Vidal voting yes and none voting no)**

Braun nominates Vidal as Vice Chair and Gollhofer seconded
**(8 to 0 with Arguello, Braun, Bulman, Gollhofer, Kaufman, Quasney,
Stuck and Vidal voting yes and none voting no)**

Vidal nominates Bulman as Secretary and Braun seconded
**(8 to 0 with Arguello, Braun, Bulman, Gollhofer, Kaufman, Quasney,
Stuck and Vidal voting yes and none voting no)**

B TIF Committee Member Review

There being no further business, Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:46 a.m. (8 to 0 with Arguello, Braun, Bulman, Gollhofer, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)