

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
July 3, 2024

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

MEMBERS ABSENT: Mike Quasney, Alicia Ginsberg, and John Herr

STAFF PRESENT: Vicki Fisher, Jessica Olson, Kip Harrington, Tanner Halonen, Cassie Hayes, Chip Premus, Todd Peckosh, Roger Hall, Kinsley Groote and Kristin Garvin.

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

1. Approval of the June 6, 2024 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Vidal seconded and unanimously carried to approve the June 6, 2024, Zoning Board of Adjustment Minutes. (8-0 with Braun, Arguello, Bulman, Gollhofer, Heikes, Stuck, Kaufman, and Vidal voting yes and none voting no)

2. No. 24VA008 - Sunnyside Replat

A request by Eugene L. Placek to consider an application for a **Variance to reduce the rear yard setback for a shed from 5 feet to 0 feet** for Lot 19 thru 21 of Block 27 of Sunnyside Replat, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 103 E. St. Charles Street.

Hayes presented the application and reviewed the Project Report. Staff reviewed this with regard to the criteria for a Variance request and staff recommended denial for a Variance to reduce the rear yard setback for a shed from 5 feet to 0 feet based on there are no special circumstances or conditions which would warrant approval of the request and it appears there would be adequate area on the property to place a new shed where minimum setback requirements would be met. Reasonable use of the land does exist without granting the Variance.

Fisher stated the Building Official explained that if the applicant were to move the shed over 5 feet and pour additional concrete the setback could be met.

Applicant, Eugene Placek, explained his concerns that there has been a gas line installed on his property recently and that moving the new shed over 5 feet to the west would cause the shed to be on top of that gas line.

Bulman moved to deny the variance and Gollhofer seconded. Discussion followed between the Planning Commission, Director Fisher, and the applicant on various options for the Variance to be approved. A decision was made to allow a 3-foot setback with the stipulation that a fire wall be provided on the east side of the shed. Bulman withdrew the motion to deny.

Vidal moved, Kaufman seconded and the Zoning Board of Adjustment

unanimously approved the Variance with a revised 3-foot setback with the stipulation that a fire wall be provided on the east side of the shed, based on the Criteria the newly installed gas line creates a special circumstance. (8-0 with Braun, Arguello, Bulman, Gollither, Heikes, Stuck, Kaufman, and Vidal voting yes and none voting no)

4. Staff and Zoning Board of Adjustment Items

None

There being no further business Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:41 a.m. (8-0 with Braun, Arguello, Bulman, Gollither, Heikes, Stuck, Kaufman, and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 3, 2024

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

MEMBERS ABSENT: Mike Quasney, Alicia Ginsberg, and John Herr

STAFF PRESENT: Vicki Fisher, Jessica Olson, Kip Harrington, Tanner Halonen, Cassie Hayes, Chip Premus, Todd Peckosh, Roger Hall, Kinsley Groote and Kristin Garvin.

Braun called the meeting to order at 7:41 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 4 be removed from the Consent Agenda for a brief presentation by Kip Harrington. City Engineer, Roger Hall, also spoke on this item.

Motion by Vidal, seconded by Kaufman 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 4. (8 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 20, 2024 Planning Commission Meeting Minutes.
2. No. 24PL044 - Stoney Creek Reserve Subdivision
A request by Advanced Design Engineering and Surveying, Inc for Bella Vista LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 thru 25 and pond lot of Stoney Creek Reserve Subdivision, legally described as Lot 2R of Stoney Creek South No. 2 Subdivision, located in the S1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at current eastern terminus of Overview Lane.

Staff 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, the plat document shall be revised to show no more than 20 dwelling units being served by the cul-de-sac street 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, the plat documents shall be revised to indicate turnarounds in accordance with Infrastructure Design Criteria Manual §2.13.2 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;
6. Upon the submittal of a Development Engineering Plan application, construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Local Street shall be submitted for review and approval for Overview Lane 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;
7. Prior to the approval of a Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
8. 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;
9. Prior to the approval of a Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
10. Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;
11. Prior to the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure the installation of residential fire sprinkler systems in each and every future residential structure, future expansion of a residential structure, and future significant interior alteration of a residential structure. Any such automatic sprinkler fire suppression system shall be installed in accordance with the National Fire Protection Agency 13, 13R, and 13D, as applicable, and any applicable national, state, and local standards. A copy of the executed agreement shall be submitted with the Final Plat application;
12. Upon the submittal of a Final Plat application, the plat document shall show the recording information for the previously vacated Section Line Highway located along the southern boundary of the subject property;
13. 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;

14. **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,**
15. **Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.**

3. No. 24PL048 - Ridge View Subdivision

A request by Davis Engineering, Inc for Steve and Carla Simunek to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 thru 4 of Ridge View Subdivision, legally described as Government Lot 1; Government Lot 2 less Brennen Hill Subdivision and less right-of-way; the SE1/4 less Brennen Hill Subdivision and less right-of-way, all located in Section 3, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located one mile south of Lamb Road on east side of Old Folsom Road.

Staff 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 per §16.08.070 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. **Prior to the approval of a Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
5. **Prior to the approval of a Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;**
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 a Development Engineering Plan application, any necessary off-site easements shall be secured;**
8. **Prior to the submittal of a Final Plat application, Covenant Agreements shall be entered into with the City to ensure:**
 - **The maintenance and ownership of any proposed drainage elements; and,**
 - **The installation of fire suppression systems in any new residential structures in lieu of providing the water infrastructure to supply the required fire flows.**

A copy of the executed agreements shall be submitted with the Final Plat application;

9. Prior to the submittal of a Final Plat application, a site plan shall be submitted for review and approval identifying the approach locations for each of the proposed lots. The approved site plan shall be submitted with the Final Plat application;
10. Prior to the submittal of a Final Plat application, a final approach inspection shall be completed by the Pennington County Highway Department for the existing approach on the northern plat boundary. Documentation shall be provided with the Final Plat application to verify that this requirement has been met;
11. Prior to the submittal of a Final Plat application, the plat document shall identify an easement for the shared well and the service line to the proposed lots;
12. Upon the submittal of a Final Plat application, an agreement securing ownership and maintenance of the shared well shall be submitted for recording;
13. Upon the submittal of a Development Engineering Plan application, construction plans pursuant to County Ordinance 14 for a Collector Street shall be submitted for review and approval for the portion of the Section Line Highway along the northern plat boundary 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;
14. Upon the submittal of a Development Engineering Plan application, construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Local Street shall be submitted for review and approval for the portion of the Section Line Highway along the southern plat boundary. If an Exception is obtained a copy of the approved document shall be submitted with the Final Plat application;
15. Upon the submittal of a Final Plat application, the plat document shall identify the dedication of additional public right-of-way to the eastern half of Old Folsom Road adjacent to the proposed plat. The eastern half of Old Folsom Road shall be located within a 50-foot wide public right-of-way 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;
16. Upon the submittal of a Final Plat application, the plat document shall identify the dedication of 34 feet of public right-of-way to the southern half of the Section Line Highway along the northern plat boundary 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;
17. Upon the submittal of a Final Plat application, a Major Drainage Easement shall be dedicated for all drainage improvements;
18. 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;
19. Upon the submittal of a Final Plat application, surety approved by the City Attorney's Office shall be posted for any required subdivision improvements that have not been completed and the subdivision inspection fees shall be paid; and,

- 20. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.**

4. 24TP022 – 2025-2028 Transportation Improvement Program – Draft Report

Staff requests the 2025-2028 Transportation Improvement Program – Draft Report be acknowledged.

Harrington presented the draft report, showing the updated tables and charts and noting upcoming virtual STP meetings. Harrington noted that Box Elder is still revising their list and it will be included in the version that will be released in August. The Commission and staff discussed major projects and timelines and the recently awarded RAISE grant for a railroad quiet study.

Motion by Bulman, seconded by Vidal and unanimously carried to acknowledge the 2025-2028 Transportation Improvement Program – Draft Report (8 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

4. Staff and Planning Commission Discussion Items
None

There being no further business, Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:57 a.m. (8 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)