

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
March 22, 2017

MEMBERS PRESENT: Erik Braun, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Mike Quasney, Kimberly Schmidt, Justin Vangraefschepe and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Karen Bulman, Curt Huus

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Ted Johnson, Carla Cushman and Andrea Wolff.

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

1. No. 18VA002 - Original Town of Rapid City

A request by Andrew Scull of Scull Construction for William T. Cannon of Topaz Properties, LLC to consider an application for a **Variance to reduce parking and front yard setbacks** for part of Lots 10 thru 14 which lies east of the railroad right-of-way of Block 68 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 219 Omaha Street.

Lacock stated that after discussions and revisions to plans for the property the applicant has requested to withdraw the Variance to reduce parking and front yard setbacks, but as the legal notice had already been published the item was required to be on the agenda as noticed. Lacock presented staff's recommended that the Zoning Board of Adjustment acknowledge the applicant's withdrawal of the Variance.

Vangraefschepe stated he would be abstaining due to a conflict of interest.

Golliher moved, Quasney seconded and the Zoning Board of Adjustment acknowledged that the applicant's withdrawal of the Variance to reduce parking and front yard setbacks.

2. Discussion Items

None

3. Staff Items

None

4. Zoning Board of Adjustment Items

None

There being no further business, Glane moved, Rachel seconded and unanimously carried to adjourn the meeting at 7:03 a.m. (9 to 0 with Braun, Caesar, Golliher, Herr, Hoogestraat, Quasney and Schmidt, Vangraefschepe and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 22, 2018

MEMBERS PRESENT: Erik Braun, Racheal Caesar, Mike Gollhofer, John Herr, Galen Hoogestraat, Mike Quasney, Justin Vangraefschepe and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Karen Bulman, Curt Huus

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:03 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 Caesar seconded by Hoogestraat and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (9 to 0 with Braun, Caesar, Gollhofer, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 8, 2018 Planning Commission Meeting Minutes.
2. No. 18RZ007 - Golden Valley Subdivision
A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District II** for the SW1/4 of the NW1/4 Less right-of-way; NW1/4 of the SW1/4 Less Lot A and Less right-of-way, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the Southwest corner of Lot 1 of Parcel B, Block 8 of Copperfield Subdivision, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence first course: N2°9'47.99"E, a distance of 1,349.397 feet; Thence second course: N2°8'10.89"E, a distance of 168.000 feet; Thence third course: N87°51'49.11"W, a distance of 312.000 feet; Thence fourth course: S2°8'10.98"W, a distance of 168.000 feet; Thence fifth course: S2°9'47.99"W, a distance of 1,468.251 feet; Thence sixth course: S87°50'12.01"E, a distance of 312.000 feet; Thence seventh course: N2°9'47.99"E, a distance of 119.000 feet, to the point of beginning, more generally described as being located east of North Valley Drive at the western terminus of Homestead Street.

Planning Commission recommended that the Rezoning from General Agricultural District to Low Density Residential District II be approved.

3. No. 18PL011 - Golden Valley Subdivision

A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a **Preliminary Subdivision Plan** for Lots 1 thru 26 of Block 1, Lots 1 thru 26 of Block 2, Lot 1 of Block 3, Lot 1 of Block 4 , Lot 1 of Block 5 and Lot 1 of Block 6 of Golden Valley Subdivision, legally described as the SW1/4 of the NW1/4 Less right-of-way; NW1/4 of the SW1/4 Less Lot A and Less right-of-way, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the Southwest corner of Lot 1 of Parcel B, Block 8 of Copperfield Subdivision, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the point of beginning; Thence first course: N2°9'47.99"E, a distance of 1,349.397 feet; Thence second course: N2°8'10.89"E, a distance of 168.000 feet; Thence third course: N87°51'49.11"W, a distance of 312.000 feet; Thence fourth course: S2°8'10.98"W, a distance of 168.000 feet; Thence fifth course: S2°9'47.99"W, a distance of 1,468.251 feet; Thence sixth course: S87°50'12.01"E, a distance of 312.000 feet; Thence seventh course: N2°9'47.99"E, a distance of 119.000 feet, to the point of beginning, more generally described as being located east of North Valley Drive at the western terminus of Homestead Street.

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

1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application. The revised plans shall be to a readable scale;
2. Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. 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 Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;
3. Upon submittal of a Development Engineering Plan application, construction plans for Homestead Street showing the street located within a minimum 68 foot wide right-of-way and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. 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 Golden Valley Drive and Cadillac Drive shall be submitted for review and approval showing the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit,

water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained. 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, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easements shall be provided as needed;
6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. Utility easements shall also be provided as needed;
7. 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. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed;
8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
9. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
Prior to submittal of a Final Plat document, a different street name for Golden Valley Drive shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall show the approved street name;
10. Prior to submittal of a Final Plat application, the lot numbering in Block 1 shall be corrected to show consecutive numbers;
11. Prior to submittal of a Final Plat document, the property shall be rezoned to Low Density Residential District II to meet the minimum lot size requirement for a residential lot;
12. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing ownership and maintenance of the proposed drainage elements;
13. 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,

14. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
4. No. 18PL012 - Moon Meadows Park Subdivision
A request by KTM Design Solutions, Inc for Alta Terra Development, Inc. to consider an application for a **Preliminary Subdivision Plan** for Lot 1 and Lot 4 of Moon Meadows Park Subdivision the SW1/4 of the NW1/4 less Lot H1 and Lot H2 of the W1/2 of the NW1/4, less Lot H-1 of the SW1/4 of the NW/14, less Lot 3 of Moon Meadows Park Subdivision, less right-of-way, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Mt. Rushmore Road and Moon Meadows Drive.

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 Mount Rushmore Road (U.S. Highway 16) shall be submitted for review and approval. In particular, the construction plans shall show the construction of curb, gutter, sidewalk and a dual water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;**
2. **Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. 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 Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;**
3. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
4. **Prior to submittal of a Final Plat application, new street names for Glo Court and Bewest Lane shall be submitted to the Emergency Services Communication Center. In addition, the approved street names shall be shown on the plat document;**
5. **Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the MDE drainage channel;**
6. **Upon submittal of a Final Plat application, the plat document shall show the dedication of all necessary easements including major drainage easements, shared access easements and utility**

easements and right-of-way for the internal streets;

7. 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,
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

*5. No. 18UR002 - R and B Subdivision

A request by Randy and Bobbie Greenway to consider an application for a **Major Amendment to a Conditional Use Permit to allow an over-sized garage** for Lot 1 of R and B Subdivision, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3204 Falls Drive.

Planning Commission approved the Major Amendment to a Conditional Use Permit to allow an over-sized garage with the following stipulation:

1. **An Exception is hereby granted to allow an garage expansion measuring 288 square feet in size, for a total garage area of 1,728 square feet in lieu of the maximum allowed 1,500 square feet; and,**
2. **The Conditional Use Permit shall allow for an over-sized garage on the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the garage shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*6. No. 18PD005 - Eastbrooke Subdivision

A request by KTM Design Solutions, Inc for Moller's Limited Partnership to consider an application for a **Planned Development Revocation** for a portion of Lot 3, Eastbrooke Subdivision, Section 31, T2N, R8E, and Section 6, T1N, R8E, BHM Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southwesterly corner of Lot 3, Eastbrooke Subdivision, all located in the SE ¼ of the SW ¼ of Section 31, T2N, R8E, & in the NE ¼ of the NW ¼ of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; then N 00°04'34" E, a distance of 201.96' to the point of

beginning; Thence, first course: S 89°58'33" E a distance of 450.73'; Thence, second course: N 00°10'47" W a distance of 82.09'; Thence, third course: N 89°56'24" W a distance of 450.38'; Thence, fourth course: S 00°03'12" W a distance of 82.36', to the said point of beginning, more generally described as being located northwest of the intersection of Omaha Street and LaCrosse Street.

Fisher presented the application and reviewed the associated slides noting that the Planned Development on the southernmost portion of the property included in the original Planned Development which had encompassed the corner lot had been removed in 2015 (17PD032) and that the proposed development and platting of this property is better suited by the removal of the Planned Development. Fisher stated that staff recommends that the Planned Development Revocation be approved.

Hoogestraat moved, Caesar seconded and the Planning Commission approved the request to revoke the Planned Development Designation on a portion of the property. (9 to 0 with Braun, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefscheppe and Vidal 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

*7. No. 18PD006 - Gemstone Subdivision

A request by Scott and Laura Schirber to consider an application for a **Major Amendment to a Planned Development to allow a 6 feet fence 4 feet from property line in second front yard** for Lot 7 of Block 1 of Gemstone Subdivision, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 323 E. Enchanted Pines Drive.

Lacock presented the application and reviewed the associated slides noting that the property has two property lines that abut streets. Lacock stated that a four foot high fence is allowed along a property line, but in a second front yard a fence with the height of six feet must be set back 10 feet from the property line unless a Variance or Major Amendment to Planned Development is approved. Lacock noted that the fence has already been constructed within the second front yard four feet from the property line. Public Works Department has reviewed the fence and the surrounding property and has noted that the fence could potentially be in the site triangle of an undeveloped property to the south if the driveway is constructed on the north side of the property but not if the driveway is constructed on the opposite side. Lacock stated that staff recommends that the applicant work with the Public Works Department to ensure that the fence does not interfere with the site triangle by either removing the fence from the site triangle or lowering the height of the fence in that area.

Staff recommends that the Major Amendment to a Planned Development to allow a 6 foot high fence 4 feet from property line in the second front yard be approved with stipulations.

In response to Vangraefschepe, as to the requirement to work with Public Work, Fisher clarified that the applicant would have to coordinate with Public Works Department to ensure that the fence does not encroach in the site triangles by either, lowering, moving or removing the fence.

In response to a question from Quesnay on what would trigger the correction to the fence on the southern end of the property, Fisher clarified staff anticipates it will be addressed prior to the development of the neighboring property. Quesnay stated that he feels that allowing the fence to remain would be setting a precedent.

In response to questions from Herr, Fisher clarified that there are no requirements to show fences or lighting for residential construction in a Planned Development, that fences not higher than six feet in height do not require a building permit and that the City does not have authority over private covenants. Fisher then reviewed what options were available for the Planning Commission.

Vangraefschepe asked if it could be defined whether the applicant was aware of the setback requirements prior to construction and stated that he would like to have the corrective actions and anticipated timelines defined now and not left for future consideration.

Lacock clarified that this application is associated to an active Code Enforcement case and in order for that case to close the applicant must take corrective action on the fence.

Orville Davis, 505 Catron Boulevard and developer of the property discussed the development of property noting that there are covenants and requests that the request be denied and the fence be moved.

Chino Caekaert, 303 E. Enchanted Pines, spoke to his concerns regarding the site triangle and associated safety issues and asks that the request be denied. Caekaert stated he was the builder of the residence and that he had informed applicants of the setback requirements.

Dean Flage, 330 Topaz Lane, spoke to his concern regarding the fence stating that it creates snow issues for his property.

Hoogestraat noted that the site triangle needs to be addressed and moved to continue the item to the April 5, 2018 Planning Commission Meeting to allow the applicants to provide written correction, Vidal seconded.

Cushman reviewed the Code Enforcement procedures.

Scott Schirber, property owner, stated that they were not aware of the setbacks

at the time they constructed the fence as they were in litigation with Chino Caekart at that time so there was no discussion with him.

Herr moved to deny the request, Gollither seconded, motion failed 4 – 4.

Planning Commission continued the Major Amendment to a Planned Development to allow a 6 foot fence, 4 feet from property line in second front yard to the April 5, 2018 Planning Commission Meeting. (7 to 2 with Braun, Caesar, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and Herr and Gollither voting no)

8. Discussion Items
None

9. Staff Items
None

10. Planning Commission Items
Planning Commission Liaison for the April 2, 2018 City Council Meeting will be Karen Bulman

There being no further business, Caesar moved, Hoogestraat seconded and unanimously carried to adjourn the meeting at 754 a.m. (9 to 0 with Braun, Caesar, Gollither, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)