

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
October 6, 2022

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

MEMBERS ABSENT: Kelly Arguello, John Herr, Eric Ottenbacher, and Mike Quasney.

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

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

1. Approval of the July 7, 2022 Zoning Board of Adjustment Minutes

**Bulman moved and Vidal seconded and the Zoning Board of Adjustment approved the July 7, 2022 Zoning Board of Adjustment Minutes. (7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

2. No. 22VA012 - Spring Brook Acres

A request by Wayne L. Ripple for Spring Brook Acres Home Owners Association to consider an application for a **Variance to reduce side yard setback to 10 feet in lieu of 35 feet and to omit paving requirement** for Lot 12 of Block 5 of Spring Brook Acres, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Horse Creek Road and Hidden Timber Road.

Halonen presented the application and reviewed the associated slides noting the applicant is requesting to build a building for storage to hold equipment used for the maintenance done by the Home Owners Association. Staff is recommending approval noting that the request maintains the nature of the ordinance and is not injurious to the neighborhood.

Fisher explained the special circumstances due to the area being zoned Mobile Home Residential.

**Golliher moved and Vidal seconded and the Zoning Board of Adjustment approved the Variance to reduce the side yard setback and omit the paving requirement be approved with the following stipulation based on Criteria #3 being in harmony with the general purpose and intent of the ordinance and is not injurious :**

1. **A dust palliative shall be applied to the graveled circulation area annually or as otherwise directed by the Engineering Division to mitigate any adverse impacts to adjacent property owners. (7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

3. Discussion Items

None

4.     Staff Items  
       None

5.     Zoning Board of Adjustment Items  
       None

**There being no further business Vidal moved, brook seconded and unanimously carried to adjourn the meeting at 7:10 a.m. (7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
October 6, 2022

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

MEMBERS ABSENT: Kelly Arguello, John Herr, Eric Ottenbacher and Mike Quasney.

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

Braun called the meeting to order at 7:10 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 Golliher seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 2 in accordance with the staff recommendations. (7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

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

1. Approval of the September 22, 2022 Planning Commission Meeting Minutes.

\*2. No. 22UR021 - Spring Brook Acres

A request by Wayne L. Ripple for Springbrook Acres Home Owners Association to consider an application for a **Major Amendment to a Conditional Use Permit to allow an additional garage** for Lot 12 of Block 5 of Spring Brook Acres, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Horse Creek Road and Hidden Timber Road.

**Planning Commission approved the Major Amendment to the Conditional Use Permit to allow an additional garage be approved with the following stipulations:**

1. **Prior to issuance of a Building Permit a Variance to reduce the side yard setback from 35 feet to 10 feet shall be obtained or the site plan shall be revised to provide a minimum 35 foot setback;**
2. **Prior to issuance of a Building Permit a Variance shall be obtained to waive the requirement to pave the parking space or the site plan shall be revised to provide a paved parking space;**
3. **All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,**
4. **The Conditional Use Permit shall allow a neighborhood building. Any change in use that is a permitted use in the Mobile Home Residential**

**District shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Mobile Home 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 Development 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---**

**\*3. No. 22PD045 - Fifth Street Office Plaza**

A request by Oscar Vega Andrade to consider an application for a **Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with a restaurant** for Lot 3 of Block 2 of Fifth Street Office Plaza, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4831 5th Street, Suite 101.

Fisher stated that due to the applicant's failure to meet notification requirements, the Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with a restaurant needs to be continued to October 27, 2022 Planning Commission Meeting.

**Bulman moved and Vidal seconded and the Planning Commission continued the Major Amendment to a Planned Development to allow on-sale liquor in conjunction with a restaurant to the October 27, 2022 Planning Commission meeting to allow the public notification requirement to be met. (7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck 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 Development by close of business on the seventh full calendar day following action by the Planning Commission.***

**4. Staff and Planning Commission Discussion Items**

**A. Election of Officers**

Fisher explained the status of Officers and asked for nominations.

Vidal nominated Braun for Chairman, Bulman seconded and the Planning Commission unanimously approved. **(7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting**

no)

Golliher nominated Vince Vidal for Vice Chairman, Kaufman seconded and the Planning Commission unanimously approved. **(7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

Golliher nominated Bulman for Secretary, Braun seconded and the Planning Commission unanimously approved. **(7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

Fisher stated that the Planning 101 will be November 4, 2022 over lunch in the Council Chambers.

Discussion followed on triggers for Major Amendments to Conditional Use Permits.

**There being no further business, Golliher moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:20 a.m. (7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

None

4.     Staff Items  
       None

5.     Zoning Board of Adjustment Items  
       None

**There being no further business Vidal moved, brook seconded and unanimously carried to adjourn the meeting at 7:10 a.m. (7 to 0 with Braun, Bulman, Golliher, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**