

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
January 24, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer Curt Huus, Eric Ottenbacher, Mike Quasney, and Vince Vidal. John Salamun, Council Liaison was also present.

MEMBERS ABSENT: John Herr, Galen Hoogestraat, Justin Vangraefschepe

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Sarah Hanzel, Todd Peckosh, Ted Johnson, Wade Nyberg and Andrea Wolff.

Due to technical difficulties Braun called the meeting to order at 7:07 a.m.

1. Approval of January 10, 2019 Zoning Board of Adjustment Meeting Minutes.

Caesar moved, Quasney seconded and the Zoning Board of Adjustment unanimously approved the January 10, 2019 Zoning Board of Adjustment meeting minutes.

2. No. 18VA016 - Hughes Subdivision

A request by Jamie Loftus to consider an application for a **Variance to reduce parking** for Lot 2 of subdivision of Lot D of Lot 2; Lot 2 of subdivision of Lot 3 of Lot A of Lot 2 and Lot 1 of Lot 3 of Lot A of Lot 2; Lot 1 of subdivision of Lot D of Lot 2 of Hughes Subdivision, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4004 and 3948 Jackson Boulevard.

Fisher presented the application noting that the operational plan identifies the use as midwifery and that they would only need six parking spaces but that they plan to create nine parking spaces. Fisher noted that the variance is to reduce the parking from 16 parking spaces to 9 parking spaces. Fisher reviewed the associated slides and briefly reviewed the history of the property ownership. Fisher noted that the sale of a portion of the property included the parking that was used by the applicant's property in its parking count creating the need for a Variance. Fisher noted that a parking lot is a permitted use in the Office Commercial District so if the property owner wished they could build the lot today in front of the residence on the property. The request before the Zoning Board of Adjustment today is to approve or deny the Variance to reduce the parking. Staff has determined that without the variance reasonable use of the property at 4004 Jackson Boulevard does not exist and the Variance to reduce the parking from 16 spaces to 9 spaces is the minimum adjustment needed to allow reasonable use of the property. Fisher stated that staff recommends that the **Variance to reduce parking** be granted as the minimal adjustment to allow the use with stipulations.

In response to a question from Quasney regarding an agreement to ensure use of the parking for the Office Commercial lot, Fisher clarified that one of the

stipulations of approval requires the creation and approval of such a lease agreement.

In response from to a question from Caesar regarding the use of the property as a rental property, Fisher stated that the property is currently rented, noting that the access of the residential garage will be retained.

Caesar moved, Quasney seconded and the Zoning Board of Adjustment approved that based on Criteria # 2 the Variance request to allow 9 parking spaces in lieu of 16 required spaces with stipulations.

- 1. Prior to issuance of a Building Permit, a parking lease between Lot 2 of subdivision of Lot D of Lot 2; Lot 2 of subdivision of Lot 3 of Lot A of Lot 2 and Lot 1 of Lot 3 of Lot A of Lot 2 and Lot 1 of subdivision of Lot D of Lot 2 of Hughes Subdivision, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota shall be recorded;**
- 2. Prior to issuance of a Building Permit, the site plan shall be revised to show the pavement of the approach and access aisle, or a Variance shall be obtained;**
- 3. Prior to issuance of a Building Permit, the site plan shall be revised to show all aisles in the parking area constructed with a minimum width of 26 feet, or a Variance shall be obtained**
- 4. Prior to issuance of a Building Permit, the site plan shall be revised to show a minimum 24 foot wide approach**
- 5. Prior to issuance of a Building Permit, the site plan shall be revised to show pedestrian access between the parking area and the midwifery;**
- 6. Prior to issuance of a Building Permit, site plans shall be revised to show an underdrain for the water quality pond on the property;**
- 7. Prior to issuance of a Building Permit, a Right-of-Way permit form the South Dakota Department of Transportation shall be obtained prior to any reconstruction of the approach and any construction in the Jackson Boulevard right-of-way; and,**
- 8. Prior to issuance of a Building Permit, a Conditional Use Permit to allow a parking structure in the Office Commercial District shall be reviewed and approved; and,**
- 9. The Variance to allow 9 off-street parking spaces in lieu of 16 spaces required for a medical clinic shall be allowed for a midwifery at 4004 Jackson Boulevard. Any expansion of this use or change of use shall require review and approval of an additional Variance. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)**

3. No. 18VA017 - Schamber Subdivision

A request by KTM Design Solutions, Inc for Triple R Corporation to consider an application for a **Variance of Lot 1AR To reduce the front yard setback for a Single Family Residence from 20 feet to 5.5 feet; To reduce the rear yard setback for a Single Family Residence from 25 feet to 7.53 feet.; To reduce the front yard setback for an accessory building from 35 feet to 6 feet; To reduce the side yard setback for an accessory structure from 8 feet to 1.5**

feet; To reduce the minimum lot size for a single family residence from 6,500 square feet to 5,294.8 square feet; for Lot 2AR To reduce the minimum lot size for a duplex from 8,000 square feet to 5,888.7 square feet and for Lot 3AR To reduce the front yard setback for an accessory structure from 35 feet to 4.7 feet; To reduce the front yard setback for an accessory structure from 35 feet to 28.0 feet and To reduce the side yard setback for an accessory structure from 8 feet to 1.5 feet for Lot 1 and 2 and the east 45 feet of Lot 3 of Block 6 of Schamber Subdivision, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Twin Elms Drive and Schamber Street.

Green presented the application and reviewed the associated slides. Green noted that the applicant had submitted a Preliminary Subdivision Plan application (18PL106) that had been approved in December of 2018 and one of the stipulations of approval for that application required the applicant to obtain Variances to setbacks for the existing structures on the property and reduced lot sizes. Green noted that the property current consists of one parcel, but is made up portions of three separate lots which the applicant is proposing to reconfigure to allow construction of a duplex on the proposed Lot 3AR. In order to do this the applicant is requesting the multiple Variances. Green explained the Variance request for Lot 1AR including the request to reduce the front yard setback for a Single Family Residence from 20 feet to 5.5 feet; to reduce the rear yard setback for a Single Family Residence from 25 feet to 7.53 feet; to reduce the front yard setback for an accessory building from 35 feet to 6 feet; to reduce the side yard setback for an accessory structure from 8 feet to 1.5 feet; to reduce the minimum lot size for a single family residence from 6,500 square feet to 5,294.8 square feet. The Variance requested for Lot 2AR to reduce the minimum lot size for a duplex from 8,000 square feet to 5,888.7 square feet and the Variance request for Lot 3AR to reduce the front yard setback for an accessory structure from 35 feet to 4.7 feet; to reduce the front yard setback for an accessory structure from 35 feet to 28.0 feet and to reduce the side yard setback for an accessory structure from 8 feet to 1.5 feet. Green noted that the goal is to retain the current structures and develop an additional small duplex on the proposed Lot 3AR on the eastern side of the property. Green noted that the density being requested is compliance with the Rapid City Municipal Code standards and that the requirement for the Variances are due to the lot reconfiguration to allow access to proposed Lot 3AR. Green note that the staff recommendation is to approve the variance base on Criteria #2 and Criteria #4 with the stipulation that all residential structures be fire suppressed.

Fisher reviewed the associated Preliminary Subdivision Plan Application 18PL106, which outlined the creation of these lots, noting that the requirements for right-of-way and setbacks of existing lots must be granted or Variances be obtained to enable the creation of the new lots.

Kathy Munch, 2001Twins Elms, spoke to her concern regarding the number of vehicles the use would create and requests that the proposed property be limited to a single story structure.

Kevin Andersen, speaking for Triple R Corporation, who has proposed to purchase the property for development, said that he would request to remove the stipulation to fire sprinkle the existing structures, stating it is financially infeasible. He stated that he would be willing to fire sprinkle the new structures. Anderson stated that the proposed designs would address the parking concerns as they include at least a single and possibly double garage. He also noted that the final design being either single-story or two-story depends on the outcome of these Variances.

In response to a question from Huus regarding the current accessory structures, Anderson stated that they are proposing to remove two if not three of the existing structures to make room for the proposed residential structure. Anderson also indicated that they are looking at two units with 1,100 to 1,300 feet living space per unit and again noted the two proposed floor plans.

Discussion regarding lot sizes and the removal of structures followed and it was noted that the removal of the structures significantly affects the requested Variances.

Fisher proposed a continuation to allow the applicant time to reconfigure the site plan with the newly proposed layout.

Andersen stated that the feasibility of the development is dependent on the Variances and that he is willing to commit to the removal of the structures if the Variances make the lot buildable.

Fisher clarified that if the noted structures are removed the Variance request will change. Therefore, prior to coming before the Planning Commission again the title of the Variance will be revised.

Vidal moved, Quasney seconded and the Zoning Board of Adjustment carried to continue the Variance request to Lot 1AR to reduce the front yard setback for a Single Family Residence from 20 feet to 5.5 feet; To reduce the rear yard setback for a Single Family Residence from 25 feet to 7.53 feet.; To reduce the front yard setback for an accessory building from 35 feet to 6 feet; To reduce the side yard setback for an accessory structure from 8 feet to 1.5 feet; To reduce the minimum lot size for a single family residence from 6,500 square feet to 5,294.8 square feet; for Lot 2AR To reduce the minimum lot size for a duplex from 8,000 square feet to 5,888.7 square feet and for Lot 3AR To reduce the front yard setback for an accessory structure from 35 feet to 4.7 feet; To reduce the front yard setback for an accessory structure from 35 feet to 28.0 feet and To reduce the side yard setback for an accessory structure from 8 feet to 1.5 feet to the February 7, 2019 Zoning Board of Adjustment meeting. (7 to 1 with Braun, Bulman, Caesar, Gollhofer, Huus, Ottenbacher and Vidal voting yes and Quasney voting no)

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None

5. Staff Items
None

6. Zoning Board of Adjustment Items
None

There being no further business, Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:45 a.m. (8 to 0 with Braun, Bulman, Caesar, Golliher, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 24, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Curt Huus, Eric Ottenbacher, Mike Quasney and Vince Vidal. Jason Salamun, Council Liaison was also present.

MEMBERS ABSENT: Justin Vangraefschepe, John Herr, Galen Hoogestraat

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Sarah Hanzel, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:54 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.

Huus requested that Item 1 be removed from the Consent Agenda for separate consideration.

Motion by Bulman seconded by Vidal and unanimously carried to recommend approval of the Consent Agenda Items 2 thru 6 in accordance with the staff recommendations with the exception of Items 1. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

- No. 18OA016 - An Ordinance to Allow the Historic Sign Review Committee to Adopt Guidelines for Administrative Approval of Sign Permit Applications by Amending Subsection 17.50.080Q of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for **An Ordinance to Allow the Historic Sign Review Committee to Adopt Guidelines for Administrative Approval of Sign Permit Applications by Amending Subsection 17.50.080Q of the Rapid City Municipal Code (Ordinance No. 6295).**

Planning Commission recommended that the Ordinance to Allow the Historic Sign Review Committee to Adopt Guidelines for Administrative Approval of Sign Permit Applications by Amending Subsection 17.50.080Q of the Rapid City Municipal Code (Ordinance No. 6295) be approved.

- No. 18OA018 - An Ordinance to Amend the LDR-1 Zoning District to add Townhouses as a Conditional Use by Amending Section 17.10.030 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for **An Ordinance to Amend the LDR-1 Zoning District to add Townhouses as a Conditional Use**

by Amending Section 17.10.030 of the Rapid City Municipal Code (Ordinance No. 6297).

Planning Commission recommended that the Ordinance to Amend the LDR-1 Zoning District to add Townhouses as a Conditional Use by Amending Section 17.10.030 of the Rapid City Municipal Code (Ordinance No. 6297) be approved.

4. No. 18OA019 - An Ordinance to Revise the Conditional Uses in the Medium Residential Zoning District by Amending Section 17.12.030 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for **An Ordinance to Revise the Conditional Uses in the Medium Residential Zoning District by Amending Section 17.12.030 of the Rapid City Municipal Code (Ordinance No. 6298).**

Planning Commission recommended that the Ordinance to Revise the Conditional Uses in the Medium Residential Zoning District by Amending Section 17.12.030 of the Rapid City Municipal Code (Ordinance No. 6298) be approved.

5. No. 18OA021 - An Ordinance to Revise the Uses Permitted in the Light Industrial Zoning District by Amending Section 17.22.020 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for **An Ordinance to Revise the Uses Permitted in the Light Industrial Zoning District by Amending Section 17.22.020 of the Rapid City Municipal Code (Ordinance No. 6300).**

Planning Commission recommended that the Ordinance to Revise the Uses Permitted in the Light Industrial Zoning District by Amending Section 17.22.020 of the Rapid City Municipal Code (Ordinance No. 6300) be approved.

6. No. 18OA022 - An Ordinance to Allow a Car Wash as a Permitted Use in the General Commercial Zoning District by Amending Section 17.18.020 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for **An Ordinance to Allow a Car Wash as a Permitted Use in the General Commercial Zoning District by Amending Section 17.18.020 of the Rapid City Municipal Code (Ordinance No. 6301).**

Planning Commission recommended that the Ordinance to Allow a Car Wash as a Permitted Use in the General Commercial Zoning District by Amending Section 17.18.020 of the Rapid City Municipal Code (Ordinance No. 6301) be approved.

---END OF CONSENT CALENDAR---

1. Approval of the January 10, 2019 Planning Commission Meeting Minutes.

Huss stated that the January 10, 2019 Planning Commission Minutes show him as both present and absent and requested that they be corrected to reflect that he was actually absent from the meeting.

Huus moved, Caesar seconded and the Planning Commission unanimously carried to approve the minutes with revisions as requested. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

7. No. 18OA017 - An Ordinance Amendment to Update and Clarify the Criteria and Procedure for Granting Variances to the Zoning Code by Amending Section 17.54.020 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for **An Ordinance Amendment to Update and Clarify the Criteria and Procedure for Granting Variances to the Zoning Code by Amending Section 17.54.020 of the Rapid City Municipal Code (Ordinance No. 6296).**

Fisher noted that during a Joint Work Sessions with the Planning Commission and City Council, it was noted the need to have a denial of a building permit prior to filing for a Variance and the required 7 day waiting period between approval of the Variance and the ability to grant a building permit. Fisher stated that this Ordinance Amendment removes these two requirements. Fisher further noted that currently the language addressing criteria for granting a Variance references an "Unnecessary Hardship", which is being amended to read "Unreasonable Hardship" along with language identifying criteria as to what creates an "Unreasonable Hardship". Additionally, Fisher stated that criteria identifying unique conditions have been added. Overall, Fisher stated that the idea of the Ordinance Amendment makes it simpler for the applicant to submit a Variance request and to provide strong, clear language to support the Zoning Board of Adjustments decisions. Fisher stated that staff recommends that the Ordinance Amendment to Update and Clarify the Criteria and Procedure for Granting Variances to the Zoning Code by Amending Section 17.54.020 of the Rapid City Municipal Code (Ordinance No. 6296) be approved.

Planning Commission recommended that the Ordinance Amendment to Update and Clarify the Criteria and Procedure for Granting Variances to the Zoning Code by Amending Section 17.54.020 of the Rapid City Municipal Code (Ordinance No. 6296) be approved. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)

8. No. 18OA020 - An Ordinance to Amend Screening Requirements Between Zoning Districts by Amending Sections 17.18.080, 17.20.080, 17.30.070, 17.32.070, 17.36.080 and 17.40.070 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for **An Ordinance to**

Amend Screening Requirements Between Zoning Districts by Amending Sections 17.18.080, 17.20.080, 17.30.070, 17.32.070, 17.36.080 and 17.40.070 of the Rapid City Municipal Code (Ordinance No. 6299).

Lacock stated that this is basically housecleaning to allow more efficient review and use of the screening requirements; be changing the word adjacent to abutting in the language requiring a screening fence between all Commercial Districts adjacent to Residential Districts. Lacock explained that adjacent includes property where right-of-way, such as a street, is between the Commercial property and the Residential property requiring a fence along the street. This generates the need to grant Variances to the screening requirement for the property along the street. This change of language should help eliminate this restriction and make it easier for staff to make these decisions. Lacock stated that additionally the type of screening fence between Commercial and Residential properties will exclude a chain link fence with slats. Lacock stated that language has been added granting the Director authority to grant Zoning Exceptions to fences for areas of concern such as flood plain, drainage, etc. Lacock explained that this will enable staff flexibility in reviewing screening requirements that it previously did not and that staff recommends that the Ordinance to Amend Screening Requirements Between Zoning Districts by Amending Sections 17.18.080, 17.20.080, 17.30.070, 17.32.070, 17.36.080 and 17.40.070 of the Rapid City Municipal Code (Ordinance No. 6299) be approved.

In response to a question from Bulman, Fisher clarified that although the language may be confusing it legally works and allows the best options to both staff and applicants.

Bulman moved, Caesar seconded and the Planning Commission recommended that the Ordinance to Amend Screening Requirements Between Zoning Districts by Amending Sections 17.18.080, 17.20.080, 17.30.070, 17.32.070, 17.36.080 and 17.40.070 of the Rapid City Municipal Code (Ordinance No. 6299) be approved. (8 to 0 with Braun, Bulman, Caesar, Gollither, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)

9. Discussion Items
None

10. Staff Items

Young thanked the attendees of the recent work session on the TIF Policy and said that staff is preparing to have that Ordinance before the Commission within the next month to two months. Young also noted that the next Coffee with Planners will be at 9:00 a.m., February 6, 2019 in the Council Chambers and that the successful format with three topics of discussion with each topic having a discussion table with 15 minute sessions will be used again. He indicated the topics will be a review of the New Civic Center Arena, current design plans and associated issues, reviewing the TIF policy and reviewing the Office Commercial Zoning and

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the residential uses allowed in that zone and if they are all viable. He hopes that everyone will try to attend.

11. Planning Commission Items
None

There being no further business, Golliher moved, Quasney seconded and unanimously carried to adjourn the meeting at 8:10 a.m. (8 to 0 with Braun, Bulman, Caesar, Golliher, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no)