

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
February 7, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Eric Ottenbacher, and Vince Vidal. Richie Norton, Council Liaison was also present.

MEMBERS ABSENT: Curt Huus, Mike Quasney, Justin Vangraefschepe

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. Approval of January 24, 2019 Zoning Board of Adjustment Meeting Minutes.

**Hoogestraat moved, Caesar seconded and the Zoning Board of Adjustment approved that the January 24, 2019 Zoning Board of Adjustment Meeting Minutes be approved.**

2. 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 25 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 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** 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 associate slides noting that this application was continued at the January 24, 2019 Zoning Board of Adjustment meeting to allow the applicant to revise their Variance request and provide a revised site plan with information reflecting the changes discussed during that meeting. Green noted that after discussion between staff and the Fire Department, the stipulation for fire sprinkler protection was modified to state that in addition to requiring fire sprinkler protection for the proposed duplex on Lot 3AR, any renovation or alteration of the existing duplex on Lot 2AR shall require fire sprinkler protection. Green stated that staff recommends approval of the Variance with the stipulation noted in the Project Report based on Criteria #2, reasonable use of the property and #4, the request is in harmony with the general purposes and intent of the zoning ordinances and not injurious to the neighborhood.

In response to question from Bulman regarding the lot line between 1AR and

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3AR, Green noted the lot line had not been moved. Bulman stated that the removal of the structures is an improvement but that she would have liked to have seen the lot line moved.

In response to a question from Ottenbacher, Green reviewed the parking requirements and stated that the proposed plan shows they are meeting the required parking.

Jean Katus, 3729 Schamber Street, stated that her concern is the additional vehicles that the addition of a second duplex would create in an already tight area.

Mary Noble, property owner of 2021 and 2023, spoke to her concerns regarding the high number of vehicles parking along the road, which is only 20 feet wide. Noble stated that she has had discussions with Code Enforcement, the Police Department and Ken Young, the Director of the Department of Community Development, regarding this and other issues including ADA accessibility. Noble stated that all have commented that they are unable to enforce the parking requirements. Noble noted that as a handicapped person herself, she is unable to walk in her neighborhood. Noble stated that she feels that the letter that is sent to the property owners should be identified as being from the City rather than from the applicant or agent because the recipients may not open the letters thinking it is junk mail. She spoke to the effort behind the Canyon Lake Overlay District stating that controlling the over development of the area was one of the reasons for the overlay district and that she feels this request falls within that qualification. Noble again discussed the width of the street and the high density of rental units in the area and hopes that the request is denied.

Connie Thomas, 2115 38<sup>th</sup> Street, asked about the proposed duplex such as how large it would be and where it would be located on the property. She stated that she was also involved in the creation of the Canyon Lake Overlay District, which was intended to maintain the residential nature of the neighborhood. Thomas agreed that the neighborhood is quirky, but that the Variances need to be taken seriously in regards to the effects they will have on the neighborhood overall.

Jamie Fisher, 2012 Twin Elms Drive, spoke to the congestion on the roads and the parking congestion. He wondered why the lot sized needed to be made so small. He believes that the area is being over developed, creating too many rental properties.

In response to a question from Bulman regarding the lot line, Green indicated that that had not been proposed by the applicant during discussions. Bulman stated that moving the lot line would make the request cleaner and allow the existing properties more room.

Fisher spoke to the lot sizes and that the replatting as shown allows for access to the existing garage located to the back of the lot and construction of the

duplex without cutting off the garage. Fisher indicated that the new construction will provide the required off street parking, that sidewalks will be required with replatting and an ADA ramp will be constructed at the corner of the block at the applicant's expense.

Caesar stated that the Zoning Board of Adjustment is restricted as to what they can consider in reviewing Variances and although she feels the concerns are valid she believes that the compromises on this request are good.

Bulman requested the applicant to address the reason for the lot line placement and the parking.

Kevin Andreson, Triple R Corporation, stated the removal of structures and the placement of the lot line are to ensure there is room on the lot to allow access to and construction of a two car garage as well as the duplex structure. He states that the neighborhood has been mostly rentals for about ten years although not his rentals. He responded to the concerns that had been stated regarding parking and sidewalk access and noted that he would review his leases and include the requirement to care for sidewalks and parking.

Discussion followed regarding the existing and proposed garages.

Fisher noted that the applicant should be aware that should the proposed garage be over the accumulative total of 1500 square feet or 30 percent of the gross floor area of the residence, a Conditional Use Permit to allow an oversized garage area would be required.

Hoogestraat stated that based on the criteria for reviewing Variances he does not support the Variance stating that reasonable use is already allowed and that he feels it would be injurious to the neighborhood and he cannot support the request.

Ottenbacher stated that he has too many questions on the proposed development and feels that a cleaner more concise plan should be provided.

**Vidal moved, Caesar seconded that the Variance request to Lot 1AR to reduce the front yard setback for a Single Family Residence from 25 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 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 be approved with stipulations; based on Criteria # 2 and #4,**

- 1. Prior to approval of a Final Plat application, the applicant shall coordinate with the Rapid City Fire Department to provide fire sprinkler protection for the proposed duplex on Lot 3AR. Additionally, any renovation or alteration of the existing duplex on Lot 2AR shall require fire sprinkler protection. Motion failed (3 to 5 with Braun, Gollither, and Vidal voting yes and Bulman, Caesar, Herr, Hoogestraat, Ottenbacher voting no)**

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3. Discussion Items  
None
4. Staff Items  
None
5. Zoning Board of Adjustment Items  
None

**There being no further business, Gollhofer moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:46 a.m. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Ottenbacher and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
February 7, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Eric Ottenbacher, and Vince Vidal. Richie Nordstrom, Council Liaison was also present.

MEMBERS ABSENT: Curt Huus, Mike Quasney, Justin Vangraefschepe

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:44 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 Bulman, seconded by Golliher and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 and in accordance with the staff recommendations with the exception of Items 3. (8 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Ottenbacher and Vidal voting yes and none voting no)**

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

1. Planning Commission approved the January 24, 2019 Planning Commission Meeting Minutes.
2. No. 18TI002 - Park Hill Subdivision No. 7  
A request by Sperlich Consulting, Inc for Park Hill Development, Inc. to consider an application for a **Resolution Creating Park Hill Tax Increment District and Approving Project Plan** for a portion of the unplatted balance of the N1/2 of the NE1/4 of the SE1/4 and a portion of the unplatted balance of the SE1/4 of the NE1/4 less right-of-way, located in the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. A portion of the dedicated right-of-way of Sidney Drive located in the NE1/4 of the SE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. The Vacated right-of-way of Wilma Street located in the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. A portion of the dedicated right-of-way of Wilma Street located in the SE1/4 of the NE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. Lot H1 of the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4 of Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota, more generally described as being located north of Sydney Drive, east of Smith Avenue and west of Cambell Street.

**Planning Commission continued the Resolution Creating Park Hill Tax Increment District and Approving Project Plan to the March 21, 2019 Planning Commission Meeting at the applicant's request.**

\*3. No. 19PD002 - Rushmore Crossing Subdivision

A request by KTM Design Solutions, Inc for Hodges Enterprises of South Dakota #2A LLC to consider an application for a **Final Planned Development Overlay to allow a restaurant** for Lot 2 of Block 2 of Rushmore Crossing Subdivision, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 951 Eglin Street.

**Planning Commission approved the Final Planned Development Overlay to allow a restaurant with the following stipulations:**

1. **Prior to issuance of a Building Permit, construction plans shall be revised to address all redlined comments;**
2. **Prior to issuance of a Building Permit, site plans shall be revised to show the proposed monument sign setback a minimum of 10 feet from the northern lot line of the property;**
3. **Upon submittal of a Building Permit, the Drainage Report shall be revised to address all redlined comments; and,**
4. **All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,**
5. **The Final Planned Development Overlay shall allow a restaurant in the General Commercial District. All requirements of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the General Commercial District or uses which increase the required amount of parking on the site shall require a 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.***

**---END OF CONSENT CALENDAR---**

4. No. 19OA001 - An Ordinance To Update References to Department of Community Development in the Zoning Code By Amending Title 17 of the Rapid City Municipal Code

A request by City of Rapid City to consider an application for a **An Ordinance To Update References to Department of Community Development in the Zoning Code By Amending Title 17 of the Rapid City Municipal Code.**

Nyberg stated that staff is bringing forward an associated Ordinance, therefore, he requested that the Ordinance be continued to the May 7, 2019 Planning Commission meeting to allow the two Ordinances to be heard in conjunction.

**Ottenbacher moved, Caesar seconded and the Planning Commission continued the Ordinance To Update References to Department of Community Development in the Zoning Code By Amending Title 17 of the Rapid City Municipal Code to the May 7, 2019 Planning Commission Meeting. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Ottenbacher and Vidal voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

- \*5. No. 19PD001 - Fifth Street Office Plaza

A request by Daniel Logue with Conrad's Big C Signs for Med 5 FCU to consider an application for a **Major Amendment to a Planned Development Overlay to allow an LED message sign** for Lot 1 of Block 1 of Fifth Street Office Plaza, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 4956 5th Street.

Lacock presented the application and reviewed the associated slides briefly reviewing the previous rezoning (File# 17RZ038) from Low Density Residential District to General Commercial District and the Planned Development (File# 17PD057) that was approved to allow construction of the bank and coffee shop. Lacock stated that one of the stipulations of the Planned Development required that any LED message signage would require a Major Amendment to the Planned Development. Lacock noted that the proposed LED sign is 4 feet by 10 feet located in the center of the proposed pole sign between two static signs. Lacock reviewed site photos that show some of the residences will be affected by the signage whether placed on the corner of the property or further into the lot. Lacock noted that the sign will be angled perpendicular to 5<sup>th</sup> Street providing the least impact on the residential properties located to the rear of the property. Lacock state that the proposed sign is in compliance with the Sign Code for the General Commercial District and if the Planning Commission determines that the proposed LED sign in the location proposed is appropriate; staff recommends that the Major Amendment to a Planned Development Overlay be approved with the stipulations identified in the Project Report.

In response to a question from Bulman about the height of the sign, Lacock stated that the sign is 30 feet tall with the bottom of the sign being 15 feet above ground level and the LED sign portion located in the center of the sign being 20 to 24 feet high. Lacock noted that the building is taller than the sign.

In response to a question from Ottenbacher regarding the brightness and action on the proposed sign, Fisher reviewed the Sign Code requirements addressing those concerns clarifying that if there is an issue, Code Enforcement would address them.

Vidal noted that the height and direction of the sign appears to be designed to minimally affect the residences and he feels that this is a good effort by the applicant considering the other signs that have been approved for other businesses in the area.

Carla Brutico, 483 South Pointe, stated that she had sent in a comment that was attached to the item on-line. She stated that many of their concerns have been addressed.

**Caesar moved, Vidal seconded and the Planning Commission determined that the proposed LED sign in the location proposed is appropriate, and approved the Major Amendment to a Planned Development Overlay with the following stipulations:**

- 1. A minimum of 76 parking spaces shall be provided. In addition, four of the parking spaces shall be ADA accessible. One of the ADA spaces shall be "van accessible". In addition, a minimum of three stacking spaces shall be provided for each bank drive-thru and 7 stacking spaces shall be provided for the coffee shop drive-thru. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 2. A Minimum of 66,523 landscape points shall be provided. Any change to the landscape plan shall require the review and approval of an amendment to the Final Planned Development Overlay. All landscaping shall be maintained in a live vegetative state and replaced when necessary;**
- 3. A six-foot high opaque screening fence shall continually be provided along the north property line. In addition, the proposed landscaping screen shall be continually maintained and replaced when necessary;**
- 4. All signage shall meet the requirements of the Rapid City Sign Code. Any expansion to the proposed electronic reader board sign or new electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
- 5. The Initial and Final Planned Development Overlay shall allow for a commercial development to include a bank with drive-thru lanes and a coffee shop with a drive-thru lane and an LED message sign measuring 40 square feet in size. Any change in use shall require the**

**review and approval of a Major Amendment to the Planned Development. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Ottenbacher 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.***

6. Discussion Items

None

7. Staff Items

Young informed the Planning Commission that there will be a Joint Work Session with City Council and Planning Commission to review Accessory Dwelling Units on February 22, 2019. He stated that an announcement will be sent out to inform participants of the event.

Young also noted that a survey is being sent on Survey Monkey to determine what issues need to be addressed at future Coffee with Planners Meetings.

Young thanked everyone that participated in the Coffee with Planners meeting, noting that it was a successful event and that he looks forward to continuing it quarterly.

8. Planning Commission Items

None

**There being no further business, Caesar moved, Eric seconded and unanimously carried to adjourn the meeting at 8:06 a.m. (8 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Ottenbacher and Vidal voting yes and none voting no)**