

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
January 7, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, Eirik Heikes, John Herr, Haven Stuck, Eric Ottenbacher, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: Bill Evans, Council Liaison was absent.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Marty Gillies, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. No. 20VA009 - 1017 West Boulevard

A request by Tim J. Rangitsch to consider an application for a **Variance to reduce front yard setback from 35 feet to 22.5 feet; to reduce rear yard setback from 5 feet to 2.7 feet; to reduce side yard setback from 5 feet to 0.8 feet; to increase lot coverage from 30% to 52% for an existing garage** for property generally described as being located at Boulevard Addition.

Lacock present the application and reviewed the associated slides noting that the existing garage had been damaged by fire and in order to rebuild as previously constructed is requesting a Variance to reduce front yard setback from 35 feet to 22.5 feet; to reduce the rear yard setback from 5 feet to 2.7 feet; to reduce the side yard setback from 5 feet to 0.8 feet; and to increase lot coverage from 30% to 52% for an existing garage. Lacock noted that the property being a corner lot creates a unique circumstance. Lacock noted that the existing garage and residence are identified as contributing structures to the West Boulevard Historic District. Lacock stated that a Variance to reduce the front yard setback to allow the replacement of the front stoop was granted for this property in 2016. Lacock reviewed that due to the unique circumstances that brings the applicant before the Board, the intent to rebuild within the existing footprint, along with the unique setting of the property, staff recommends approval of the Variance request with stipulations. Lacock clarified that due to the location of the garage on the north property line there is a stipulation that no part of the structure shall overhang or encroach onto the adjacent property.

Stuck asked if granting this Variance is basically to reconfirm the existing non-conforming setbacks and if building requirements for historic construction to ensure historic value was required to be met and maintained. Lacock stated that the State Historic Commission would oversee that it meet the historic structure requirements. Fisher further clarified that yes it would.

Braun reviewed Stuck's first question regarding setbacks, asking if granting the Variance is to generally address the current setting or structure being legal, non-conforming and allowing the rebuild retains that status. Lacock confirmed that is correct.

In response to a question from Bulman if it is the applicant's intent to do a full rebuild due to damage or if they plan to utilize any of the existing structure, Tim J. Rangitsch, property owner, stated that due to the extensive damage they intend to do a complete rebuild.

Caesar moved, Quasney seconded and the Planning Commission approved the Variance request based on Criteria # 3 being in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood, with the following stipulations:

- 1. No part of the structure shall overhang or encroach onto the adjacent property;**
- 2. Prior to issuance of a Building Permit, a Historic 11.1 review shall be approved; and,**
- 3. The Variance shall be specific to the location and footprint of the damaged detached garage. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney, Stuck and Vidal voting yes and none voting no)**

2. Discussion Items
None

3. Staff Items
None

4. Zoning Board of Adjustment Items
None

There being no further business the Gollhofer moved, Bulman and unanimously carried to adjourn the Zoning Board of Adjustment Meeting at 7:12 a.m. 9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 7, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Eirik Heikes, John Herr, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Bill Evans, Council Liaison was absent.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Marty Gillies, Kip Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:12 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.

Braun requested that Items 3 be removed from the Consent Agenda for separate consideration.

Motion by Bulman seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Item 3. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the December 10, 2020 Planning Commission Meeting Minutes.
2. No. 20PL090 - Gemstone Subdivision
A request by Fisk Land Surveying & Consulting Engineers, Inc for Caekaert Construction, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 18A and Lot 18B of Block 1 of Gemstone Subdivision, legally described as Lot 18 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 524 and 526 Topaz Lane.

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

1. **Prior to submittal of a Final Plat application, the plat certificates shall be revised for a Final Plat.**
-
- *4. No. 20UR026 - Owen Mann Subdivision
A request by Kirsten Falcon to consider an application for a **Conditional Use Permit to allow a group home** for Lot A of Block 5 of Owen Mann Subdivision, located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3225 W. Rapid Street.

Planning Commission recommended that the Conditional Use Permit to allow a group home be approved with the following stipulations:

- 1. Upon submittal of a Building Permit, the site plan shall be revised removing the two parking spaces that extend into the adjacent right-of-way;**
- 2. A minimum of 4 parking spaces shall be provided. In addition, one of the parking spaces shall be ADA van accessible, with the access aisle located on the driver's right of the parking space. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 3. The structure shall be fire sprinkler protected, as per the fire code;**
- 4. Any proposed signage shall meet the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for all signs;**
- 5. A minimum of 6,152 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,**
- 6. The Conditional Use Permit shall allow for a group home operated in compliance with the applicant's operational plan. Any expansion of the use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District in compliance with the Parking Ordinance shall require a building permit. Any change in use that is a Conditional Use in the General Commercial 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.

5. No. 20PL101 - Lippert Addition

A request by D.C. Scott Co. Land Surveyors for Lorin and Debra Lippert to consider an application for a **Preliminary Subdivision Plan** for proposed Tract A and Tract B of Lippert Addition, legally described as Government Lot 4 of Section 7 less the N1/2 of the N1/2 thereof and less Lot H1 thereof, located in Section 7, T1N, R9E of BHM, Pennington County, South Dakota, more generally described as being located at 14830 Long View Road.

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

- 1. Upon submittal of a Final Plat application, 50 feet of right-of-way shall be dedicated from the section line highway located along Long View Road as shown on the proposed plat document; and,**
- 2. Upon submittal of a Final Plat application, the plat document shall show any necessary easements.**

---END OF CONSENT CALENDAR---

*3. No. 20PD033 - Marlin Drive Commercial Park

A request by KTM Design Solutions, Inc for SSST, LLC to consider an application for an **Initial Planned Development Overlay to allow a townhome apartment development** for Lot 1, Lot 2 and Lot 3 of Block 3 of Marlin Drive Commercial Park, located in Sections 16 and 17, T1N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located east of Marlin Drive.

Braun stated that there is a difference of description of the project from the Project Report to the applicant's Letter of Intent and suggested that this be clarified.

Lacock reviewed the file and confirmed that there was a difference in the break out of units, but that the total units is 70 regardless of the unit breakout. Lacock stated that staff would work with the applicant to clarify this noting that this is an Initial Planned Development Overlay and will be back before the Planning Commission for approval of the Final Planned Development Overlay and that this information would be clearly defined at that time.

Golliher moved, Bulman seconded and the Planning Commission recommended that the Initial Planned Development Overlay to allow a townhome apartment development be approved with the following stipulations:

1. **Prior to submittal of a Final Planned Development Overlay application, the applicant shall coordinate with the City's Traffic Engineer to ensure the E. Minnesota Street approach location functions and will not be impeded by the existing median or shall revise the location of the approach;**
2. **Prior to submittal of a Final Planned Development Overlay application, the fire hydrant easement shall be vacated or the approach location shall be relocated along Marlin Drive;**
3. **Upon submittal of a Final Planned Development Overlay application, the area regulation calculations for the development shall be revised to show the requirements for multi-family dwellings not townhomes;**
4. **Upon submittal of a Final Planned Development Overlay application, a revised site plan showing accurate property line location for the south corner shall be submitted for review and approval;**
5. **Upon submittal of a Final Planned Development Overlay application, a parking plan for a multi-family development shall be submitted showing ADA parking spaces;**
6. **Upon submittal of a Final Planned Development Overlay application, a Covenant Agreement for the shared approach shall be submitted for review and approval;**
7. **Upon submittal of a Final Planned Development Overlay application, water and sewer plans shall be submitted for review and approval demonstrating that capacity is available for the proposed development;**
8. **Upon submittal of a Final Planned Development Overlay application, a landscape plan shall be submitted for review and approval;**
9. **Upon submittal of a Final Planned Development Overlay application, a**

- drainage report and calculations shall be submitted;
10. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval;
 11. Upon submittal of a Final Planned Development Overlay application, the applicant shall submit names for the proposed interior street network for approval by the Emergency Services Communication Center. The approved street names shall be shown on the site plan submitted with the Building Permit application;
 12. Upon submittal of a Final Planned Development Overlay, the site plan shall be revised to show the location of dumpsters; and,
 13. This Initial Planned Development Overlay shall allow a 70-unit townhome apartment complex. Prior to issuance of a Building Permit, a Final Planned Development Overlay shall be submitted for review and approval. Any conditional use shall require the review and approval of a Final Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollither, Herr, Quasney 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

- *6. No. 20UR025 - Baken Park Subdivision
A request by Nancy Nguyen for The Nail Bar to consider an application for a **Conditional Use Permit to allow an on sale liquor establishment in conjunction with a salon** for Lot D, E, F and G of Lot 1 of the NE1/4 of the NE1/4 less Lot H of Lot 1 of Baken Park Subdivision (NKA Tract 11 Rapid City, Greenway Tract) less Lot H1 of said Lot D, less Lot H1, Lot H2, Lot H3 of said Lot E, less Lot H1 and Lot H2 of said Lot G, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 705 Mt. View Road , Suite 703 and 705.

Gillies presented the application and reviewed the associated slides noting that this on-sale will apply only to the nail salon. Gillies reviewed the other uses in the development area including those that offer on-sale, stating that this use does not create an undue concentration of alcohol use in the area. Gillies stated that staff recommends approval of the Conditional Use Permit to allow an on sale liquor establishment in conjunction with a salon with stipulations.

Fisher clarified that the on-sale will be offered only to customers of the nail salon and that the applicant still has to obtain a liquor license.

Quasney complemented the redevelopment of Baken Park stating that it is looking much nicer.

Arguello stated that he believes the design of the development is well thought out and the salon is well placed.

Braun also complemented the redevelopment of the shopping center stating that it takes an older overlooked shopping center and makes it vital and contributing again.

Quasney moved, Caesar seconded and the Planning Commission approved the Conditional Use Permit to allow on-sale liquor use in conjunction with a salon with the following stipulation(s):

- 1. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit; and,**
- 2. The Conditional Use Permit shall allow on-sale liquor in conjunction with a salon. Any expansion or change in the proposed on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Community Shopping Center 2 District shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney 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.

7. Discussion Items

Fisher stated that staff is still being conservative with meeting but anticipates that will change in the coming year.

8. Staff Items

9. Planning Commission Items

Herr asked what would trigger undue concentration, Fisher stated it is based on uses versus location, further noting that the Central Business District is designed for such uses. Fisher reiterated that the primary use is a driving factor.

Discussion followed on smoking and what can be limited.

There being no further business, Caesar moved, Gollhofer seconded and unanimously carried to adjourn the meeting at 7:38 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney Stuck and Vidal voting yes and none voting no)