

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
August 10, 2023

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Alicia Ginsberg, Mike Gollither, Eirik Heikes, Brook Kaufman, Mike Quasney and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Herr, Haven Stuck

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

Braun called the meeting to order at 7:09 a.m. due to audio difficulties.

1. Approval of the August 10, 2023 Zoning Board of Adjustment Meeting Minutes.

**Vidal moved, Gollither seconded and the Zoning Board of Adjustment approved the July 27, 2023 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Gollither, Heikes, Kaufman, Quasney and Vidal voting yes and none voting no**

2. No. 23VA013 - I-90 Heartland Business Park

A request by Kimley-Horn and Associates for TranSource Truck and Equipment, Inc. to consider an application for a **Variance to allow gravel driving aisles and parking in lieu of paved surface** for Lot 2R of Block 1 of I-90 Heartland Business Park, located in Section 28, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2233 N. Elk Vale Road.

Howard presented the application and reviewed the associated slides explaining the applicant is requesting two Variances, Variance 1 is to allow gravel drive aisles in lieu of asphalt or concrete pavement for an 82,000 square-foot fenced-in outdoor storage and parking lot area. Variance 2 is to allow a 26,000 square-foot gravel sales display area in lieu of a hard surface. Howard explained that one area will be used for display and the other for storage and movement of heavy equipment with the existing building being used for the repair shop. Additionally, Howard clarified the property covers 2 separate lots so a Lot Agreement will be required. Howard stated that the movement of the heavy equipment creates a special circumstance and staff supports the request to allow gravel driving aisles, but staff does not support the request for gravel display area.

Dan Bland, TransSource Truck and Equipment, Inc., spoke to why they requested both Variance requests noting they are paving the area directly adjacent to N. Elk Vale Road, but ask that the display area not be required to be paved as they anticipate deterioration of the pavement in this area also and hope they can be approved so they can bring their business to the area.

Steve Burgess, Dean Kurtz spoke to potential for asphalt millings, which would still require a Variance.

Options for were discussed including millings and plates and the allowance for both

Bulman moved to approve both Variances with the display area to be asphalt millings to allow reasonable use.

**Bulman moved, Gollhofer seconded and the Zoning Board of Adjustment Approved the Variance request to allow a asphalt millings sales display parking area, and approved the Variance request to allow gravel drive aisles with the following stipulations:**

1. **A dust palliative shall be applied annually to the graveled circulation area or as otherwise directed by the Engineering Division; and**
2. **An Air Quality Permit shall be obtained for unpaved parking and/or outdoor storage areas that are 1 acre or more in size. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Gollhofer, Heikes, Kaufman, Quasney and Vidal voting yes and none voting no**
3. No. 23VA015 - Shepherd Hills South Subdivision

A request by KTM Design Solutions, Inc for Hills View Homes to consider an application for a **Variance to reduce the side yard setback to 8.5 feet in lieu of 12 feet** for Lot 4 of Block 1 of Shepherd Hills South Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2028 Noah Street.

Osborne presented the application and reviewed the associated slides noting the applicant has requested the Variance to allow the reduced side yard setback for a house built in the wrong place, as the house is already built, requiring the destruction and reconstruction would be injurious to the property owner. Staff recommends approval of the Variance as it creates a hardship.

Fisher noted this Variance is solely for the existing structure and that any accessory or other structures will need to meet setbacks. Fisher confirmed there may be a drainage issue for the lot in question due to the reduced easement area, but that it should not cause drainage issue to other lots.

Janelle Finck, KTM Design, spoke to cause for the error explaining there was confusion between the planning and construction phases stating it is a rare occurrence.

Fisher clarified that Arguello would be abstaining from the item due to a conflict of interest.

**Heikes moved, Bulman seconded and the Zoning Board of Adjustment approved the Variance to reduce the side yard setback to 8.5 feet in lieu of 12 feet for a single family residence for the area of the structural encroachment only, based on Criteria appropriate adjustment and creates a special circumstance. (8 to 0 to 1 with Braun, Bulman, Ginsberg, Gollhofer, Heikes, Kaufman, Quasney and Vidal voting yes and none voting no and Arguello abstaining)**

4. Staff and Zoning Board of Adjustment Items  
None

**There being no further business Vidal moved, Gollhofer seconded and unanimously carried to adjourn the meeting at 7:44 a.m. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Gollhofer, Heikes, Kaufman, Quasney and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 10, 2023

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Alicia Ginsberg, Mike Gollither, Eirik Heikes, , Brook Kaufman, Mike Quasney and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Herr and Haven Stuck

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Alex Osborne, Jonathan Howard, Chip Premus, Todd Peckosh, Kinsley Groote 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.**

**Staff requested that Items 2 be removed from the Consent Agenda for separate consideration.**

**Motion by Gollither seconded by Kaufman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations with the exception of Item 2. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Gollither, Heikes, Kaufman, Quasney and Vidal voting yes and none voting no)**

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

1. Approval of the July 27, 2023 Planning Commission Meeting Minutes.

\*3. No. 23UR023 - Highpointe Ranch North Subdivision

A request by Site Work Specialists Inc for Watershed Development II, LLC to consider an application for a **Conditional Use Permit to allow a lift station** for a portion of the NE1/4 SE1/4, Section 20, T1N, R7E, BHM, City Of Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the east 1/4 corner of Section 20, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being monumented by a 6" x 6" x 8" granite stone, from which the south 1/16th corner of Sections 20 and 21 lies South 00°13'31" East, 1320.91 feet, being monumented by a rebar with an illegible plastic cap; Thence (1) South 81°01'46" West, 249.57 feet to the point of beginning; Thence (2) South 23°42'23" East, 66.00 feet; Thence (3) South 66°17'37" West, 60.58 feet; Thence (4) South 26°25'32" East, 130.41 feet; Thence (5) South 64°37'25" West, 110.15 feet; Thence (6) on a non-tangent curve turning to the left with an arc length of 146.12 feet, with a radius of 784.00 feet, with a chord bearing of North 20°27'49" West, with a chord length of 145.91 feet; Thence (7) North 25°48'11" West, 35.84 feet; Thence (8) on a curve turning to the right with an arc length of 17.99 feet, with a radius of 612.00 feet, with a chord bearing of North 24°57'39" West, with a chord length of 17.99 feet; Thence (9) North 66°17'37" East, 157.94 feet to the point of beginnin, more generally described as being located west of Wind River Road.

**Planning Commission approved the Conditional Use Permit to allow a utility substation with the following stipulations;**

1. **A minimum of one parking space shall be provided. The parking shall be designed in compliance with the City's Parking Regulations;**
2. **A minimum of 22,287 landscaping points shall be provided. The landscaping shall be designed in compliance with the City's Landscaping Regulations; and,**
3. **The Conditional Use Permit shall allow a utility lift station on proposed Lot 57, Block 1 of Highpointe Ranch North Subdivision. Any change in use or expansion of use permitted in the Low Density Residential District II shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Low Density Residential District II 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---**

2. No. 23PL059 - Shepherd Hills South Subdivision

A request by KTM Design Solutions, Inc for BH Capital LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1, 2, and 3 and Drainage Lot A of Block 16 of Shepherd Hills South Subdivision and dedicated right-of-way, legally described as Government Lot 4 less the east 910 feet of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of E. Anamosa Street and North Valley Drive.

Fisher noted that the item was pulled from the Consent Agenda to allow Arguello to abstain.

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

1. **Prior to the submittal of a Development Engineering Plan application, the applicant shall schedule a pre-application conference as required by §16.08.040 of the Rapid City Municipal Code;**
2. **Upon the submittal of a Development Engineering Plan application, all information as per §16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;**
3. **Upon the submittal of a Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) shall be submitted for review and approval as per §1.15 of 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;**
4. **Prior to the submittal of a Development Engineering Plan application, the Traffic Impact Study shall be updated to reflect the anticipated increase in density along Valley Drive or the criteria for obtaining 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 the submittal of a Development Engineering Plan application, construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Collector Street shall be submitted for review and approval for the extension of Valley Drive, or the criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application;
  6. Upon the submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval for the regional detention pond on Drainage Lot A or the criteria for obtaining 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;
  7. Prior to the approval of a Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
  8. Prior to the approval of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
  9. Prior to the approval of a Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
  10. Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;
  11. Prior to the submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to a zoning designation in compliance with the City's Comprehensive Plan;
  12. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements. Miscellaneous documents shall be provided for all necessary easements outside of the plat boundary; and,
  13. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required. (8 to 0 1 with Braun, Bulman, Ginsberg, Gollither, Heikes, Kaufman, Quasney and Vidal voting yes and none voting no with Arguello abstaining)

---BEGINNING OF REGULAR AGENDA ITEMS---

\*4. No. 23PD019 - Blakes Addition

A request by TerraSite Design for Hope Center to consider an application for a **Final Planned Development to allow a mission with no overnight lodging** for Lot 6 thru 10 of Block 3 and the east 50 feet of vacated East Boulevard adjacent to said Lots of Blakes Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, more generally described as being located 630 East Boulevard North.

Halonen presented the application stating that this item had been continued from the July 27, 2023 Planning Commission Meeting to allow staff to meet with applicant and review concerns at the current location and proposed operation plans. Halonen noted this location is proposed to allow the Hope Center to handle the increase of guests. Halonen reviewed staffing, security, proposed layout and hours of operations. Halonen

stated that staff recommends approval with stipulations.

Fisher reviewed the stipulation requiring a review 6 months after date use initiates in the new site, stating this allows the review of operation and the impact to area, stating this has been helpful in previous instances.

Heikes stated that he will be abstaining from the item and would step down from the dais.

Patricia Mahar, neighbor, spoke to her concerns for the placement of the Hope Center in the area, how she likes her neighborhood and is worried about how this will further affect her and the neighborhood safety and asked why no other locations were considered. Mahar hopes it is not allowed in this location.

Brad Klaussen, Pastor Woven Cord Ministry, spoke to his association with the Hope Center and the need for the service and hopes the request is approved.

Billiejo Brown, neighbor, spoke to the numerous reasons for her concerns, noting the other services and programs in the area including the DAV, schools, boys and girls club that will be affected in addition to the residents in the area. Brown stated this area is full of people who are working hard to make it and asked why they chose an area that is residential rather than a more commercial area and asks that they deny the request.

Eirik Heikes, Terrasite Design, landscape architect for project, spoke for the need for the services and all the processes they have worked through to get to this point and asked the commission to consider approval.

Melanie Timms, Director of Hope Center, reviewed the security applications, which include cameras, security officers and signage and outdoor lighting. Reviewed the services offered by the Hope Center including the hard services such as laundry and care packages and the mentorships and relationships that offer needed support.

Discussion followed on what activity is being seen in the area and the handling of that activity, services offered by Hope Center, the need for the services, question on how the services and control will be maintained to avoid issues when 6 month review occurs to not cause difficulty at that time, anticipated issues for the surrounding areas, review of the 6 month review process.

Arguello left the meeting at this time.

Brown expressed her disappointment in the motion of approval. Fisher offered to meet with her to address her concerns.

**Golliher moved, Vidal seconded and the Planning Commission approved the Final Planned Development Overlay to allow a mission with no overnight lodging with the following stipulations:**

- 1. A minimum of 12 parking spaces shall be provided one of which shall be ADA van-accessible. Parking shall be designed in compliance with the City's Parking Regulations;**
- 2. A minimum of 7,809 landscaping points shall be provided. Landscaping**

- shall be designed in compliance with the City's Landscaping Regulations;
3. Upon submittal of a Building Permit, a complete set of construction plans which include grading, drainage, erosion, and sediment control design report, and stormwater management and treatment shall be submitted for review and approval;
  4. Prior to the approval of a Building Permit, the site plan shall be revised to comply with the fencing requirements in §17.50.340 of the Rapid City Municipal Code or a Major Amendment to the Planned Development shall be obtained;
  5. The Final Planned Development Overlay shall allow for a mission with no overnight lodging in compliance with the submitted operational plan. Any change of use or expansion of use that is permitted in the General Commercial District and in compliance with the Parking Regulations shall require the review and approval of a Building Permit. Any change of use or expansion of use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development Overlay; and,
  6. The Final Planned Development Overlay shall be reviewed by the Planning Commission in six months from the date the use is initiated at the new location to review the neighborhood impacts of the use. (7 to 0 to 1 with Braun, Bulman, Ginsberg, Golliher, Kaufman, Quasney and Vidal voting yes and none voting no and Heikes abstaining)

*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. Staff and Planning Commission Discussion Items

Fisher requested that discussions be held until after the meeting is adjourned.

**There being no further business, Golliher moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:49 a.m. (8 to 0 with Braun, Bulman, Ginsberg, Golliher, Heikes, Kaufman, Quasney and Vidal voting yes and none voting no)**