

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
February 8, 2024

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Alicia Ginsbeg, Mike Gollither, Haven Stuck, Brook Kaufman, Mike Quasney and Vince Vidal. Pat Roseland Council Liaison was also present.

MEMBERS ABSENT: Eirik Heikes, John Herr.

STAFF PRESENT: Vicki Fisher, Jessica Olson, Cassie Hayes, Kip Harrington, Sarah Hanzel, Brad Staton, Todd Peckosh, Kinsley Groote and Andrea Wolff.

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

1. Approval of the January 4, 2024 Zoning Board of Adjustment Meeting Minutes.

**Vidal moved, Bulman seconded and the Zoning Board of Adjustment approved the January 4, 2024 Zoning Board of Adjustment Meeting Minutes.**

2. No. 24VA001 - Boulevard Addition

A request by Patrick and Emily Anderson to consider an application for a **Variance to reduce front yard setback from 20 feet to 6.6 feet; reduce rear yard setback from 25 feet to 17 feet 11 inches and reduce parking requirement from 2 spaces to 1 space** for legally described as the north 46 feet of Lot 17 thru 18 of Block 18 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located 920 11th Street.

Hayes presented the application and reviewed the associated slides noting the existing residence was significantly damaged due to a third party negligence. Hayes noted the property is considered a small lot and having been platted in 1885 does not meet setbacks and is considered legal non-conforming. The applicant is requesting to build a new residence but in order to do so he has to bring the property into compliance or receive a Variance. The applicant is building back to the size of the existing structure with a 4 foot expansion to the north side. Staff acknowledged the requirement for parking of two spaces can be satisfied by using the existing driveway and utilizing available on street parking as the existing shed on the property inhibits extending the driveway. Staff recommends approval of the Variance to reduce front yard setback from 20 feet to 6.6 feet; reduce rear yard setback from 25 feet to 17 feet 11 inches and reduce parking requirement from 2 spaces to 1 space with stipulation, as it meets all criteria.

Boulevard ownership, management and reuse of the property were discussed.

Pat Roseland, Council Liaison and longtime member of Historical Preservation Committee read a statement in support of granting the Variance.

**Bulman moved, Stuck seconded and the Zoning Board of Adjustment approved the Variance request to reduce the front yard setback from 20 feet to 6 feet 6 inches, reduce the rear yard setback from 25 feet to 17 feet 11**

**inches, and reduce the parking requirement from 2 spaces to 1 space based on meeting all criteria with the following stipulation:**

**1. Prior to issuance of a Building Permit, an 11.1 Historic Review application shall be approved. Approval of the Variance does not constitute approval of the 11.1 Historic Review. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Golliher, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)**

3. Staff and Zoning Board of Adjustment Items

None

**There being no further business Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:11 a.m. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Golliher, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
February 8, 2024

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Alicia Ginsberg, Mike Gollither, Brook Kaufman, Mike Quasney, Haven Stuck and Vince Vidal. Pat Roseland Council Liaison was also present.

MEMBERS ABSENT: Eirik Heikes, John Herr.

STAFF PRESENT: Vicki Fisher, Jessica Olson, Sarah Hanzel, Kip Harrington, Cassie Hayes, Brad Staton, Todd Peckosh, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:11 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 Vidal seconded by Kaufman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Gollither, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the January 25, 2024 Planning Commission Meeting Minutes.
2. No. 24PL002 - Moon Meadows Park Subdivision  
A request by Towey Design Group for Kent Hagg to consider an application for a **Preliminary Subdivision Plan** for Lot 1 and 2 of Block 2 of Moon Meadows Park Subdivision, legally described as SW1/4 of the NW1/4 less Lot H1 and Lot H2 of the W1/2 of the NW1/4, less Lot H-1 of the SW1/4 of the NW1/4, less Moon Meadows Park Subdivision, less right-of-way, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Highway 16 and Catron Boulevard intersection.  
  
**Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:**
  1. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements; and,
  2. Upon the submittal of a Final Plat application, the plat document shall show the dedication of additional right-of-way on Moon Meadows Drive for the right-in-only access and deceleration lane.
- \*3. No. 24UR001 - Section 18, T1N, R7E, Canyon Park and Daniel Tract  
A request by Heavy Constructors, Inc for Grandcolas Family Trust to consider an application for a **Conditional Use Permit to allow bridge replacement** for , legally described as Lot 1 of Lot G of Parcel 1, Lot 1 of the SW1/4 of the NE1/4, the balance of Lot G of Parcel 1, less right-of-way all of Canyon Park, Lot 1 thru 7

of Daniel Tract and the Tract in NW corner of the NE1/4 of the SE1/4 of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5905 Magic Canyon Road.

**Planning Commission recommended that the Conditional Use Permit to allow a bridge replacement in the Flood Hazard District be approved with the following stipulations;**

- 1. Upon Building Permit submittal, the bridge shall comply with the Floodplain Development Permit and “No-Rise” Certificate, as approved on 12/12/2023;**
- 2. Prior to Building Permit submittal, a 404 Permit from the U.S. Army Corp of Engineers shall be approved and provided with the Building Permit application;**
- 3. Prior to Building Permit submittal, the applicant shall work with the Fire Department to ensure the load limits of the bridge meet the capacity requirements necessary to support a responding Fire Truck;**
- 4. Prior to Building Permit approval, the applicant shall obtain Storm Water Permits as required by the South Dakota Department of Agriculture and Natural Resources and/or South Dakota Game, Fish, and Parks; and,**
- 5. The Conditional Use Permit shall allow a bridge replacement, as shown on the submitted plans. Any change in use or expansion of use 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---**

- \*4. No. 24PD001 - Original Town of Rapid City  
A request by Thompson Butte Enterprises, LLC to consider an application for a **Major Amendment to a Planned Development Overlay to allow a professional office building** for Lots 11 thru 13 and the north 82 feet of Lot N of Subdivision Lot 14 thru 16 of Block 116 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 423 and 429 Quincy Street.

Olson presented the application and reviewed the associated slides briefly reviewing the history of the Planned Development Overlay and proposed changes stating the applicant is generally moving staff between buildings with no change of use or increase of use. Olson noted the existing Exception (File 03PD033) to reduce the front yard setback from 25 feet to 21 feet, to reduce the rear yard setback from 25 feet to 6 feet, and to reduce the side yard setback from 12 feet to 9 feet is acknowledged and remains in effect. The applicant is also requesting an Exception to reduce the number of required off-street parking spaces from 13

spaces to 9 spaces, with one of the nine spaces being an ADA space; reduce the parking space length for two spaces from 18 feet to 16 feet; and reduce the parking lot drive aisle width from 26 feet to 20 feet which staff supports noting the on street parking along Quincy Street and current usage having shown that the sizes are working and again the minimal customer traffic supports the request. Olson further noted the applicant will need to address the ADA striping and enter into a Development Lot Agreement be filed to allow the shared parking which are both addressed in the stipulations. Olson stated that staff recommends approval of the Major Amendment to a Planned Development Overlay to allow a professional office building with stipulations.

The viable reuse of the property and the use of available on street parking were discussed. Future sale or change of use of the property and the tools in place to manage both including the Developmental Lot Agreement, which ties the sale of the two properties as a single unit and the stipulation that any change of use requires a Major Amendment to the Planned Development were discussed.

**Golliher moved, Vidal seconded and the Planning Commission recommended approval of the Major Amendment to the Planned Development Overlay to allow an office use with the following stipulations:**

- 1. Acknowledge the previously granted Exception (File 03PD033) to reduce the front yard setback from 25 feet to 21 feet, to reduce the rear yard setback from 25 feet to 6 feet, and to reduce the side yard setback from 12 feet to 9 feet;**
- 2. An Exception is hereby granted to reduce the number of required off-street parking spaces from 13 spaces to 9 spaces, with one of the nine spaces being an ADA space; reduce the parking space length for two spaces from 18 feet to 16 feet; and reduce the parking lot drive aisle width from 26 feet to 20 feet;**
- 3. Prior to issuance of a building permit, the ADA parking space must meet the requirements of RCMC §17.50.270H;**
- 4. Prior to issuance of a building permit, a Development Lot Agreement shall be entered into and recorded at the Register of Deeds office;**
- 5. This Major Amendment to the Planned Development Overlay shall allow the two existing structures to be used as offices. Any change in use or expansion of use that is permitted in the applicable zoning districts and is in compliance with the Parking Regulations 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 applicable zoning districts shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Golliher, Kaufman, 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.***

5. Acknowledge Termination of Tax Increment District Number 39 Pursuant to SDCL

11-9-25

Hanzel provided a brief overview of Termination of TID 39 explaining that it has reached the 20 year life time allowed by law without payoff and as such it needs to be terminated. Hanzel noted that other than the traffic signal and turning lanes on E. North Street, all components were completed and certified and she asks that the Planning Commission acknowledge the termination.

**Kaufman moved, Vidal seconded and the Planning Commission acknowledged the Termination of Tax Increment District Number 39 Pursuant to SDCL 11-9-25. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Golliher, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)**

6. Staff and Planning Commission Discussion Items

Fisher stated that staff is hoping to be back in the Council Chambers by the next meeting.

**There being no further business, Bulman moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:32 a.m. (9 to 0 with Arguello, Braun, Bulman, Ginsberg, Golliher, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)**