

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
June 6, 2024

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

MEMBERS ABSENT: Erik Braun, Eirik Heikes, Alicia Ginsberg, John Herr

STAFF PRESENT: Vicki Fisher, Jessica Olson, Sarah Hanzel, Kip Harrington, Tanner Halonen, Cassie Hayes, Morgan Twombly, Chip Premus, Todd Peckosh, Kinsley Groote and Andrea Wolff.

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

1. Approval of the April 25, 2024 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Quasney seconded and unanimously carried to approve the April 25, 2024, Zoning Board of Adjustment Minutes. (7 to 0 with Arguello, Bulman, Golliher, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

2. No. 24VA005 - South Boulevard Addition

A request by Mark Sizer to consider an application for a **Variance to reduce the side yard setback for a deck from 2 feet to 1 foot** for Lots 12 and 13 of Block 4 of South Boulevard Addition, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 623 St. Patrick Street.

Halonen presented the application and reviewed the associated slides explaining the layout and location of the existing steps and landing located on the east side of the house. Halonen explained that the steps currently encroach into the neighboring property and are located within an encroachment easement, which is a special circumstance. Halonen stated that the construction of the deck and steps will allow for the removal of this encroachment, thus removing the injury to the adjacent property. Halonen stated that staff supports the Variance with the stipulation that the deck be constructed of fire-treated lumber or other non-combustible material to reduce fire danger based on the special circumstance of the encroachment and the reduced setback is an improvement as it removes the injury to the neighbor and creates a more harmonious character to the neighborhood.

Quasney moved, Arguello seconded and the Zoning Board of Adjustment unanimously approved the Variance request to reduce the side yard setback for a deck from 2 feet to 1 foot with the following stipulation based on criteria of special circumstances and removes injury to the neighborhood:

- 1. Prior to the approval of a Building Permit application, plans shall be provided which identify that the deck and steps will be built with fire-treated wood or other non-combustible material. (7 to 0 with Arguello, Bulman, Gollhofer, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)**

3. No. 24VA006 - Second Floor Subdivision

A request by Mike Carlson for Mark Malone to consider an application for a **Variance to reduce the front yard setback from 25 feet to 14.68 feet** for Tract A2 of Second Floor Subdivision, located in the SE1/4 of the NW1/4 of Section of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1900 Fox Road.

Olson presented the application and reviewed the associated slides noting that SDDOT has identified the property, which is located off of the Mount Rushmore Road service road, at the intersection of Fox Road, will be affected by the proposed Single Point Interchange at Mount Rushmore Road and Catron Boulevard. The SDDOT proposed improvements will include the installation of a full access intersection at Fox Road to Mount Rushmore Road replacing the current Tablerock Road intersection. Olson stated that the spacing requirements between intersections including room for a 6-foot sidewalk creates the need for the Variance request. Olson stated that since the buildings are already constructed, the setback reduction from 25 feet to 14.68 feet for the southeastern corner of the property would be required to safely space the intersections and include pedestrian facilities. Olson reviewed the special circumstance associated with the major road construction's impact and benefits for the greater community and that staff recommends approval of the Variance to reduce the front yard setback from 25 feet to 14.68 feet.

Clarification of SDDOT association to the application, the need for the Variance for public good and safety, and potential fencing to secure the safety of residents was discussed.

Kaufman moved, Gollhofer seconded and the Zoning Board of Adjustment unanimously approved of the Variance to reduce the front yard setback from 25 feet to 14.68 feet based on Criteria based on Special circumstances. (7 to 0 with Arguello, Bulman, Gollhofer, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

4. Staff and Zoning Board of Adjustment Items

None

There being no further business Bulman moved, Kaufman seconded and unanimously carried to adjourn the meeting at 7:18 a.m. (7 to 0 with Arguello, Bulman, Gollhofer, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 6, 2024

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

MEMBERS ABSENT: Erik Braun, Erik Braun, Eirik Heikes, John Herr, Alicia Ginsberg

STAFF PRESENT: Vicki Fisher, Jessica Olson, Sarah Hanzel, Kip Harrington, Tanner Halonen, Cassie Hayes, Morgan Twombly, Chip Premus, Todd Peckosh, Kinsley Groote and Andrea Wolff.

Vidal called the meeting to order at 7:18 a.m.

Vidal 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 Golliher, seconded by Quasney and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (7 to 0 with Arguello, Bulman, Golliher, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 23, 2024 Planning Commission Meeting Minutes.
2. No. 24OA004 – Ordinance 6622
A request by City of Rapid City to consider an application for a **An Ordinance Amending the Table of Parking Requirements in Section 17.50.270 of the Rapid City Municipal Code.**

Planning Commission recommended that Ordinance 6622 Amending the Table of Parking Requirements in Section 17.50.270 of the Rapid City Municipal Code be approved.

3. No. 24PL036 - Meadow Ridge Subdivision
A request by Towey Design Group for Nicole Herber to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 9B of Lot 9 of Block 7 of Meadow Ridge Subdivision, legally described as Lot 9B of Lot 9 of Block 7 of Meadow Ridge Subdivision and the 764 square feet of the SW1/4 of the NW1/4, less Meadow Ridge Subdivision adjacent to said Lot, all located in Section 2, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 630 Ennen Drive.

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

1. Prior to submittal of a Final Plat application, a Variance shall be obtained from Pennington County to reduce the minimum required lot size from 6,500 square feet to 5,662 square feet. A copy of the approved Variance shall be submitted with the Final Plat application;
2. Prior to submittal of a Final Plat application, an Approach Permit shall be filed with the Pennington County Highway Department. A copy of the approved permit shall be submitted with the Final Plat application;
3. Prior to submittal of a Final Plat application, all existing utilities shall be located and easements shall be created, as necessary, to secure access to those utilities. A copy of any easements created shall be provided with the Final Plat application;
4. Prior to submittal of a Final Plat application, a site plan shall be provided identifying the setbacks from the detached garage to the new property lines in order to verify setback requirements will be met in accordance with the Pennington County Zoning Ordinance. If setback requirements are not met, the necessary Variance(s) shall be obtained from Pennington County and a copy of the approved Variance(s) shall be submitted prior to approval of the Final Plat application;
5. Upon the submittal of a Final Plat application, all plans and plat documents shall be revised to ensure the square footage of land acquired as shown matches the square footage of land acquired as ordered in the signed Judgement of Adverse Possession and Quiet Title to Real Property; and,
4. 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.

4. No. 24PL037 - The Rough at Arrowhead Subdivision

A request by Advanced Design Engineering and Surveying, Inc for 3133 Holdings LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Tract A and Tract B of the Rough at Arrowhead Subdivision, legally described as a portion of Lot 1 of Valley Tract less Lot H1, located in the W1/2 of the NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3133 Heidiway Lane.

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

1. 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;
2. Upon the submittal of a Development Engineering Plan application, engineering design reports to include water 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;
3. Upon the submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval which identify sidewalk improvements along proposed Tract A or a Variance shall be obtained from City Council. If a Variance is obtained, a copy of

- the approved document shall be submitted with the Development Engineering Plan application;
4. Upon the submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval for water main improvements in Heidiway Lane 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;
 5. Prior to the approval of a Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 6. 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;
 7. Prior to the approval of a Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
 8. Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;
 9. Prior to the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure the installation and maintenance of water infrastructure that supplies sufficient volume and pressure to meet the fire flow required by the International Fire Code or to ensure the installation of fire suppression systems in any new residential structures. The system design and installation shall meet the system requirements of the National Fire Protection Act 13, 13R, and 13D as applicable. A copy of the executed agreement shall be submitted with the Final Plat application;
 10. 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,
 11. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *5. No. 24UR010 - Original Town of Rapid City
A request by Amy Scherer to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon** for Lot 17 and 18 and west 55 feet of Lots 19 thru 21 of Block 84 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 524 7th Street.

Olson presented the application and reviewed the associated slides explaining that this is an existing business that has recently moved to a new location and is therefore applying for the Conditional Use Permit for the new location to continue to allow the sale of on-sale liquor to customers who are awaiting services. Olson reviewed the layout and hours of operation, which would be 9a.m. to 7p.m.,

Monday thru Saturday noting it is located in the downtown commercial district which supports this type of use. Olson stated that staff is recommending approval of the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon with stipulations outlined in the Project Report.

Quasney moved, Bulman seconded and the Planning Commission approved the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon with the following stipulations:

- 1. Any exterior changes to the structure which require a Building Permit (storefront, entry, brick alteration, etc.) shall require approval of an 11.1 Historic Review application;**
- 2. A Sign Permit shall be obtained for each sign. All signage shall meet the requirements of the Rapid City Municipal Code pertaining to signage. Any proposed changes to the exterior signage shall also require approval of a Historic Sign Review application; and,**
- 3. The Conditional Use Permit shall allow on-sale liquor in conjunction with the barbershop/salon, B Sharp Cut Co. Any change in use that is a permitted use in the Central Business District 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 Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Arguello, Bulman, 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.

6. Staff and Planning Commission Discussion Items

Fisher thanked the Commission for their attendance noting that summer can create issues with availability and requested that they be sure to let staff know if they will be attending or not so we can confirm quorum.

Stuck asked if the master plan for an application that had been approved earlier in the meeting may change and Fisher clarified that the approval of a Preliminary Subdivision Plan does not indicate approval of the master plan. Fisher noted that discussing an item after approval should be avoided, but addressed his questions as they did not impact the previous action.

There being no further business, Golliher moved, Kaufman seconded and unanimously carried to adjourn the meeting at 7:28 a.m. (7 to 0 with Arguello, Bulman, Golliher, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)