

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
September 5, 2024

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Alicia Ginsberg, Mike Golliher, Eirik Heikes, Haven Stuck, and Vince Vidal. Pat Roseland Council Liaison was also present.

MEMBERS ABSENT: Karen Bulman, Brook Kaufman, John Herr, Mike Quasney

STAFF PRESENT: Vicki Fisher, Jessica Olson, Kip Harrington, Tanner Halonen, Cassie Hayes, Chip Premus, Roger Hall, Kinsley Groote and Andrea Wolff.

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

1. Approval of the August 8, 2024 Zoning Board of Adjustment Meeting Minutes.

**Vidal moved, Stuck seconded and the Zoning Board of Adjustment approved the August 8, 2024 Zoning Board of Adjustment Meeting Minutes. (7 to 0 with Arguello, Braun, Ginsberg, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

2. No. 24VA011 - Hansen Heights

A request by Gina Plooster for Dana and Michael Phillips of Jubilee Hills Ventures to consider an application for a **Variance to allow existing gravel surfacing of a parking area in lieu of pavement** for the north 150 feet of the west 138.3 feet of Lot 2 (northwest corner of Lot 2) of Block 1 of Hansen Heights Subdivision, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1802 Elm Avenue.

Hayes presented the application and reviewed the associated slides noting that an associated Conditional Use Permit (24UR013) was approved at the August 8, 2024 Planning Commission meeting and reviewed the operations plan for the RV Rental Company. Hayes explained that the storage area has portions that are paved and portions that are gravel and it is for the gravel area that they are requesting the Variance. Ordinance requires parking and storage areas for this type of business to be paved to reduce dust and gravel and mud transfer. Hayes said that as this property is located in a residential area it is different from a property in an industrial area where the impact would be much reduced. Hayes stated that staff is recommending denial of the Variance to allow existing gravel surfacing of a parking area in lieu of pavement as there are no special circumstances, reasonable use exists, this is not the minimum adjustment necessary, and it is not in harmony with the RCMC or the neighborhood.

Zoning and buffering requirements, location and to whom the Variance is granted were discussed.

Fisher acknowledged the cost associated for paving and discussed the possibility of allowing the operation of the business for a season without paving to allow them to generate funds along the same lines of a Surety Agreement.

Roger Hall, City Engineer, clarified that paving could be asphalt or concrete, but not chip seal or asphalt millings.

**Vidal moved, Heikes seconded and the Zoning Board of Adjustment denied the Variance to allow existing gravel surfacing of a parking area in lieu of pavement, based on no special circumstances and reasonable use exists. (6 to 1 with Arguello, Braun, Ginsberg, Golliher, Heikes and Vidal voting yes and Stuck voting no)**

3. Staff and Zoning Board of Adjustment Items

None

**There being no further business Vidal moved, Ginsberg seconded and unanimously carried to adjourn the meeting at 7:14 a.m. (7 to 0 with Arguello, Braun, Ginsberg, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
September 5, 2024

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Alicia Ginsberg, Mike Golliher, Eirik Heikes, Haven Stuck and Vince Vidal. Pat Roseland Council Liaison was also present.

MEMBERS ABSENT: Karen Bulman, John Herr, Brook Kaufman and Mike Quasney.

STAFF PRESENT: Vicki Fisher, Jessica Olson, Kip Harrington, Sara Hanzel, Tanner Halonen, Cassie Hayes, Chip Premus, Roger Hall, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:14 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 Golliher and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (7 to 0 with Arguello, Braun, Ginsberg, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

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

1. Approval of the August 22, 2024 Planning Commission Meeting Minutes.
2. No. 24PL068 - Meadowlark Hills Subdivision  
A request by Towey Design Group to consider an application for a Preliminary Subdivision Plan for proposed Lot 1 of Meadowlark Hills Subdivision, legally described as the SE1/4 of the NE1/4 less Meadowlark Hills Subdivision and less right-of-way, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the eastern terminus of East Madison Street.

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

1. Upon the submittal of a Development Engineering Plan application, the plat documents shall be revised with a different lot name designation approved by the Register of Deeds, as Lot 1 of Meadowlark Hills Subdivision already exists;
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, the plat documents shall be revised to identify N. Cherry Avenue, including the width of the right-of-way. If the right-of-way width does not meet the standards of the Infrastructure Design Criteria Manual, additional right-of-way shall be dedicated as necessary 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;

4. Upon the submittal of a Development Engineering Plan application, engineering design reports pursuant to §1.15 of the Infrastructure Design Criteria Manual and construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for an Industrial Street shall be submitted for review and approval for N. Cherry Avenue 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. Upon the submittal of a Development Engineering Plan application, construction plans pursuant to §2.13 of the Infrastructure Design Criteria Manual shall be submitted for review and approval for the turnaround at the end of E. Madison Street 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 submittal of a Development Engineering Plan application, the plat documents shall show a Sanitary Sewer Easement centered on the existing sanitary sewer main within the proposed lot;
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, any necessary off-site easements shall be secured;
10. Upon the submittal of a Final Plat application, the plat document shall show the vacated right-of-way located along E. Madison Street, including recording information;
11. 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,
12. Prior to the City's acceptance of public improvements, a warranty surety shall be submitted for review and approval as required.

3. 24TP029 – 2025-2028 Transportation Improvement Program – Final Report

Planning Commission recommended approval of 2025-2028 Transportation Improvement Program – Final Report.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- \*4. No. 24UR015 - Omeara Addition  
A request by Cornerstone Rescue Mission, Inc. to consider an application for a **Conditional Use Permit to allow a group home** for Lot 1 of Omeara Addition, located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4080 Tower Road.

Fisher noted that the applicant has withdrawn this application, noting that they plan to resubmit after reviewing and updating their operational plan.

**Stuck moved, Arguello seconded and Planning Commission unanimously acknowledged the withdrawal of the Conditional Use Permit to allow a group home. (7 to 0 with Arguello, Braun, Ginsberg, Gollhofer, Heikes, 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. No. 24UR016 - Vista Ridge Subdivision

A request by Vista Village, LLC for Luis Hernandez Mejia to consider an application for a **Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant** for Lot 2 of Vista Ridge Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 544 Century Road, Suite 101 - 102.

Olson presented the application and reviewed the associated slides. Olson explained that the property is part of a multi-tenant building with various other business types. Olson reviewed the buffering existing between this use and the Child Care Center that is located to the northeast of the building noting that they have separate access points facing opposite directions and are located on different topography levels with no inter-access between the two. Olson reviewed that an Administrative Exception to allow reduced parking was granted as the uses of the building do not conflict and history shows that there is not a shortage of parking, however, there is a stipulation that any changes in use will require review and approval of Major Amendment to the Conditional Use Permit. Olson reviewed the operation plan and the layout of the interior of the restaurant stating that staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant with stipulations outlined in the Project Report.

The difference between Administrative Exceptions and Shared Parking Agreements were discussed.

**Vidal moved, Stuck seconded and the Planning Commission unanimously approved the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant with the following stipulation:**

- 1. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a restaurant. Any change in use that is a permitted use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit to review the parking requirement and confirm alternating hours of operation. Any change in 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 Conditional Use Permit. (7 to 0 with Arguello,**

**Braun, Ginsberg, Golliher, Heikes, 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. No. 24UR017 - Original Town of Rapid City

A request by TerraSite Design for Rapid City Arts Council to consider an application for a **Major Amendment to a Conditional Use Permit to expand on-sale liquor** for Lot 1 thru 5 and the north 1/2 of vacated alley adjacent to said Lots; the east 1/2 of Lot 26, all of Lots 27 thru 32 and the south 1/2 of vacated alley adjacent to Lots 28 thru 32 of Block 103 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 713 7th Street.

Olson presented the application and reviewed the associated slides explaining that the Rapid City Dahl Arts Council is planning to create a pocket park where they can have outdoor events where they will serve beer and wine beverages during events. Olson reviewed that the use is consistent with the area noting that the park will be located on Quincy Street with access being only through the 7<sup>th</sup> Street entrance to the Dahl. Olson stated that the sale of beer and wine being an expansion of the existing on-sale and will be operated in the same manner. Olson reviewed the controlled access and the screening provided from the street by the fence and landscaping. Olson stated that staff is recommending approval of the Major Amendment to a Conditional Use Permit to expand on-sale liquor with stipulations outlined in the Project Report.

Heikes stated he will be recusing himself from this item as he has conflict of interest and stepped down from the dais at this time.

Fisher spoke of the positive impact to the downtown area and the opportunities it will provide to further draw events and people to the downtown area.

Jackie Dietrich, Executive Director of Dahl Art Center, thanked the Planning Commission for their consideration.

The definition of pocket park and clarification of access to the park were discussed.

Eirik Heikes spoke to the genesis of the park and the ideas that brought it to fruition.

**Golliher moved, Vidal seconded and Planning Commission unanimously approved the Major Amendment to a Conditional Use Permit to expand on-sale liquor with the following stipulations:**

- 1. Upon submittal of a Building Permit, the site plan shall identify two exits from the pocket park with exit signs and panic hardware. Gates shall swing out toward the direction of exit travel;**

2. **The on-sale liquor establishment shall only be operated in conjunction with special events, fund raisers or other similar activities on an “invitation only” basis;**
3. **The facility shall be allowed to sell wine and malt beverages only; and,**
4. **The Major Amendment to the Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with an arts center to expand into the pocket park area. 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. (6 to 0 to 1 with Arguello, Braun, Ginsberg, Gollhofer, Stuck 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.***

7. Staff and Planning Commission Discussion Items

Fisher invited the Commission to the upcoming Comprehensive Plan Update event being held at the Dahl Arts Center, September 24<sup>th</sup> from 4:00p.m. - 7:30p.m. and September 25<sup>th</sup> from 12:00p.m. – 2:00p.m. and 4:00p.m. - 7:30p.m. stating that it will be a family-oriented event with a root beer float social and interactive games designed to help people show their vision for the future of Rapid City. Fisher stated Logan Simpson are hosting with staff in supporting roles.

Chip Premus stated he is working on updating the Fire Code and will be emailing it to the Planning Commission for review and input.

Quorum for elected officials and non-elected officials and the differences between the two were discussed.

**There being no further business, Gollhofer moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:49 a.m. (7 to 0 with Arguello, Braun, Ginsberg, Gollhofer, Heikes, Stuck and Vidal voting yes and none voting no)**