

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
October 10, 2024

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

MEMBERS ABSENT: Mike Gollhofer, John Herr, Mike Quasney.

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

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

1. Approval of the September 5, 2024 Zoning Board of Adjustment Meeting Minutes.

**Bulman moved, Vidal seconded and the Zoning Board of Adjustment approved the September 5, 2024 Zoning Board of Adjustment Minutes. (8 to 0 with Arguello, Braun, Bulman, Ginsberg, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

2. No. 24VA012 - Rushmore Regional Industrial Park

A request by Longbranch Civil Engineering, Inc for Kansas City Holdings, LLC to consider an application for a **Variance to allow alternate fencing in lieu of opaque fencing for a mini-warehouse storage facility** for Lot 11 of Block 2 of Rushmore Regional Industrial Park, located in the E1/2 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1450 Concourse Drive.

Halonen presented the application and reviewed the associated slides noting the property had changed from office building to climate-controlled storage and reviewed the layout noting the applicant is proposing to build 6 additional, single story, mini-warehouse buildings. The applicant is proposing to install a decorative iron fence along the front property line with a 100% landscaping buffer made up of large trees in lieu of opaque fencing. Halonen stated that the application also proposes to install a standard 6 foot tall chain link fence along the north, east and south property lines. Halonen stated that staff is recommending approval of the decorative iron fence along the street frontage and recommending denial of the Variance request to allow a standard chain-link fence along the north, east, and south property lines with the stipulation outlined in the Project Report as there are no special circumstances.

Fisher discussed review criteria including surrounding zoning and security needs.

Erika Olson, attorney with Lynn Jackson representing adjacent property owner Premium Properties LLC, stated her clients concerns on the failure to screen and fear that the location of fencing may be blocking easements and request the item be continued to allow additional review.

Kyle McNaboe, Longbranch Civil Engineering, spoke to the perimeter fencing without slats, stating that it allows better visibility of the inside of the property, whereas opaque slats would block such visibility possibly allowing nefarious activities to go unseen. McNaboe also stated this and the surrounding properties are zoned Light Industrial District and that the fencing will be within the property boundaries and not blocking any access.

Surrounding zoning, access, fence design, safety, paving of circulation aisles, and other such facilities were discussed.

**Kaufman moved, Vidal seconded and the Zoning Board of Adjustment approved the Variance request to allow a decorative iron fence along the street frontage as it is the minimal adjustment necessary for reasonable use of the property and recommends denial of the Variance request to allow a standard chain-link fence along the north, east, and south property lines as there are no special circumstances, with the following stipulation:**

1. **Prior to a Certificate of Occupancy, a 100% landscaping buffer shall be planted along the front property line to screen the mini-warehouse facility from the street frontage. The new trees shall be five feet tall at the time of planting. (8 to 0 with Arguello, Braun, Bulman, Ginsberg, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

3. Staff and Zoning Board of Adjustment Items

None

**There being no further business Vidal moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:22 a.m. (8 to 0 with Arguello, Braun, Bulman, Ginsberg, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

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RAPID CITY PLANNING COMMISSION  
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MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Alicia Ginsberg, Eirik Heikes, Brook Kaufman, Haven Stuck and Vince Vidal. Pat Roseland Council Liaison was also present.

MEMBERS ABSENT: Mike Gollhofer, John Herr, Mike Quasney.

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

Braun called the meeting to order at 7:22 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 Heikes and unanimously carried to recommend approval of the Consent Agenda Item 1 in accordance with the staff recommendations. (8 to 0 with Arguello, Braun, Bulman, Ginsberg, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the September 26, 2024 Planning Commission Meeting Minutes.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

\*2. No. 24UR019 - Omeara Addition

A request by Cornerstone Rescue Mission to consider an application for a **Conditional Use Permit to allow a group home for respite care** 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.

Olson presented the application stating it is a group home for respite care in a building that was previously a hotel and is a joint effort between South Dakota Department of Health, Monument Health, Rapid City Fire Department Community Health Workers and the Cornerstone Rescue Mission for persons released from the hospital but are not healthy enough to be admitted to the Mission or other living situation. Olson noted that numerous areas must be addressed with the change in use including meeting parking, building and fire code, installation of alarm system, removal of signage and installation of fencing. Olson identified that the General Commercial zoning allows for group homes. Olson referenced the prior application for this property (File# 24PD015) was withdrawn and comments received from that application helped define this application. Olson stated that 29 of the 32 rooms are

slated for respite care with remainder being used by staff including a caregiver unit. Olson reviewed the operation plan including screening and vetting of all proposed residents, transportation to and from the facility of all residents by Rapid City Fire Department Community Health Workers. She stated that the operational plan calls for 5 staff in addition to the program manager will provide 24 hour coverage. Visitation will be by appointment only, scheduled 24 hours in advance with only one resident having a limit of 2 visitors at any one time. Visitation will be scheduled, reviewed and monitored by staff in a general area and not in individual rooms. Olson discussed parking requirements and fencing that will be installed on the sides and front of the property with the fence to the front being a wrought iron-style fence with a code controlled sliding entry gate. Olson noted that an outdoor area for patients will be located behind the building in a fenced area. Olson stated that staff recommends approval with stipulations and mitigation measures outlined in the Project Report and noted that if they are not maintained the Conditional Use Permit can be revoked.

Fisher discussed the difficulty of these types of uses and balancing the need for service and location.

Maren Gaul, area resident, spoke to the changes that are taking place due to development in the area and the detrimental effect on the character of the neighborhood and feels this type of use will only make it worse.

Gerald Butz, area resident, spoke to the need, but feels this area is the wrong area. Spoke to maintaining this within the Monument Campus rather than off site and his concerns regarding exterior accesses to each unit. Butz provided photos of locations he feels are better suited and provided photos to the Commission.

John Butz, area resident, agreed with prior comments and spoke to his belief that this is not the best place for this facility.

Kirsten Butz, area resident, spoke to her reasons that this not the best location including the inability of the Police Department to provide sufficient patrol.

John Palmer; area resident, commended the doctors in the audience for their work and dedication and as a doctor himself said he know this service is needed but feels this is a horrible location and believes a better location can be found.

Richard Hemming, area resident, referenced his past work with Serenity Homes who provide housing to recovering persons and spoke to the issues this population have and that he does not believe this facility meets those needs. Hemming also stated that he does not believe it is legal for the Fire Department to transport patients.

Nancy Hemming, area residents, noted her concerns including access to the building, the hotel rooms not being constructed for health usage, the separations of sexes, lighting, and lack of bus services or sidewalks creating safety issues.

Marnie Gould, area resident, spoke to the neighborhoods concerns for safety and that she believes a different location should be considered.

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Robert Williams, area resident, said he lives 1 ½ mile and walks the road every day, and feels this is not the proper place for this use. William's also questioned the fire safety of the structure and stated that he feels the notification requirements are not sufficient.

Steve Massapust, area resident, feels this will be detrimental as it doesn't coincide with the City's Comprehensive Plan and reviewed the areas he believes are in conflict.

Betsy Sage, area resident, spoke to the increase in unwanted pedestrian traffic already and that this use will only increase that issue. Sage echoed the concerns regarding safety.

Rich Grable, area resident, echoed the safety concerns of the use in this area and spoke to the City's need to address the homeless population and work to provide facilities in the proper locations.

Brandy Tackett, area resident, spoke to her concerns including the use of the facility that was not designed for the use, that the location is too far from other services, concerns for increase in crime and vagrancy in the area and that she does not feel enough screening is possible to keep the area safe.

Marty Tarek, area resident, noted that group homes are the type of uses that are required to be disclosed in the realtor statement as an item or action that might affect a buyer's decision and could decrease surrounding property values. Tarek stated that he fears that if this is allowed a "certain type of community" might make this a hub.

Aric Walker, area resident, addressed his concerns of the actual state of the building, the layout and security of the facility, that proposed fencing is not adequate and traffic both foot and vehicle and thinks building a new building would be better.

Michael Ramey, area resident, spoke to concerns with increase foot traffic from current development and worries that this will increase.

Robert Sage, area resident, spoke to the safety of the patients as the building is not designed for the use and the location is not correct and as it is too far away from other facilities.

Brian Hammerbeck, area resident, spoke to his concerns of the expansion of homeless into his area, his concerns for safety and believes this should be added to the Care Campus facility.

Glenda Williams, area resident, spoke to the dangers they are already experiencing and believe this will increase these concerns. Reviewed crime report for the skyline area.

Don Nielson, emergency room physician, agrees there is a need for this service, but does not believe this is the correct location for this use stating his concerns including safety, drugs, and lack of infrastructure.

Steven Tamang, applicant, spoke to the need for this type of facility for both the health services, the homeless and the city. He stated that he appreciates everyone's thoughts and concerns. Tamang explained that this is not for patients who are in need of nursing and doctor care, but for homeless persons who do not have a home to go to when they are well enough to be released from the hospital, but not well enough to be return to the streets, stating that there is an urgent need for these services.

Captain Ryan Marks, Captain of Mobile Integrated Health Program with the Rapid City Fire Department, spoke to the people who will use these services that will allow them to have the needed follow up care provided in their doctor's care plans, including transportation to those appointments by community health care employees in regular vehicles provided for the purpose.

Lieutenant Mark Cody, South Side Liaison, stated that the Police Department is in support of the program as they work with the houseless population and see the need for these people to have a place to recover from medical procedures and spoke to the crime statistics in the skyline noting majority are traffic issues.

Lisa Allison, Director of Mission, spoke to the reasons for choosing the location including the low density of residences in the area, zoning is correct for the use. Allison noted that the issues regarding safety being discussed already exist and there is no proof they will increase these or not, that the concerns regarding pedestrians are unfounded as the plan is to not have pedestrian traffic. Allison spoke to the screening process and stated they are trying to serve a vulnerable population.

**Vidal moved, Heikes seconded and the Planning Commission unanimously approve to continue the meeting past 9:00.**

Allison explained Conditional Use Permit is required due to 24-hour occupation of the site by a caregiver, discussed the requirements to allow the change of use including safety design and the structure being brought up to code, the screening which would be reviewed by all parties involved and would exclude sex offenders and patients with a history of difficult interactions with staff.

Allison discussed how this is being currently addressed, respite care definitions and who qualifies for respite care, the process of how the services are addressed from hospital care to respite care to release and follow up care, and the concerns to safety in the rural type area where this is located.

Mark Harlow, Physician and volunteer at Rescue Mission, spoke to the use of this facility as a COVID care facility for in-need population in 2020 and noted that there were no issues with the neighborhood at that time.

Altrina Thee Stars, Journey On, spoke to her time with Great Plains Triable Care where she worked at the COVID care facility use of the location. She spoke to the general perceived personality of the population and the responsible of the community to care for their in need population and asked if not here then where.

Fisher reviewed criteria and review requirements. Numerous Planning Commissioners spoke to the difficult and emotional nature of this request.

***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.***

**Kaufman moved, Heikes seconded and Planning Commission denied the Conditional Use Permit to allow a group home. (5 to 3 with Arguello, Braun, Heikes, Kaufman and Stuck voting yes and Bulman, Ginsberg and Vidal voting no)**

3. Staff and Planning Commission Discussion Items

Fisher informed the Planning Commission that the Election of Officers will be held at the October 24, 2024 Planning Commission meeting so they should consider who is interested and be prepared to make nominations and vote.

**There being no further business, Vidal moved, Bulman seconded and unanimously carried to adjourn the meeting at 9:28 a.m. (8 to 0 with Arguello, Braun, Bulman, Ginsberg, Heikes, Kaufman, Stuck and Vidal voting yes and none voting no)**