

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
September 8, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Linda Marchand, Andrew Scull and Jan Swank. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: John Herr, Galen Hoogestraat, Mark Jobman, Steve Rolinger and Kim Schmidt.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Sarah Hanzel, Patsy Horton, Ted Johnson, Carla Cushman and Andrea Wolff.

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

September 8, 2016 - 7:00 A.M.
Zoning Board of Adjustment
City Council Meeting Room
300 Sixth Street
Rapid City, SD 57701

1. Approval of the August 25, 2016 Zoning Board of Adjustment Meeting Minutes.

Marchand moved, Bulman seconded and unanimously carried to approve the August 25, 2016 Zoning Board of Adjustment Minutes (6 to 0 with Braun, Brewer, Bulman, Marchand, Scull and Swank voting yes and none voting no)

2. Discussion Items

None

3. Staff Items

None

4. Zoning Board of Adjustment Items

None

There being no further business, Swank moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:01 a.m. (6 to 0 with Braun, Brewer, Bulman, Marchand, Scull and Swank voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 8, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Linda Marchand, Andrew Scull and Jan Swank. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Galen Hoogestraat, John Herr, Steve Rolinger, Kimberly Schmidt, and Mark Jobman

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Patsy Horton, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:01 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 Marchand, seconded by Swank and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations. (5 to 0 to 1 with Braun, Bulman, Marchand, Scull and Swank voting yes and none voting no and Brewer abstaining)

---CONSENT CALENDAR---

1. Planning Commission approved the August 25, 2016 Planning Commission Meeting Minutes.
2. No. 16CA004 – Amendment to the Comprehensive Plan to revise the Major Street Plan
Summary of Adoption for a request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan.**

Planning Commission approved the summary and authorize publication in the Rapid City Journal.

3. 16TP019 - 2017 Unified Planning Work Program – Draft

Planning Commission recommended that the 2017 Unified Planning Work Program – Draft be approved.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *4. No. 16PD039 - Abys Feed and Seed Condominium
A request by Andrea Schaefer to consider an application for a **Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a theater** for Unit 1 and Unit 2 and interest

in Common Area of Abys Feed and Seed Condominium, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 412 5th Street.

Lacock presented the application, briefly noting that previous Planned Developments have been approved for this property reducing parking and landscaping, and reviewed the associated slides. Lacock noted that the operation plan submitted by the applicant defines that the on-sale use will not be offered during the hours that minors are using the property for classes and events geared towards those of that age, but is intended for the adult oriented functions. Lacock stated that staff recommends that the **Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a theater** be approved with stipulations.

Drew spoke to the benefits the businesses located in this location offer and she believes this is a great service to the community.

Fisher reviewed the parking situation for this location, noting that with the majority of the activities being evening events the nearby parking structure provides parking for the businesses. Fisher further noted that this amendment does not require additional parking.

Marchand moved, Swank seconded and unanimously carried to approve the Major Amendment to a Planned Development to expand the commercial uses with the following stipulations:

- 1. Acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to zero feet for the existing structures located on the property. Any future redevelopment of the property shall be constructed in compliance with the Zoning Ordinance;**
- 2. Acknowledge the previously granted Exception to waive the landscaping requirement;**
- 3. Acknowledge the previously granted Exception to reduce the minimum required parking spaces from 58 parking spaces to 30 parking spaces; and,**
- 4. The Major Amendment to a Planned Development shall allow an on-sale liquor establishment in conjunction with a theater. Any expansion of the on-sale liquor use shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use and does not increase the minimum parking requirement shall be reviewed as a Minimal Amendment. Any change in use that increases the minimum parking requirement or is a Conditional Use shall require a Major Amendment. (6 to 0 with Braun, Brewer, Bulman, Marchand, Scull and Swank 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 Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

5. No. 16AN002 - High View Subdivision

A request by Steven and Jane Arity to consider an application for a **Petition for De-Annexation** for Tract 20 of High View Subdivision, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sammis Trail, east of S. Highway 16.

Hanzel presented the application, reviewing the associated slides and the criteria to reviewing a property for de-annexations noting that this property meets nine of the fourteen criteria. Hanzel noted that although it sits within the Urban Services Boundary is not being serviced by any municipal services, it is located at the outer peripheries of the Corporate Limits, there closest utilities or street services are located more than 500 feet away and there are no CIP projects planned within 500 feet of this property, the area is not identified as a donut hole and the de-annexation will not result in any non-contiguous City limits.

In response to a question from Braun, Hanzel confirmed that this property does become the responsibility of the County upon de-annexation and that they were made aware of the request during the routing process and had no objections.

Hanzel confirmed that should future envelop or reach the property they would be allowed to be annexed back into the city.

Discussion followed.

Bulman moved, Scull seconded and unanimously carried to recommend that the Petition for De-Annexation be approved. (6 to 0 with Braun, Brewer, Bulman, Marchand, Scull and Swank voting yes and none voting no)

6. Discussion Items

Hanzel requested the Planning Commission sponsor an Amendment to the Comprehensive Plan to adopt the Box Elder Drainage Basin Design Plan. She noted that the Box Elder Drainage Basin Plan is the first complete drainage basin study in nearly 25 years.

In response to a question from Scull regarding the location of the drainage basin in question, Hanzel presented a map showing the location of the drainage basin as north of Rapid City running east towards Box Elder.

Fisher reviewed the procedure for review of drainage basins, that it allows for the future development and drainage management as the area grows to maintain the regional drainage.

Scull discussed his concerns regarding property notification. Horton noted that staff is willing to sponsor a neighborhood meeting to inform property owners of the proposal.

In response to Brewer's concerns regarding the education of both property owners and Planning Commission on drainage basins, Horton indicated

that she would invite Public Works to provide a brief training session on drainage basins.

Discussion followed.

Brewer moved, Swank seconded to direct staff to hold a neighborhood meeting for the Box Elder Drainage Basin Plan Study and to provide training to the Planning Commission. **(6 to 0 with Braun, Brewer, Bulman, Marchand, Scull and Swank voting yes and none voting no)**

7. Staff Items

8. Planning Commission Items

Brewer spoke to the Bed and Breakfast Ordinance and how he believes the hospitality business needs to be noticed to the plans to manage this business.

Fisher discussed how this item has been picked up by the local media as an item of interest and how that will assist in disseminating the information to both the general public and the hospitality industry in addition to the public notification requirements that staff has meet as for all Ordinances.

9. Committee Reports

A. City Council Report (August 15, 2016)

The City Council concurred with the recommendations of the Planning Commission.

There being no further business, Linda moved, Braun seconded and unanimously carried to adjourn the meeting at 7:45 a.m. (6 to 0 with Braun, Brewer, Bulman, Marchand, Scull and Swank voting yes and none voting no)