

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
May 25, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Rachel Caesar, Mike Gollhofer, John Herr, Galen Hoogestraat, Mike Quasney, Kimberly Schmidt and Gerald Sullivan. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Curt Huus and Steve Rolinger

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Sarah Hanzel, Tim Behlings, Ted Johnson, Kinsley Groote and Andrea Wolff.

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

1. Approval of April 20, 2017 Zoning Board of Adjustment Meeting Minutes

**Hoogestraat moved, Bulman seconded and unanimously approved the April 20, 2017 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Herr, Hoogestraat, Quasney, Schmidt and Sullivan voting yes and none voting no)**

2. No. 17VA004 - Canyon View Tract

A request by Cassie and Jennifer Silbernagel to consider an application for a **Variance to side yard setback** for Lot 19 of Block 6 of Canyon View Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1104 West Boulevard North.

Lacock presented the application reviewing staff's recommendation and the intent of Zoning Ordinance in requiring setbacks to allow open area and to reduce fire danger. Lacock noted that should the Zoning Board of Adjustment find that a variance be allowed that the applicant coordinate with the Rapid City Fire Department and that the existing shed be removed which would reduce the lot coverage or the applicant must obtain a Conditional Use Permit to allow an oversized garage. Lacock stated that staff recommends that the variance be denied, but should the Zoning Board grant the variance that the setback be no less than 5 feet.

Bulman stated that she would support approving a variance to allow a 5 foot setback. Hoogestraat agreed with the 5 foot setback.

Fisher reviewed allowed lot coverage and garage size as defined in Chapter 17 of the Rapid City Municipal Code.

Cassie Silbernagel, 1104 West Boulevard, the applicant, stated that they would be agreeable to the 5 foot setback and stated that removal of the shed is the end goal once the garage has been built. Silbernagel thanked the Planning Commission for their time and consideration.

**Bulman moved to allow a 5 foot setback; that the shed be removed once the construction of the garaged is completed and for the applicant to coordinate with the Fire Department to sprinkle the structure. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Schmidt and Sullivan voting yes and none voting no)**

3. No. 17VA005 - South Boulevard Addition

A request by Jessica Castleberry to consider an application for a **Variance to waive requirements for installation of 6 foot privacy fence** for Lot 27 thru 30 of Block 19 of South Boulevard Addition, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2220 5th Street.

Lacock presented the application and reviewed the associated slides stating that the applicant is requesting to not install the required fence between the commercial use and the neighboring residential property clarifying that the affected property owner supports the request.

**Bulman moved, Quasney seconded and unanimously carried to approve the requested Variance based on the criteria and that enforcing the requirement would create a hardship. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Schmidt and Sullivan voting yes and none voting no)**

4. Discussion Items

None

5. Staff Items

None

6. Zoning Board of Adjustment Items

None

**There being no further business, Bulman moved, Kim seconded and unanimously carried to adjourn the meeting at 7:20 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Schmidt and Sullivan voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 25, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, John Herr, Galen Hoogestraat, Mike Quasney, Kimberly Schmidt and Gerald Sullivan. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Curt Huus and Steve Rolinger

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Sarah Hanzel, Tim Behlings, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:20 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.**

**Staff requested that Item 3 be removed from the Consent Agenda for separate consideration.**

**Motion by Bulman seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations with the exception of Item 3. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Schmidt and Sullivan voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the May 4, 2017 Planning Commission Meeting Minutes.
2. No. 17RZ018 - Section 17, T1N, R7E  
A request by Mike Van Loan to consider an application for a **Rezoning from Flood Hazard to Low Density Residential District** for a parcel of land, herein described as Parcel A to be removed from the 500-Year Special Flood Hazard Area as shown on Flood Insurance Rate Map (FIRM) Panel 46103C0766H with an effective date of June 3, 2013, said parcel of land located within the bounds of Lot A Revised of the NW ¼ of the NW ¼ of Section 17, Township One North (T1N), Range Seven East (R7E), Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota. The Point of Beginning (POB) for said Parcel A coincides with the northwesterly corner of said Lot A Revised and is marked with an 1" Iron Pipe. Said Parcel A is more particularly described as follows: Thence First Course: along the common line between Tract A of the SW ¼ of the SW ¼ of Section 8, T1N, R7E, BHM and said Lot A Revised to an intersection with the 100-year Flood Boundary line for Rapid Creek, with a bearing of S89°43'00"E and a distance of 194.83 feet; Thence Second Course: along said 100-year Flood Boundary line, with a bearing of S09°02'02"W and a distance of 7.03 feet (L1); Thence Third Course: continuing along said 100-year Flood Boundary line, with a bearing of S54°37'15"W and a distance of 134.00

feet; Thence Fourth Course: continuing along said 100-year Flood Boundary line to an intersection with the regulatory floodway, with a bearing of S74°54'56"W and a distance of 29.00 feet (L2); Thence Fifth Course: continuing along said 100-year Flood Boundary and regulatory floodway line, with a bearing of S79°29'06"W and a distance of 31.0 feet (L3); Thence Sixth Course: continuing along said 100-year Flood Boundary and regulatory floodway line, to an intersection with the lot line common with Lot Z of the NE ¼ of the NE ¼ of Section 18, T1N, R7E, BHM, with a bearing of S88°24'30"W and a distance of 26.0 feet (L4); Thence Seventh Course: along said common line between Lot Z and Lot A Revised, with a bearing of N00°00'00"E and a distance of 99.41 feet to the Point of Beginning, more generally described as being located west of West South Dakota Highway 44.

**Staff recommended that the Rezoning request to change the zoning designation from Flood Hazard District to Low Density Residential District be approved.**

4. No. 17RZ019 - Big Sky Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** for Lots 1 - 5 of Block 1, Lots 1-6, 7R, and 8-14 of Block 2, Lots 2 – 13 of Block 3, Lots 1-9 of Block 4, Lots 1 – 12 of Block 5, Lots 1 – 23 of Block 6, Lots 1 – 6 of Block 7, Lots 1 – 3 of Block 8, Lot 1 of Block 9, Lot 1 of Block 10, Lots 1 – 15 of Block 11, Lots 1 – 15 of Block 12, Lot 1 of Block 13, Lot 1 of Block 14, Lots 1 – 11 of Block 15, and Lots 1 - 2 of Block 16, all located in Big Sky Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road, north of Twilight Drive, west of Reservoir Road, south of Homestead Street.

**Staff recommended that the Request to rezone property from No Use District to Low Density Residential 1 District be approved.**

5. No. 17RZ020 - Red Rock Estates

A request by KTM Design Solutions, Inc for Selador Ranches, Inc. to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District** for a portion of the NE1/4NE1/4 and a portion of the NE1/4SE1/4NE1/4 all located in Section 30, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, Commencing at the Section Corner common to Sections 19, 20, 29 and 30, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota; Thence S 00°18'22" E, a distance of 266.21 feet along the said section line common to sections 29 and 30; the point of beginning Thence S 89°41'38" W, a distance of 33 feet, Thence S 00°18'24" E, a distance of 1,028.16 feet; Thence S 17°46'44" E, a distance of 109.91 feet; Thence N 00°18'22" W, a distance of 1,132.99 feet, to the point of beginning, more generally described as being located west of Prestwick Road.

**Staff recommended that the Request to Rezone property from General Agriculture District to Low Density Residential District be approved.**

---END OF CONSENT CALENDAR---

\*3. No. 17PD017 - Madison's Subdivision

A request by Muth Holdings LLC to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Lot 3 of Madison's Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue between Auburn Drive and Cobalt Drive.

Lacock presented the application noting that this Planned Development is being requested due to the construction of multiple primary structures rather than a single large building, which would have been allowed by obtaining a building permit. Lacock reviewed the associated slides noting that there are no Exceptions being requested. Lacock presented staff's recommendation that the Planned Development be approved with the stipulations outlined in the Project Report.

Curtis Prevost, 5015 Haines Avenue, spoke to his concerns that the drainage on the property be properly addressed to ensure that his property is not adversely affected. Prevost spoke to his concerns to the inclusion of this type of multi-family housing in what he considers a single-family based area.

In response to questions from Herr on the drainage issue, Fisher clarified that as part of the requirement for the building permit the drainage must be addressed. Fisher also clarified that this property has always been intended to be Medium Density Residential.

Charlene Rodriguez, 4844 Chalkstone Drive, spoke to her concerns on how she feels the construction of the apartment buildings will create a negative impact on her property saying how hard she and her family have worked to be able to purchase their single-family home after years of living in apartments.

Jonathan Mack, 4910 Chalkstone Drive, spoke to his concerns regarding the medium density structures within the area of single-family homes. He discussed the drainage issues of the property noting that there have been issues in the past and worries that this may create additional issues, the lack of privacy that will be created by the 3-story buildings, and the speed of the road to the east is too high and he hopes this is taken in to consideration.

In response to a question regarding a privacy fence between the subject property and adjacent residences, Lacock confirmed that there are no plans for a privacy fence and that one is not required.

Bulman stated that she has concerns regarding the height of the proposed buildings.

Caesar said that she understands the concerns but that she would rather have the four individual structures than the mass of a single structure.

**Hoogestraat moved, Caesar seconded to approve the Final Planned Development Overlay to allow an apartment complex with the following stipulations:**

- 1. Upon submittal of a Building Permit, the applicant shall address red-lined comments and return the plans to Community Planning and Development Services;**
- 2. Upon submittal of a Building Permit, a complete Drainage Report shall be submitted for review and approval;**
- 3. Prior to issuance of a Building Permit, construction plans for water and sewer mains in Haines Avenue shall be submitted and approved by the City;**
- 4. Prior to issuance of a Certificate of Occupancy, the water and sewer mains shall be constructed and accepted by the City;**
- 5. Upon submittal of a Sign Permit, a complete sign package shall be submitted for review and approval which includes dimension, materials, and lighting. In addition, all signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development Overlay. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,**
- 6. The Final Planned Development Overlay shall allow for a 48 unit apartment complex and four detached garages. Permitted uses within the Medium Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (5 to 4 with Braun, Caesar, Hoogestraat, Quasney and Schmidt voting yes and Bulman, Golliher, Herr and Sullivan 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.***

**---BEGINNING OF REGULAR AGENDA ITEMS---**

- \*6. No. 17UR010 - Original Town of Rapid City  
A request by Sheree Schriver DBA Jambonz Deaux (2) to consider an application for a **Conditional Use Permit for an on-sale liquor establishment in conjunction with a full service restaurant** for Lots 17 and 18 and the north 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 516 7th Street.

Fisher presented the application and reviewed associated slides. Fisher stated

that this is located in the downtown area where these uses are encouraged noting that the Conditional Use is specific to that section of the property that is also the location of the restaurant. Fisher clarified that the applicant is aware that in order to operate a sidewalk café like those currently offered by the neighboring establishment they would have to submit a Sidewalk Café Application and that this is an administrative application and will not have to come before the Planning Commission for review and approval. Fisher noted that this is a second location for the applicant in addition to the restaurant that they operate in Sturgis. Staff has received numerous call of inquiry but has not had any opposition and as such staff recommends that the Conditional Use Permit for an on-sale liquor establishment in conjunction with a full service restaurant be approved with stipulations outlined in the Project Report.

**Bulman moved, Schmidt seconded and unanimously carried to approve the requested Conditional Use Permit with the following stipulation:**

- 1. Prior to issuance of any future building permits, an 11.1 Historic Review shall be completed.**
- 2. The requested Conditional Use Permit shall allow an on-sale liquor establishment to be operated in conjunction with a restaurant. Any change in use which expands the sale and service of alcohol shall require a Major Amendment to the Conditional Use Permit. Uses permitted in the Central Business District shall be permitted. All conditional uses in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Schmidt and Sullivan 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.***

\*7. No. 17UR011 - Radio Towers Subdivision

A request by Victoria Blankenshkp for Restored Life Outreach Church to consider an application for a **Conditional Use Permit to allow a child care center** for Lot 6 and the unplatted portion of Block 9 less Lot H1 of Block 9 of Radio Towers Subdivision, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, more generally described as being located at 1601 Cambell Street.

Lacock presented the application and reviewed the associated slides. Lacock noted that staff's initial concern with the location of the child care in a commercial structure along a high traffic street is reduced by the association of the childcare with the church located in the commercial structure. Additionally, the location of the play area to the west of the property being along residential properties and that this is providing services for underprivileged families helped alleviate staff's concerns. Lacock presented staff recommendation that the application

Conditional Use Permit to allow a child care center be approved with the stipulations as outlined in the Project Report.

Victoria Blankenship, 1601 Cambell Street, owner, in response to questions from Darla Drew stated that the child care will be open 24 hours and that the play area will be covered with shredded tire material commonly used in playgrounds. Blankenship noted that the access for the play area will require traversing a short distance along a sidewalk and as the access is used for pick up and drop off will not allow the area to be fenced.

Quasney suggested an additional stipulation that the applicant work with staff to provide a safety element such as a railing be installed between the parking area and the section of sidewalk to be used to access the play area.

**Caesar moved, Quasney seconded and unanimously carried to approve the requested Conditional Use Permit to allow a childcare center with the following stipulations:**

- 1. Prior to issuance of a certificate of completion or initiation of the use, three ADA accessible parking spaces shall be provided with one being van accessible;**
- 2. Prior to issuance of a certificate of completion or initiation of the use, the applicant shall coordinate with the Rapid City Fire Department to install a fire sprinkler protection system and associated alarms. All requirements of the International Fire Code shall be met;**
- 3. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;**
- 4. The proposed child care center shall operate in compliance with the submitted operations plan and all approved plans. Changes in the operator of this facility shall require a Major Amendment to the Conditional Use Permit; and,**
- 5. Prior to issuance of a Certificate of Completion or initiation of the use, safety poles shall be in place to separate the access to the play area and the parking lot as approved by staff;**
- 6. This Conditional Use Permit shall allow for the operation of a child care center on the property. All requirements of the General Commercial District and all requirements for a child care center shall be continually maintained. All uses permitted in the General Commercial District shall be permitted contingent upon provision of sufficient parking and an approved Building Permit. All conditional uses in the General Commercial District shall require a Major Amendment to the Conditional Use Permit. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Quasney, Schmidt and Sullivan 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.***

1. Discussion Items

Drew spoke to the length of the current meetings and suggested that the Planning Commission consider implementing measures to reduce the meeting time.

1. Staff Items

None

1. Planning Commission Items

None

**There being no further business, Sullivan moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:02 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliver, Herr, Hoogestraat, Quasney, Schmidt and Sullivan voting yes and none voting no)**