

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
July 6, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Mike Golliher, Curt Huus, Mike Quasney, Kimberly Schmidt and Gerald Sullivan. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Rachel Caesar, John Herr, Galen Hoogestraat, Steve Rolinger

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

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

1. Approval of the June 22, 2017 Zoning Board of Adjustment Minutes.

Bulman moved, Golliher seconded to approve the June 22, 2017 Zoning Board of Adjustment Minutes.

2. No. 17VA007 - Red Rock Estates

A request by Fisk Land Surveying and Consulting Engineers, Inc for Mark and Kelli Jobman to consider an application for a **Variance to reduce the side building setback from 8' to 5'2" for proposed garage** for Lot 15 of Block 22 of Red Rock Estates, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6517 Bandon Lane.

Lacock said that the applicant has requested that the Variance be continued to the July 27, 2017 Zoning Board of Adjustment meeting.

Bulman moved, Quasney seconded and unanimously carried to continue the Variance to reduce the side building setback from 8' to 5'2" for proposed garage be continued to the July 27, 2017 Zoning Board of Adjustment meeting. (7 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

3. No. 17VA008 - Robbinsdale Addition No. 7

A request by Natalie Knudtson to consider an application for a **Variance to reduce the minimum required side yard setback** for Lot 13 (also in Section 12) of Block 4 of Robbinsdale Addition No. 7, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3407 E. Anaconda Road.

Lacock presented the application and reviewed the associated slides. Lacock noted that the existing garage is currently unattached and has a 4 foot side yard setback and the request to attach the garage to the house via a breezeway and complete the upper floor as dwelling space would require a 12 foot setback. Lacock stated that as the existing garage is non-conforming and that there is

reasonable use of the property without the granting of the variance, staff recommends that the Variance Request be denied.

Natalie Knudtson, 3407 E. Anaconda Road, stated that currently the upper floor of the garage is usable only as storage and she is hoping to use the space as additional rooms for guests. Knudtson says she hates to see the space wasted.

In response to a question from Huus whether there was a previous Variance to allow the existing setback violation, Lacock stated that review of records does not show one. Fisher further clarified that the existing discrepancy for the detached structure is less than that for an attached extension of the dwelling.

Bulman stated that she believes that there is reasonable use of the property currently and that it could be utilized without the proposed breezeway.

Discussion followed regarding the types of uses and the completion of the space noting that the space could not be used as a second dwelling or for commercial uses such as a rental.

Bulman moved, Quasney seconded to approve the Variance to allow a 4 feet side yard setback in lieu of the required 5 feet side yard setback for a separate structure with stipulation identified by staff and specifying that the removal of a foot or more of the structure would create a hardship.

Behlings requested that an additional stipulation be added to require that the structure be fire sprinkler protected.

Bulman moved, Quasney seconded to approve the Variance to allow a 4 feet side yard setback in lieu of the required 5 feet side yard setback for a detached structure with the following stipulations, citing that the removal of a foot or more of the property would create a hardship.

1. That the second floor of the garage shall not be converted into a second dwelling or used for commercial purposes, and
2. That the structure shall be fire sprinkler protected. (6 to 1 with Braun, Bulman, Gollither, Huus, Quasney and Schmidt voting yes and Sullivan voting no)

4. Discussion Items -None
5. Staff Items - None
6. Zoning Board of Adjustment Items - None

There being no further business, Schmidt moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:17 a.m. (7 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney, Rolinger, Schmidt and Sullivan voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 6, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Mike Gollhofer, Curt Huus, Mike Quasney, Kimberly Schmidt and Gerald Sullivan. Darla Drew, Council Liaison was also present.

MEMBERS ABSENT: Racheal Caesar, John Herr, Galen Hoogestraat and Steve Rolinger

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

Braun called the meeting to order at 7:17 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 Items 2 be removed from the Consent Agenda for separate consideration.

Motion by Schmidt seconded by Gollhofer and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 8 in accordance with the staff recommendations with the exception of Items 2. (7 to 0 with Braun, Bulman, Gollhofer, Huus, Quasney, Schmidt and Sullivan voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 22, 2017 Planning Commission Meeting Minutes.

*3. No. 17PD030 - Prairie Meadows Subdivision

A request by Sperlich Consulting, Inc for Freeland Meadows, LLC to consider an application for a **Final Planned Development Overlay to allow a residential development** for Lots 32 through 34 of Block 1, Lots 3 through 18 of Block 3 and Lots 16 through 26 of Block 4 of Prairie Meadows Subdivision and dedicated right-of-way in Government Lot 4 of Section 18, T2N, R8E and dedicated right-of-way in the SE1/4 of the SW1/4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 of Section 18, T2N, R8E, BHM and a portion of the SE1/4 of the SW1/4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of East Country Road and West Nike Road.

Planning Commission approved the Final Planned Development Overlay to allow a residential development with the following stipulation(s):

- 1. The Final Planned Development Overlay shall allow for a single-family residential development. Permitted uses within the underlying zoning 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.

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.

4. No. 17PL061 - Rushmore Regional Industrial Park

A request by Fisk Land Surveying and Consulting Engineers, Inc for Spell Revocable Trust to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 4A And 4B of Block 4 of Rushmore Regional Industrial Park, legally described as Lot 4 of Block 4 of Rushmore Regional Industrial Park, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3600 Jet Drive.

Planning Commission approved the Preliminary Subdivision Plan with the following stipulation:

1. A Final Plat shall be submitted for review and approval.

5. No. 17PL065 - Pine View Terrace

A request by Fisk Land Surveying and Consulting Engineers, Inc for Andrew J. Severson to consider an application for a **Preliminary Subdivision Plan** for Lots 1, 2 and 3 of Pine View Terrace, legally described as Tract 2 and Tract 4 Less lot H1 of Pine View Terrace, located in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Park Drive.

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

1. Upon submittal of a Final Plat application, additional right-of-way shall be dedicated as needed along Park Drive to provide one-half of the minimum required 68 foot wide right-of-way from the property or an Exception shall be obtained. If the Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;

2. Upon submittal of a Final Plat application, the plat document shall be revised to show the dedication of all necessary easements including drainage easements, shared access easements and utility easements; and,

3. Upon submittal of a Final Plat application, the property owner shall pay an assessment as provided in the agreement between Andrew J. Severson and Jane Cary and the City of Rapid City dated August 9, 1993 or as provided in any subsequent agreement between the property owner and the City.

*6. No. 17PD032 - Eastbrooke Subdivision

A request by KTM Design Solutions, Inc for Mollers Limited Partnership to consider an application for a **Revocation of a Planned Development** for Lot 3 of the Eastbrooke Subdivision, all located in Sections 31 and 6 T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest Corner of Lot 3 of the Eastbrooke Subdivision, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the point of beginning; Thence first course: S89°30'42"E, a distance of 442.19 feet; Thence second course: S00°00'34"E, a distance of 532.45 feet; Thence third course: S89°58'28"W, a distance of 450.71 feet; Thence fourth course: N00°02'43"E, a distance of 59.72 feet; Thence fifth course: N00°02'43"W, a distance of 313.40 feet, to the point of beginning, more generally described as being located northwest of the intersection of E. Omaha Street and Lacrosse Street.

Planning Commission approved the request to revoke the Planned Development on the property in conjunction with the associated Rezoning.

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. 17RZ022 - Eastbrooke Subdivision

A request by KTM Design Solutions, Inc for Mollers Limited Partnership to consider an application for a **Rezoning from General Commercial District to Office Commercial District** for Lot 3 of the Eastbrooke Subdivision, all located in Sections 31 and 6, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest Corner of Lot 3 of the Eastbrooke Subdivision, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the point of beginning; Thence first course: S89°32'47.87"E, a distance of 439.477 feet; Thence second course: S00°03'22.48"E, a distance of 248.081 feet; Thence third course: N89°30'41.05"W, a distance of 256.639 feet; Thence fourth course: N89°39'41.05"W, a distance of 183.049 feet; Thence fifth course: N00°00'29.36"W, a distance of 247.809 feet, to the point of beginning, more generally described as being located northwest of the intersection of E. Omaha Street and Lacrosse Street.

Planning Commission approved rezoning request from General Commercial District to Office Commercial District.

*8. No. 17UR012 - Rapid City Greenway Tract

A request by Shawn Powers for Children's Miracle Network to consider an application for a **Conditional Use Permit to allow structures in Flood Hazard District** for Tract 20 less Lot H1 of Rapid City Greenway Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 North 5th Street.

Planning Commission approved the Conditional Use Permit to allow

structures in the Flood Hazard District in conjunction with an event with the following stipulation(s):

1. A Temporary Use Permit shall be obtained;
2. A Floodplain Development Permit shall be obtained;
3. A Special Event Permit shall be obtained; and,
4. The Conditional Use Permit shall allow structures in the Flood Hazard District in conjunction with a special event. Changes to, or expansion of, the proposed special event shall require an amendment to the Conditional Use Permit. A Minimal Amendment shall be required on a yearly basis to ensure compliance with the Zoning Ordinance.

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.

---END OF CONSENT CALENDAR---

2. No. 17PL040 - South Terrace Subdivision

A request by KTM Design Solutions, Inc for Catron Blvd Investors, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A thru D, Lots 1 thru 20 of Block 2, Lots 1 thru 15 of Block 3, Lots 1 thru 20 of Block 4, Lots 1 thru 20 of Block 5, Lots 1 thru 37 of Block 6 , Lots 1 thru 9 of Block 7, Lots 1 thru 5 of Block 8 and Lots 1 and 2 of Block 9 of South Terrace Subdivision, legally described as the SE1/4 of the NE1/4; the E1/2 of the SE1/4; the NE1/4 of the NE1/4; and a portion of Tract A of BFS Subdivision of Section 26, all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Catron Boulevard east of Mount Rushmore Road.

Fisher stated that the applicant has requested that the application be continued to August 10, 2017 Planning Commission Meeting and, as such, staff recommends that the application be continued at the applicants request.

Schmidt moved, Bulman seconded and unanimously carried that the Preliminary Subdivision Plan be continued to the August 10, 2017 Planning Commission Meeting. (7 to 0 with Braun, Bulman, Gollhofer, Huus, Quasney, Schmidt and Sullivan voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*9. No. 17PD029 - Gateway Business Park Subdivision

A request by Kerry Fernholz to consider an application for a **Major Amendment to a Planned Development to expand an on-sale liquor establishment to include an outdoor patio** for Lot 3 of Block 1 of Gateway Business Park Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3313 E. Mall Drive.

Lacock presented the application and reviewed the associated slides. Lacock stated that the applicant is seeking to utilize a portion of the parking lot to increase the patio area for outside events noting that the events will be completed by 10:00 pm to minimize noise associated with the event.

In response to a question from Drew regarding the use of cattle guard section as a barrier to separate and control the area, Fisher stated that it does meet the requirements and exceed, what many facilities currently use.

Discussion on the exit of the building and expanded patio area followed in the case of a fire within the building.

Talbot Wieczorek of Gunderson Palmer, attorney for the applicant, noted that the panels are not permanent structures and are designed to come apart. He also noted that if a fence or gate was placed in the barrier it would require stationed security. He clarified that the extension would have access to the exits currently available on the patio and does not require patrons to reenter the building.

Behlings stated that the Fire Department would support a gate but does not require a gate be installed.

Golliher moved, Huus seconded and unanimously carried to approve the Major Amendment to the Planned Development to expand an on-sale liquor establishment to include an outdoor patio with the following stipulation(s):

- 1. 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 Major Amendment to a Planned Development. 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,**
- 2. The Major Amendment to a Planned Development shall allow for the expansion of the on-sale liquor establishment use in conjunction with a restaurant to include an outdoor patio area. The proposed outdoor patio shall be operated in compliance with the submitted operations plan. Any expansion to the on-sale use shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use in the General Commercial District and incompliance with the parking ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 with Braun, Bulman, Golliher, Huus, 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.

10. Discussion Items
None
11. Staff Items
None
12. Planning Commission Items
None

There being no further business, Schmidt moved, Quansney seconded and unanimously carried to adjourn the meeting at 7:38 a.m. (7 to 0 with Braun, Bulman, Gollher, Huus, Quasney, Schmidt and Sullivan voting yes and none voting no)