

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
July 27, 2017

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

MEMBERS ABSENT: None

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

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

1. Approval of July 6, 2017 Zoning Board of Adjustment Meeting Minutes

**Bulman moved Rolinger seconded and unanimously carried to approve. (9 to 0 with Braun, Bulman, Gollhofer, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)**

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.

Fisher presented the applicant's request to continue the Variance to reduce the side building setback from 8' to 5'2" for proposed garage to the August 10, 2017 Zoning Board of Adjustment meeting.

**Rolinger moved, Hoogestraat seconded and unanimously carried to continue the Variance to reduce the side building setback from 8' to 5'2" for proposed garage to the August 10, 2017 Zoning Board of Adjustment meeting at the applicants request. (9 to 0 with Braun, Bulman, Gollhofer, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)**

3. Discussion Items

None

4. Staff Items

None

5. Zoning Board of Adjustment Items

None

**There being no further business, Rolinger moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:02 a.m. (9 to 0 with Braun, Bulman, Golliher, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
July 27, 2017

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliver, John Herr, Galen Hoogestraat, Curt Huus, Mike Quasney, Steve Rolinger, Kimberly Schmidt and Gerald Sullivan. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: None

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

Braun called the meeting to order at 7:00 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 Rolinger seconded by Hoogestraat and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 3 in accordance with the staff recommendations with the exception of Items 2. (9 to 0 with Braun, Bulman, Golliver, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)**

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

1. Approval of the July 6, 2017 Planning Commission Meeting Minutes.

\*3. No. 17PD037 - Lakota Subdivision #1

A request by Anne Reddel for Rural American Initiatives to consider an application for a **Major Amendment to a Planned Development to allow a child care center** for Tract A and Tract B of Block 3 of Lakota Subdivision #1, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2430 Gnugnuska Drive.

**Staff recommends that the Major Amendment to a Planned Development to allow a childcare center be approved with the following stipulations:**

- 1. Prior to initiation of the use, the applicant shall coordinate with the Rapid City Fire Department to install a fire sprinkler protection system;**
- 2. 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,
3. **The Major Amendment to a Planned Development shall allow a child care center in the Low Density Residential District. Permitted uses within the Low 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. Any expansion of the childcare center shall be in compliance with Chapter 17.54.030 of the Rapid City Municipal Code.**

***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. 17PD034 - Elks Country Estates

A request by Les and Mary Stadel to consider an application for a **Major Amendment to a Planned Development to allow an oversized garage** for Lot 2C of Block 5 of Elks Country Estates, located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4051 Jolly Lane.

Lacock reviewed the application and associated slides noting that staff has fielded numerous inquiries regarding concerns that there would be a commercial use on the property. Lacock stated that the applicant has been informed that the property is not to be used for commercial use or as a secondary residence and is included in the stipulations of approval.

In response to a question from Herr, Lacock stated that the property is not included under the covenants of Elks Country Estates but did indicate that the applicant is proposing to comply with those covenants as much as possible.

Gary Stewart, 3754 Daly Court, addressed his concerns regarding this request asking that the applicants confirm that there will be no commercial use associated with this property.

In response to question from Bulman, Les Stadel, stated that he intends to use the garage to allow him to contain his hobby of restoring vehicles, but would not be using it for commercial uses.

In response to a question from Huus regarding potentially reducing the size of the garage, Stadel said they could but it would require an entire rework of the plans and designs.

**Hoogestraat moved, Rolinger seconded to approve the Major Amendment to a Planned Development to allow an oversized garage with the following**

**stipulations:**

1. **An Exception is hereby granted to allow an oversized garage of 1,596 square feet in lieu of the maximum 1,500 square feet;**
2. **Upon submittal of a Building Permit, the site plan shall be revised to remove the north driveway approach and the non-access easement shall be shown on the plans to ensure that the south approach does not encroach into the easement, or an Exception shall be obtained from the Infrastructure Design Criteria Manual and the non-access easement shall be vacated; and,**
3. **The Major Amendment to a Planned Development shall allow an oversized garage. The proposed structure shall not be used for commercial purposes or as a second residence. In addition, the garage shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District II shall require a Building Permit. Any change in use that is a Conditional Use in the Low Density Residential District II shall require the review and approval of a Major Amendment to the Planned Development. (8 to 1 with Braun, Bulman, Gollither, Herr, Hoogestraat, Rolinger, Schmidt and Sullivan voting yes and Huus 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---**

- \*4. No. 17PD026 - Vista Ridge Subdivision  
A request by Nathan Jackson to consider an application for a **Final Planned Development Overlay to construct a drive-in restaurant with Exceptions** for Lot 1 of Vista Ridge Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 502 Century Road.

Lacock presented the application and reviewed the associated slides. Lacock reviewed the requests for Exceptions to reduce the minimum required side yard setback that abuts East North Street from 25 feet to 6 feet and to reduce the minimum required front yard setback from Century Road from 25 feet to 19 feet for the proposed canopy. Lacock reviewed that the open design of the canopy would retain clear site lines and staff recommends granting the Exceptions and that the Final Planned Development Overlay to construct a drive-in restaurant with Exceptions be approved with stipulations. Lacock did request that the stipulations be revised to address that the Exceptions be specific to the canopy.

**Rolinger moved, Bulman seconded and unanimously carried to approve that the Final Planned Development Overlay to construct a drive-in**

restaurant with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required front yard setback from 25 feet to 19 feet from Century Road to allow the construction of a canopy;
2. An Exception is hereby granted to reduce the minimum required side yard setback that abuts a street from 25 feet to 6 feet from East North Street to allow the construction of a canopy;
3. Prior to issuance of a Certificate of Occupancy, an executed and recorded access maintenance agreement for the shared access from Century Road must be submitted for review and approval
4. 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,
5. The Final Planned Development Overlay shall allow for drive-in restaurant. 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. (9 to 0 with Braun, Bulman, Golliher, Herr, Hoogestraat, Huus, Rolinger, 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.*

\*5. No. 17UR013 - Feigels Addition

A request by Kennedy Design Group Inc for Tom O'Meara of United Food Partnership to consider an application for a **Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino** for Lot 19 thru 23, Lot 24 less Lot D, the S1/2 of vacated alley adjacent to said Lots 19 thru 24 of Block 5 of Feigels Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 720 East North Street, Suite 110.

Lacock presented the application and reviewed the associated slides. Lacock noted that no structural changes are proposed for the property that the applicant is solely expanding the use into the suite previously leased to another business. Lacock noted that staff had received a single call in opposition but based on the fact that this is an existing use on the property within an established commercial corridor, staff is recommending that the Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino be approved with

stipulations. Lacock proposed to amend the stipulation to specify the expansion of an on-sale "liquor" establishment as it currently says to allow an on-sale establishment.

**Rolinger moved, Hoogestraat seconded and unanimously carried that the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino be approved with the following stipulation:**

- 1. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a casino for the applicant. Any expansion to the on-sale use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District in compliance 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 Conditional Use Permit. (9 to 0 with Braun, Bulman, Gollhofer, Herr, Hoogestraat, Huus, Rolinger, 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.***

6. Discussion Items  
None

7. Staff Items  
None

8. Planning Commission Items  
Braun welcomed John Roberts to the position of Council Liaison to the Zoning Board of Adjustment and Planning Commission.

**There being no further business, Schmidt moved, Hoogestraat seconded and unanimously carried to adjourn the meeting at 7:26 a.m. (9 to 0 with Braun, Bulman, Gollhofer, Herr, Hoogestraat, Huus, Rolinger, Schmidt and Sullivan voting yes and none voting no)**