

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 9, 2020

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Eirik Heikes, Eric Ottenbacher, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: John Herr, Mike Quasney. No Council Liaison was present.

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

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

Braun welcomed Kelly Arguello back as the Ward 5 representative and welcomed Haven Stuck to the Planning Commission as the newly appointed 3 Mile representative.

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 Bulman seconded by Gollhofer and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 2 in accordance with the staff recommendations. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Ottenbacher, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 25, 2020 Planning Commission Meeting Minutes.

*2. No. 20UR011 - Original Town of Rapid City

A request by ARC International for Rimrock Church to consider an application for a **Conditional Use Permit to allow a church in the Central Business District** for Lot 26 thru 27 of Block 85 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 514 and 518 St. Joseph Street.

Planning Commission approved the Conditional Use Permit to allow a church with the following stipulation(s):

1. **Prior to issuance of a Sign Permit or Building Permit, Historic review and approval shall be obtained for any proposed signage or exterior structural alteration to the building;**
2. **All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Major Amendment to the Conditional Use Permit. Any electronic reader board signs shall require**

the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,

3. The Conditional Use Permit shall allow for a church in the Central Business District. The proposed church shall operate in compliance with the submitted operations plan. Any expansion of the church shall require a Major Amendment to the Conditional Use Permit. All permitted uses in the Central Business District shall require review and approval of a Building Permit. Any change in use that is a Conditional Use in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *3. No. 20PD023 - Meridian Subdivision
A request by Great Western Corral, LLL dba Golden Corral to consider an application for a **Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant** for Lot B of Lot 5R of Meridian Subdivision, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1180 North Lacrosse Street.

Fisher presented the application and reviewed the associated slides stating that no structural changes are being requested and that the location supports the requested use. Fisher explained that the alcoholic beverage would be served to in customers by staff members 21 years of age or older and that it would not be self-serve. Fisher said staff's recommendation is to approve the Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant with the stipulations outlined in the Project Report.

Heikes moved, Vidal seconded and the Planning Commission approved the Major Amendment to the Planned Development Overlay to allow on-sale liquor use in conjunction with a restaurant with the following stipulations:

1. Upon submittal of a Building Permit, the site plan shall be revised to show a minimum of 5 ADA parking spaces in the parking area, with a minimum of one ADA space being "Van Accessible";
2. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay.

- All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,
3. The Major Amendment to the Planned Development Overlay shall allow for on-sale liquor use in conjunction with a restaurant operated in compliance with the applicant's operational plan. Any change in use or expansion of use that is permitted in the General Commercial District shall require the review and approval of a Minimal Amendment to the Planned Development Overlay. Any change in use or expansion of use that is a conditional use in the General Commercial District shall require review and approval of a Major Amendment to the Final Planned Development Overlay. (8 to 1 with Arguello, Braun, Bulman, Caesar, Gollhofer, Heikes, Stuck and Vidal voting yes and Ottenbacher voting no)

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- *4. No. 20PD024 - Fifth Street Office Plaza Subdivision
A request by Kennedy Design Group, Inc for J.M. Kingsbury Family Brewing Co. to consider an application for a **Major Amendment to a Planned Development Overlay to allow a micro-brewery and an on-sale liquor establishment** for Lot 2 of Block 2 of Fifth Street Office Plaza Subdivision, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 4905 5th Street, Suite 103.

Lacock presented the application and reviewed the associated slides noting the adjacent properties are currently not developed, but noting that the zoning and Future Land Use in the area allow for commercial and on-sale uses. Lacock stated that there is a proposed drive-through window to allow for the sale of off-sale liquor. Lacock stated that staff supports the request and recommends approval of the **Major Amendment to a Planned Development Overlay to allow a micro-brewery and an on-sale liquor establishment** with the stipulations outlined in the Project Report.

In response to a question from Bulman regarding the patio area, Lacock clarified that access to the patio area would be taken from inside the building with the area being enclosed by a fence.

Bulman moved, Caesar seconded and the Planning Commission approved the Major Amendment to a Planned Development Overlay with the following stipulations:

1. Prior to submittal of a building permit application, the owner shall contact City Water Reclamation Division for pretreatment and sewer discharge industrial monitoring requirements. In addition, utility or plumbing plans shall be provided to Public Works if additional

- infrastructure is required for compliance;
2. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,
 3. The Major Amendment to a Planned Development shall allow a micro-brewery and an associated on-sale liquor establishment with a fenced outdoor patio area. No on-sale liquor sales shall be allowed from the drive-through. All requirements of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Major Amendment to a Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (8 to 1 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Stuck and Vidal voting yes and Ottenbacher voting no)

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*5. No. 20UR012 - Feigel Subdivision No. 3

A request by Decory's Entertainment Company to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an entertainment center** for Lot 6 of Feigel Subdivision No. 3, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 937 E. North Street.

Lacock presented the application and reviewed the associated slides identifying that the entertainment center will be on the west end of the property. Lacock said that the entertainment center will include a restaurant with seating, escape rooms, archery tag and axe throwing. The applicant has provided an operation plan noting that the axe throwing area would be separated by fencing and monitored by employees. Lacock noted that the numerous uses in the entertainment center will be in separated areas and reviewed the proposed layout. Lacock additionally stated that any additional change of use for the Planned Development will require that the landscaping for this lot of the development be brought into compliance. Staff is recommending approval Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an entertainment center with the stipulations

outlined in the Project Report.

Arguello asked if there will be any age restrictions on the axe throwing and how they plan to manage the sale of alcoholic beverages.

Adonis Saltes, Decory's Entertainment, stated that the axe throwing would be located in an area separated by fencing and will be monitored by staff. He stated that there will not be an age limit as the center is geared towards family fun. Saltes said that wrist bands will be used to identify and monitor those consuming alcohol and that the sale of alcohol will be limited to the restaurant and the axe throwing pit.

In response to questions from Bulman about exactly what archery tag is, Saltes explained that it is a new attraction where participants use bows with padded arrows in an obstacle course, which allows the participants to play tag, much like paint ball.

In response to Vidal's questions on how long Decory's Entertainment have been in this type of business, Saltes reviewed their other business operations including a similar center in Pine Ridge and haunted house that was in the Rushmore Mall.

In response to Caesar's question on the running and operation of the haunted house, Saltes said they employ approximately 30 people with a core staff of around 6 and that they have not had any accidents or safety issues. Caesar commented that she was impressed with the haunted house and she believes it is important to have more inside activities in the city especially during the winter months.

In response to a question from Ottenbacher on how the monitoring for the axe throwing pit will be done, Saltes clarified that there will be at least two employees monitoring the pit at all times, that wrist bands will be used to help limit drinks both for those going from the restaurant to the axe pit and for those there solely to use the axe pit. Staff will maintain strict protocol with the handling of the axes and that their use will be contained only to the pit area.

Golliher moved, Caesar seconded and the Planning Commission approved the Conditional Use Permit with the following stipulation(s):

- 1. Any future change in use on the property shall require that the landscaping be brought into compliance with Chapter 17.50.300 of the Rapid City Municipal Code as proposed in the submitted master plan;**
- 2. 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;**
- 3. The proposed on-sale liquor establishment in conjunction with an entertainment 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,**
- 4. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with an entertainment center. Any expansion of the use**

shall require a Major Amendment to the Conditional Use Permit. Permitted uses within the General Commercial 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 Conditional Use Permit. (8 to 1 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Stuck and Vidal voting yes and Ottenbacher voting no)

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*6. No. 20UR013 - Manor House Subdivision

A request by Kent Bradley to consider an application for a **Conditional Use Permit to allow a micro-brewery in the Light Industrial District** for Lot 2 of Manor House Subdivision, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 635 Creek Drive, Unit C.

Lacock presented the application and reviewed the associated slides. Lacock stated the proposed plan is to operate a 1,200 square foot micro-brewery for local distribution. Lacock noted that the occupancy is less than a 20 percent change in use and will therefore not require any landscaping, parking or paving improvements. Lacock noted they will have an area for retail sale for items as shirts, hats and off-sale product with sampling, but that they will not have on-sale. Lacock noted that staff had received one call from an area property owner but that their main concern was regarding potential road improvement. Lacock said that staff recommends approval of the Conditional Use Permit to allow a micro-brewery in the Light Industrial District with the stipulations outlined in the Project Report.

In response to a question from Braun about off-sale, Lacock confirmed that they will have off-sale and that is part of their State Micro Brewery License.

Golliher moved, Vidal seconded and the Planning Commission approved the Conditional Use Permit to allow a micro-brewery with the following stipulation(s):

- 1. Prior to submittal of a building permit application, the owner shall contact City Water Reclamation Division for pretreatment and sewer discharge industrial monitoring requirements. In addition, utility or plumbing plans shall be provided to Public Works if additional infrastructure is required for compliance;**
- 2. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Conditional Use Permit. The inclusion of any LED message centers shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign; and,**
- 3. The Conditional Use Permit shall allow a micro-brewery. No on-sale liquor establishment or restaurant is permitted. The applicant shall be in**

compliance with the operations plan at all times. Any expansion to the micro-brewery shall require an Amendment to the Conditional Use Permit pursuant to Chapter 17.54.030 of the Rapid City Municipal Code. Any change in use that is a permitted use in the Light Industrial District shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Light Industrial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Ottenbacher, Stuck and Vidal voting yes and none voting no)

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6. Discussion Items

7. Staff Items

Fisher welcomed the new Commissions and stated that staff would be presenting a Planning training and an Ex Parte Communications training in the near future.

8. Planning Commission Items

There being no further business, Caesar moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:30 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Ottenbacher, Stuck and Vidal voting yes and none voting no)