

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 8, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Eirik Heikes, John Herr, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: None

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Sarah Hanzel, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:38 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 Bulman, seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Item 1 in accordance with the staff recommendations. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 24, 2021 Planning Commission Meeting Minutes.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *2. No. 21PD022 - Stoney Creek South Subdivision

A request by Buell Consulting, Inc for Verizon Wireless to consider an application for a **Major Amendment to a Planned Development Overlay to allow a cellular communication tower** for Lot 4 of Block 3 of Stoney Creek South Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 5615 Nugget Gulch Road.

Fisher stated that the applicant submitted a withdrawal of the Major Amendment to a Planned Development Overlay to allow a cellular communication tower, but since the item had been continued at the June 10, 2021 Planning Commission Meeting, it had to be included on the agenda. Fisher noted that as the item has been withdrawn no comments other than acknowledging the withdrawal can be accepted and requests that Planning Commission acknowledge the withdrawal.

Vidal moved, Caesar seconded and the Planning Commission acknowledged the applicant's withdrawal of the Major Amendment to a Planned Development Overlay to allow a cellular communication tower. 9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney, Stuck and Vidal

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 Development by close of business on the seventh full calendar day following action by the Planning Commission.

*3. No. 21UR009 - Big Sky Business Park

A request by Kennedy Design Group, Inc for Wyngard Pot-O-Gold Casino Inc. to consider an application for a **Conditional Use Permit to allow on-sale liquor establishment in conjunction with a casino** for Lot 1B of Block 4 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 840 Timmons Boulevard.

Bauer presented the application and reviewed the associated slides noting that a strip mall is proposed on the property with the casino being one of the tenants. Bauer stated that a Planned Development Designation was revoked in 2020. Bauer reviewed the proposed sign package and the operational plan for the casino. Bauer stated that staff recommends approval of the Conditional Use Permit to allow on-sale liquor establishment in conjunction with a casino with stipulations outlined in the Project Report.

Fisher clarified that casinos are not regulated by the municipal code, only the on-sale use which requires 500 foot separation from any residential district, church or public park and that this location meets those criteria.

In response to Braun's question on the stipulation regarding the Traffic Impact Study, Harrington stated that anything that generates 100 peak hour trips triggers a Traffic Impact Study. Harrington further explained that the casino does not trigger this; however a coffee or donut shop is identified as a business that does generate that number of trips, thus the stipulation.

Ottenbacher asked about saturation of liquor licenses, Fisher clarified the process for issuance of license and that it is based on population.

In response to a Planning Commissioner's questions regarding limit saturation and limits of liquor licenses, Nyberg stated that full or hard liquor has a set limit based on population, but beer and wine does not. Nyberg further stated there is a limit on the number of casinos is allowed, which is controlled by the City Council, but that we have not reached that number.

Harrington explained that the Population Estimate that is prepared by Long Range Planning annually allows the review the casino license numbers and that it works both for casino and liquor license management.

Fisher clarified that State law requires a liquor license in order to operate a casino, which is why these items come before the Planning Commission for review. Nyberg also clarified that the City is limited in what they can do restrict casinos.

Tim Wald, 6502 Seminole Lane, stated he owns and operates a Black Hills Pediatric Therapy and Badlands Therapy practice and plans to build on the lot to the northeast of the proposed site and he would like to operate an outdoor play area for his clientele and spoke to his concerns with having liquor sales so close and spoke against the request.

Golliher moved, Arquello seconded and the Planning Commission approved the Conditional Use Permit to allow on-sale liquor use in conjunction with a casino with the following stipulation(s):

- 1. Prior to issuance of a building permit, the site plan shall be revised to provide one landscape island or one proposed parking space shall be removed eliminating the requirement to provide a landscape island, or a Variance shall be obtained to waive the requirement to provide a landscape island with 50 parking spaces;**
- 2. Prior to issuance of a Building Permit, all redline comments shall be addressed;**
- 3. Any future signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit;**
- 4. The addition of a donut shop to the strip mall shall require a Traffic Impact Study to be submitted for review and approval upon submittal of a building permit for the use; and;**
- 5. The Conditional Use Permit shall allow on-sale liquor in conjunction with a casino, as per the applicant's operational plan. Any expansion or change in the proposed on-sale liquor 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 shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 1 with Arquello, Braun, Bulman, Caesar, Golliher, Herr, Stuck, and Vidal voting yes and Quasney voting no)**

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*4. No. 21UR010 - Section 6, T1N, R8E

A request by Central States Fair, Inc. to consider an application for a **Major Amendment to a Conditional Use Permit to revise an existing LED sign** for the SW1/4 of the NE1/4 and the west 10 acres of the SE1/4 of the NE1/4, the north 1080 feet and east 30 acres of the SE1/4 of the NE1/4, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street between San Francisco Street and Centre Street.

Hanzel stated that the applicant has withdrawn the application.

Bulman moved, Caesar seconded and the Planning Commission acknowledged to the applicants withdrawal of Major Amendment to a Conditional Use Permit to revise an existing LED sign. (9 to 0 to 1 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Ottenbacher, Quasney and Vidal voting yes and none voting no and Stuck abstaining)

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5. Discussion Items

Fisher presented an update on the Coffee with Planners stating that she is anticipating to see updates to the Landscaping Ordinance and an Ordinance on Medical Cannabis in the near future.

Behlings introduced a new member of the Fire and Life Safety Team of the Rapid City Fire Department, Chip Remus from Watertown, who will be the Chief Deputy Fire Marshall.

Harrington noted that the State Transportation Improvement Program Public Meeting will be held at the Ramkota, July 15th at 7:00 p.m. hosted by the SDDOT where they will present their proposed projects for the next 4 to 5 years and he encourages everyone to attend.

6. Staff Items

None

7. Planning Commission Items

None

There being no further business, Vidal moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:59 a.m. (9 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Herr, Quasney Stuck and Vidal voting yes and none voting no)