

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 21, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Rachael Caesar, Mike Gollither, Eric Ottenbacher, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Karen Bulman, Eirik Heikes, John Herr, Mike Quasney. Ron Weifenbach, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Sarah Hanzel, Chip Premus, Todd Peckosh, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:34 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 Vidal seconded by Ottenbacher and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (7 to 0 with Arguello, Braun, Caesar, Gollither, Ottenbacher, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 7, 2021 Planning Commission Meeting Minutes.
2. No. 21PL102 - Palmer Subdivision Addition No. 2
A request by KTM Design Solutions, Inc for Casey and Cristy Davis to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A and B of Palmer Subdivision No. 2, legally described as Lot 6 of Block 1 of Palmer Subdivision Addition and the NW1/4 of the SE1/4 of Section 14, T2N, R6E, all located in Section 14, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located 22540 and 22544 Palmer Road.

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

1. **Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property. In addition, a copy of the approved plan shall be submitted with the Final Plat application;**
2. **Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, a copy of the executed agreement shall be submitted with the Final Plat application;**
3. **Prior to submittal of a Final Plat application, a Covenant Agreement shall**

be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. In addition, a copy of the executed agreement shall be submitted with the Final Plat application;

4. Prior to submittal of a Final Plat application, an Approach Permit shall be filed with the Pennington County Highway Department for the existing approach on proposed Lot A. In addition, a copy of the Approach Permit shall be submitted with the Final Plat application; and,
5. Prior to submittal of a Final Plat application, the plat document shall be revised to show Palmer Drive as Palmer Road.

3. No. 21RZ021 - Shepherd Hills Subdivision

A request by KTM Design Solutions, Inc for Yasmin to consider an application for a **Rezoning request from General Agricultural District to Low Density Residential II District** for a portion of the SE1/4SE1/4, Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota, Commencing at the Southeast 1/16th corner of Section 32, T2N, R8E, being monumented by a 1 1/4 inch aluminum cap LS5014 and being the point of beginning; Thence (1) with the south 1/16th line of said Section 32, South 87°57'12" East, 89.46 feet; Thence (2) leaving said south 1/16th line, South 75°08'23" West, 93.42 feet to a point on the east 1/16th line of said Section 32; Thence (3) with said east 1/16th line, North 01°52'57" East, 27.17 feet to the point of beginning, more generally described as being located southeast of the intersection of E. Philadelphia Street and E. Anamosa Street.

The Planning Commission recommended that the Rezoning from General Agricultural District to Low Density Residential District II be approved.

4. No. 21RZ022 - Big Sky Business Park

A request by Indigo Design, LLC for Dakota Heartland, Inc. to consider an application for a **Rezoning request from General Commercial District to Office Commercial District** for a portion of Lot 3C, Block 1, Big Sky Business Park, Rapid City, Pennington County, South Dakota, more fully described as follow: commencing at the northeast corner of Lot 3C, Block 1, Big Sky Business Park, Rapid City, Pennington County, South Dakota being monumented by an iron pin holding a registration number of 9961 which is also point of beginning: Thence first course: South 2°11'02" West, 188.07 feet to a point beginning the southwest corner of Lot 6, Block 1, Big Sky Business Park; Thence second course: South 2°11'02" West, 186.46 feet to a point being the southwest corner of Lot 5, Block 1, Big Sky Business Park; Thence third course: South 2°11'02" West, 130.00 feet to a point; Thence fourth course: North 87°50'03" West, 5.00 feet to a point: Thence fifth course: North 2°11'02" East 130 feet to a point; Thence sixth course: North 87°50'03" West, 5.00 feet to a point; Thence seventh course: North 2°11'02" East, 374.52 feet to a point; Thence eighth course: South 87°11'13" East, 10.00 feet to the point of beginning, more generally described as being located north of the intersection of Timmons Boulevard and Bernice Street.

The Planning Commission recommended that the Rezoning from General Commercial District to Office Commercial District be approved.

5. No. 21RZ019 - Highpointe Ranch Subdivision
A request by KTM Design Solutions, Inc for Watershed II, LLC to consider an application for a Rezoning request from No Use District to Low Density Residential District II District for property re generally described as being located north of terminus of Cloud Peak Drive.

The Planning Commission recommended that the request to Rezone property from No-Use District to Low Density Residential District II be continued to the November 4, 2021 Planning Commission meeting to allow staff time to review a Traffic Impact Study.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *6 No. 21UR019 - Greenway Tract
A request by Kristy Lintz, City of Rapid City Parks and Recreation to consider an application for a **Major Amendment to a Conditional Use Permit to expand on-sale liquor in conjunction with a golf course** for Tract 4 and the north 27 feet of vacated Flormann Street right-of-way (also located in Section 10, T1N, R7E) located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2331 Arrowhead Drive.

Bauer presented the application and reviewed the associated slides noting that this item had been continued from the October 7, 2021 Planning Commission Meeting to allow staff to further review the application. Bauer said specifically research on when the beverage cart had begun operation, which appears to be around 2002. As such, action on the Conditional Use Permit is required and staff is recommending approval of the Major Amendment to a Conditional Use Permit to expand on-sale liquor in conjunction with a golf course with the stipulation outlined in the Project Report to bring the cart into conformance.

In response to a question from Ottenbacher regarding the operational plan proposed to ensure minors are not receiving these beverages, Fisher stated although there are customers of all ages only of-age adults will be allowed to purchase alcoholic beverage from the cart and that she would believe that they would be required to be carded to do so.

Kristy Lintz, Golf Operations Manager. Recreations Program Specialist for Rapid City Parks and Recreation Department agreed that only of age customers would be sold alcoholic beverage, which would consist of beer, wine, seltzer and cider style beverages. Lintz also stated that the license for the club house is currently under Platinum Restaurant Group, Inc. and they will retain the liquor license in the club house and the City will manage the on course liquor sales.

In response to a question from Ottenbacher regarding the management of behavior for golf course patrons, Lintz reviewed procedure in place stating that offenders are currently and will continue to be removed from the course.

In response to a question from Stuck whether there will be separate licenses for the club house and the golf course, Lintz confirmed that there will be and is the reason

for the request for the Major Amendment to the Conditional Use Permit.

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

- 1. This Major Amendment to a Conditional Use Permit shall allow the expansion of on-sale liquor use of beer and wine in conjunction with a golf course, 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 Flood Hazard District, Park Forest District, or Low Density Residential District I, respectively, 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. (6 to 1 with Arguello, Braun, Caesar, Golliher, Stuck and Vidal voting yes and Ottenbacher 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.

*7. No. 21PD034 - Woodridge Subdivision

A request by Gary Dow to consider an application for a **Major Amendment to a Planned Development to reduce the rear yard setback from 5 feet to 2 feet and to reduce the side yard setback from 8 feet to 2.5 feet and to allow a 7 foot high retaining wall and deck within the setback** for Lot 41 of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1190 Parkwood Road.

Bauer presented the application and reviewed the associated slides stating that the property is located within a large Planned Development that was initiated in the early 1970s and these changes require a Major Amendment to the Planned Development. Bauer reviewed the applicant's plans for the deck and retaining wall noting that it maintains the style of surrounding properties. Bauer reviewed the photos which show the property pins, noting that the usable space is limited due to the topography, noting that the property backs up to a ravine.

In response to a question from Braun about the surrounding open space, Bauer confirmed the open space is forested area.

Gary Dow, 1190 Parkwood Road, property owner, thanked the staff for being helpful in working through this process. Dow stated that he believes the changes will be an improvement.

In response to a question from Ottenbacher whether this would create any drainage issues, Todd Peckosh, Project Engineer, stated that he does not believe there are any issues

In response to Arguello's question on what requires engineered plans for retaining walls, Peckosh stated that any wall over 4 feet in height requires engineered plans.

Golliher moved Vidal seconded and the Planning Commission recommended approval of the Final Planned Development Overlay with the following stipulations:

- 1. An Exception is hereby granted to allow a rear yard setback of two feet for a retaining wall and a deck;**
- 2. An Exception is hereby granted to allow a side yard setback of 2.5 feet for a retaining wall and a deck; and,**
- 3. This Major Amendment to a Planned Development Overlay shall allow a deck and retaining wall only to be constructed within the required setback as per the submitted site plan. Any use that is permitted in the Low Density Residential District I shall be allowed with an approved Building permit contingent on all regulations being met. (7 to 0 with Arguello, Braun, Caesar, Golliher, Ottenbacher, 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.

*8. No. 21PD035 - Cambell Square Addition

A request by Kent Kennedy for Steve Wynia to consider an application for a **Major Amendment to a Planned Development Overlay to allow an on-sale liquor expansion in conjunction with a casino** for Lot 7 of Cambell Square Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 530 Cambell Street.

Bauer present the application and reviewed the associated slides reviewing the operation of an expanded casino, which will be located directly next to the existing casino with 10 new machines and that the hours of operation will be 7:00am to 11:00pm Monday through Sat 10:00am to 9:00pm on Sunday. Bauer noted there would be no new staff, signage or structures with this expansion. Bauer stated that staff recommends approval of the Major Amendment to a Planned Development Overlay to allow an on-sale liquor expansion in conjunction with a casino with stipulations as outlined in the Project Report.

In response to a question from Stuck if this is just an area expansion of existing Conditional Use Permit, Fisher confirmed that it is and that this type of usage promotes larger casinos in fewer locations.

Ottenbacher moved Vidal seconded and the Planning Commission recommended approval of the Major Amendment to the Planned Development Overlay with the following stipulations:

- 1. 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 Planned Development Overlay;**

2. **This Major Amendment to a Planned Development Overlay shall allow on-sale liquor in conjunction with the expansion of 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 Planned Development Overlay. Any use that is permitted within the General Commercial District shall be allowed with an approved Building Permit contingent upon parking requirements being met. (7 to 0 with Arguello, Braun, Caesar, Gollither, Ottenbacher, 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.

9. Discussion Items

10. Staff Items

Fisher introduced Chip Premus stating that he is taking on more of Tim Behiling's duties. Premus stated that he hails from Watertown and said he is enjoying his time here and appreciates the Board's knowledge and manner of handling items.

11. Planning Commission Items

There being no further business, Vidal moved, Stuck seconded and unanimously carried to adjourn the meeting at 8:04 a.m. (7 to 0 with Arguello, Braun, Caesar, Gollither, Ottenbacher, Stuck and Vidal voting yes and none voting no)