

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 7, 2021

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

MEMBERS ABSENT: John Herr, Eric Ottenbacher, and Mike Quasney. Ron Weifenbach, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Sarah Hanzel, Chip Premus, Kinsley Groote 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.

Motion by Vidal seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 2 in accordance with the staff recommendations. (8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 23, 2021 Planning Commission Meeting Minutes.
2. 21TP021 – 2022 Unified Planning Work Program – Draft Report

Planning Commission acknowledged the 2022 Unified Planning Work Program – Draft Report

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *3. No. 21UR018 - Big Sky Business Park Subdivision
A request by Kennedy Design Group Inc for Wyngard Investments Inc. to consider an application for a **Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with the expansion of a casino** for Lot 1B of Block 4 of Big Sky Business Park Subdivision, 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. Bauer stated that the applicant is aware that any modification to the sign package including LED signage would require a separate Major Amendment and that the applicant is considering this option.

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

- 1. Prior to issuance of a Building Permit, all redline comments shall be addressed;**
- 2. 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;**
- 3. This Major Amendment to a Conditional Use Permit 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 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 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, 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.

***4. 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. Bauer noted there is existing on-sale on the property which is operated by Marco's Pizza. Bauer clarified that this expansion would be operated by the City by the Parks Department as a beverage cart on the golf course. Bauer stated that the hours of operation will generally be dawn to dusk with the potential for special events that could occur outside of these hours. Bauer noted that there is a school, daycare and a church within 500 feet of the golf course, but staff believes the use will not impact them and that the existing fence and tree line along the property edge would help create separation. Bauer stated that staff recommends approval of the Major Amendment to a Conditional Use Permit to expand on-sale liquor in conjunction with a golf course with stipulations outlined in the Project Report.

In response to a question from Stuck whether this is the first use of a beverage cart on the golf course, Kristy Lintz, Golf Operations Manager. Recreations Program Specialist for Rapid City Parks and Recreation Department, stated that the operation of the cart is included in the lease for Marco's Pizza but that the City is

looking to acquire the operation of the beverage cart.

In response to Stuck's question on why this is identified as a non-conforming use, Fisher clarified that prior to 1993 it was not required to secure a Conditional Use Permit to operate on-sale and those business already operating are allowed to continue operating as legal non-conforming, unless an expansion, change of operation or other modification that would trigger a Conditional Use Permit. Fisher stated at that time the business would be required to obtain a Conditional Use Permit.

Doug Lowe, Recreational Division Manager of Parks and Recreation Department, stated that he is aware of the beverage cart being operational for at least twelve years and suspects that it was operational prior, but could not verify when it initiated.

Fisher stated that if the use existed before 1993 then the application would not be required and that she would advise the item be continued to the October 21st Planning Commission meeting to allow further review.

Discussion followed Caesar's question regarding the parking requirements for the restaurant, Fisher stated that the parking issue is being addressed but is a separate issue related to the operation of Marco's Pizza delivery and not the golf course. It was noted that Parks and Recreation staff is working with the SDDOT on signage as the property is adjacent to a State Highway.

Caesar moved, Vidal seconded and the Planning Commission continued the Major Amendment to a Conditional Use Permit to expand on-sale liquor in conjunction with a golf course to the October 21, 2021 Planning Commission Meeting. (8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)

5. Discussion Items
None

6. Staff Items
None

7. Planning Commission Items
A. Election of Officers

Fisher reviewed the current officers and explained that the Planning Commissioners could nominate and elect these positions for the upcoming year. **(8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

Bulman moved, Vince seconded and the Planning Commission unanimously approved that Eric Braun continue to serve as Chairman. **(8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

Vidal moved, Heikes seconded and the Planning Commission unanimously approved that Rachel Caesar continue to serve as Vice Chair. **(8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)**

Caesar moved, Arguello seconded and the Planning Commission unanimously approved that Karen Bulman continue to serve as Secretary.

There being no further business, Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:33 a.m. (8 to 0 with Arguello, Braun, Bulman, Caesar, Golliher, Heikes, Stuck and Vidal voting yes and none voting no)