

STAFF REPORT  
November 24, 2004

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**No. 04PD068 - Major Amendment to a Planned Commercial Development to Allow an On-Sale Liquor Establishment**      **ITEM 27**

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GENERAL INFORMATION:

PETITIONER	Greg Wierenga, P.E., CETEC Engineering Services, Inc. for JR Investments, LLC
REQUEST	<b>No. 04PD068 - Major Amendment to a Planned Commercial Development to Allow an On-Sale Liquor Establishment</b>
EXISTING LEGAL DESCRIPTION	Tract A Revised (less Lot H8), Tract C Revised and Tract D, Walpole Heights Subdivision, Lot AB and a parcel of land described by metes and bounds as beginning at the northeast corner of Tract C Revised, Walpole Heights Subdivision, located in the NE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as recorded in Plat Book 29, Page 131 at the office of the Pennington County Register of Deeds; thence N89°46'53"E a distance of 55.00 feet along an easterly extension of the south right-of-way line of Fairmont Boulevard; thence S00°14'07"E a distance of 335.43 feet; thence S89°46'53"W a distance of 79.48 feet; thence N16°55'29"E a distance of 83.90 feet; thence N00°14'07"W a distance of 132.53 feet; thence N00°25'26"W a distance of 96.65 feet; thence N00°25'23"W a distance to 26.09 feet to the point of beginning; the described parcel containing 0.445 acres, more or less and being a portion of Lot H-6 of the E1/2 SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, South Dakota; said Lot H-6 being highway right-of-way; all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.672 acres
LOCATION	2707 Mt. Rushmore Road
EXISTING ZONING	General Commercial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	Office Commercial District w/Planned Commercial Development
South:	General Commercial District w/Planned Commercial Development
East:	General Commercial District

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West:	Office Commercial District w/Planned Commercial Development
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/26/2004
REVIEWED BY	Todd Tucker / Curt Huus

**RECOMMENDATION:**

Staff recommends that the Major Amendment to a Planned Commercial Development to Allow an On-Sale Liquor Establishment be approved with the following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
2. Prior to initiation of construction, an Air Quality Permit shall be obtained;
3. The structure shall be fully fire sprinkled and fully fire alarmed;
4. Prior to issuance of a Certificate of Occupancy, the address shall be posted on the building with 12 inch high numbers plainly visible from the street on a contrasting background;
5. Prior to any construction within the public right-of-way, a permit to work within the public right-of-way shall be obtained;
6. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
7. The landscaping plan for the Planned Commercial Development shall continually comply with all requirements of the Zoning Ordinance;
8. Any additional signage on the subject property will require a Major Amendment to the Planned Commercial Development;
9. Prior to issuance of a Building Permit, the H Lot for additional right-of-way at the intersection of Mount Rushmore Road and Fairmont Boulevard shall be approved and recorded with the Pennington County Register of Deeds;
10. All applicable stipulations from the previously approved Planned Commercial Development shall be continually met;
11. The proposed structure shall conform architecturally to the plans and elevations submitted;
12. The Major Amendment to the Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
13. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant at all times.

**GENERAL COMMENTS:** The subject property is located north and south of Fairmont Boulevard along the west side of Mount Rushmore Road. Currently, a jewelry manufacturing and retail outlet store, two storage units and a hotel are located on the subject property.

A Planned Commercial Development to allow jewelry manufacturing as a Use on Review in the General Commercial Zoning District was approved for this property in 1987. A Minor

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Amendment to allow the construction of a storage building was approved in 1993. A Major Amendment to allow an office addition, an additional storage building and an expansion of the parking area was approved in 1994. A Minor Amendment was approved in 1995 to reduce the front yard setback from 25 feet to 15 feet and to reduce the west side yard setback from 25 feet to 15 feet for the storage building previously approved in 1994. In 2000, the City Council approved a Major Amendment to the Planned Commercial Development to construct a 12,256 squared foot addition onto the existing jewelry manufacturing facility. In 2001, a Major Amendment to the Planned Commercial Development was approved to allow the construction of an 82 room hotel on the south side of Fairmont Boulevard.

On November 24, 2004 Planning Commission approved, with stipulations, a Major Amendment to the Planned Commercial Development (04PD058) to allow the construction of a 5,662 square foot restaurant on the south side of Fairmont Boulevard. The stipulations of approval are as follows:

1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
2. Prior to initiation of construction, an Air Quality Permit shall be obtained;
3. Prior to Planning Commission approval, a revised site plan shall be submitted showing the proposed fire hydrant in a location that meets the Fire Department's approval;
4. The structure shall be fully fire sprinkled and fully fire alarmed;
5. Prior to issuance of a Certificate of Occupancy, the address shall be posted on the building with 12 inch high numbers plainly visible from the street on a contrasting background;
6. Prior to any construction within the public right-of-way, a permit to work within the public right-of-way shall be obtained;
7. Prior to issuance of a Building Permit, a revised site plan shall be submitted showing the water service curb stop located within the public right-of-way or the applicant shall provide an access easement from Fairmont Boulevard to the water service curb stop;
8. Prior to Planning Commission approval, a sanitary sewer line profile shall be submitted for review and approval;
9. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
10. Prior to Planning Commission approval, a revised landscaping plan shall be submitted, for review and approval, showing the entire Planned Residential Development with a minimum of 372,316 landscaping points;
11. Any additional signage on the subject property will require a Major Amendment to the Planned Commercial Development;
12. Prior to issuance of a Building Permit, the H Lot for additional right-of-way at the intersection of Mount Rushmore Road and Fairmont Boulevard shall be approved and recorded with the Pennington County Register of Deeds;
13. Prior to issuance of a Building Permit, the applicant shall enter into an agreement with the City of Rapid City regarding participation in the costs of the intersection improvements;

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14. All applicable stipulations from the previously approved Planned Commercial Development shall be continually met;
15. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
16. The Major Amendment to the Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

The applicant is now requesting approval of a Major Amendment to a Planned Residential Development to allow an On-Sale Liquor Establishment as an accessory use to the previously approved restaurant on the subject property.

**STAFF REVIEW:** Staff has reviewed this request with respect to the four criteria established for On-Sale Liquor establishments identified in Section 17.50.185 of the Rapid City Municipal Code:

1. *The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within a five hundred foot radius.*

There are no places of religious worship, schools or parks located within a 500 foot radius of the subject property. The surrounding properties are zoned General Commercial and Office Commercial. The subject property is located in an area of existing commercial uses. Staff's review of the proposed On-Sale Liquor Establishment operated in conjunction with a full service restaurant suggests that it would appear to have no significant adverse effect on the surrounding area.

2. *The requested use is "sufficiently buffered" with respect to residential areas so as not to "adversely affect" such areas.*

The subject property is currently zoned General Commercial. There are currently no single family residences located in the general vicinity of the subject property.

3. *The proposed use will not create an undue concentration of similar uses, so as to cause "blight, deterioration, or substantially diminish or impair property values."*

Currently, there is one other On-Sale Liquor Establishment located in the immediate area. The Colonial House Restaurant is located approximately 325 feet from the subject property. Staff does not find that the proposed expansion constitutes an undue concentration which would cause blight or deterioration or diminish land values in the surrounding area.

4. *The proposed use has been reviewed under Chapter 17.54.030 (E) Criteria for Review.*

Staff has reviewed the proposed use with respect to Chapter 17.18 of the Rapid City Municipal Code and notes that the submitted site plan is in compliance with the parking, landscaping, and signage requirements.

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The applicant is required to provide a minimum of 318 off-street parking stalls. The applicant's site plan shows 349 on-site parking stalls with 14 of those being handicapped accessible and four of those being "van accessible".

The number of landscaping points required for the subject property is identified as 372,316. The applicant has submitted a landscaping plan showing 378,400 landscaping points provided.

The subject property is permitted 4,000 square feet of on-site signage. The applicant's sign package identifies a total of 3,843 square feet of on-site signage which is less than the 4,000 square feet allowed.

As of this writing, the Conditional Use Permit sign has not been posted on the property, nor have the receipts from the required certified mailings been returned. Staff will notify the Planning Commission at the November 24, 2004 Planning Commission meeting if these requirements have not been met.

Staff recommends approval of the Major Amendment to a Planned Residential Development with the above stated stipulations.