

STAFF REPORT
May 4, 2006

No. 06PD021 - Major Amendment to a Planned Commercial Development **ITEM 51**

GENERAL INFORMATION:

PETITIONER	Vernon Hellwig
REQUEST	No. 06PD021 - Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lot 1 of Lot A, DDE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.38 acres
LOCATION	110 Cambell Street
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/7/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

1. A Building Permit shall be obtained prior to construction, and a Certificate of Occupancy shall be obtained prior to occupying the building;
2. The fire sprinkler/alarm shall be operational prior to occupancy;
3. Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code, a sign permit shall be obtained prior to installation of any signage and all banners are prohibited;
4. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;

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6. The tenant space shall be fire sprinkled as per the 2003 International Fire Code and all applicable provisions of the International Fire Codes shall be continually met;
7. Any change in use will require a Major Amendment to a Planned Commercial Development; and,
8. The Major Amendment to a 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.

GENERAL COMMENTS: The subject property is located east of North Cambell Street and north of Jess Street.

On November 11, 1998 the City Council approved with stipulations a Planned Commercial Development (98PD030) on the subject property.

On February 1, 1999 the City Council approved with stipulations a Major Amendment to a Planned Commercial Development (98PD038) on the subject property to allow on-sale liquor as an accessory to the proposed restaurant.

The applicant is now requesting a Major Amendment to a Planned Commercial Development to allow an "on-sale liquor establishment" with video lottery at the site.

STAFF REVIEW: Staff has reviewed the proposed Major Amendment to a Planned Commercial Development as it relates to the applicable provisions of Sections 17.50.070 and 17.50.185 of the Rapid City Municipal Code and has noted the following issues:

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 to the north, south, east, and west are zoned General Commercial District. The subject property is located adjacent to existing commercial uses.

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 District. Commercial areas are located north, south, east, and west of the subject property. There are no residential structures located in the immediate area.

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."*

The proposed on-sale liquor use will be a video lottery casino located on the subject property. There is a restaurant with on-sale liquor also located on the subject property and a video lottery casino located on the west side of Cambell Street northwest of the subject

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property. Staff does not find this request for an on-sale liquor use to constitute an undue concentration that 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 the following issues:

Building Permit: Staff noted that a Building Permit shall be obtained prior to construction, and that a Certificate of Occupancy shall be obtained prior to occupying the building. Staff also noted that the fire sprinkler/alarm shall be operational prior to occupancy.

Signage: Staff noted that signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage. Staff also noted that banners are prohibited.

Landscaping: Staff noted that a minimum of 55,130 landscaping points are required for this Planned Commercial Development. The applicant has provided 55,390 landscaping points. The landscape plan meets all the requirements of Section 17.50.300 of the Rapid City Municipal Code.

Parking Plan: The Rapid City Municipal Code requires that 87 off-street parking stalls be provided for the proposed development. The applicant's site plan shows a total of 87 off-street parking stalls with four being handicapped accessible. The proposed parking plan meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Fire Safety: Staff noted that the tenant space shall be fire sprinkled as per the 2003 International Fire Code. Staff also noted that the tenant space shall be addressed as per the 2003 International Fire Code.

Engineering: Staff noted that site, grading, and storm sewer improvements have been previously completed.

Notification: As of this writing, the required sign has been posted on the property and the receipts from the required notification of surrounding property owners have been returned.

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