

STAFF REPORT  
July 26, 2007

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**No. 07PD044 - Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment**      **ITEM 50**

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GENERAL INFORMATION:

PETITIONER	Alexander Romeyn for Leading Edge Management
REQUEST	<b>No. 07PD044 - Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment</b>
EXISTING LEGAL DESCRIPTION	Lots 2 and 3 of Block 1 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.38 acres
LOCATION	5622 Sheridan Lake Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	Low Density Residential District (Planned Residential Development)
West:	Low Density Residential District
PUBLIC UTILITIES	Public Water and Sewer
DATE OF APPLICATION	6/18/2007
REVIEWED BY	Jonathan Smith / Todd Peckosh

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. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant.
2. The hours of operation shall be from 11:00 am to 11:00 pm Monday thru Thursday 11:00 am to 12:00 midnight on Friday and Saturday, and 11:00 am to 10:00 pm on Sunday.
3. All applicable stipulations of the initial Planned Commercial Development shall be continually met.
4. Prior to approval by Planning Commission the applicant shall submit for review and

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approval a site plan and elevations identifying a decorative fence that is in accordance with the guidelines provided by the Police Department to ensure adequate security for the on-sale liquor service area.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment, and to eliminate a drive thru and replace it with an outside patio dining area. The subject property is located at 5622 Sheridan Lake Road. More specifically the subject property is located southeast of the intersection of Sheridan Lake Road and Catron Boulevard. Currently, one building, of a two building strip mall, is under construction on the subject property. The applicant proposes to locate a restaurant with an abutting patio use in three of the units within the strip mall. The applicant is proposing to offer on-sale liquor service in conjunction with 4,758 square feet of restaurant service that will feature an abutting outside dining patio area. The subject property is zoned General Commercial District.

The Planned Commercial Development was approved with the following stipulations:

1. Prior to Planning Commission approval, the structural elevations shall be revised to show a parapet along all four sides of the proposed commercial building. Upon review and approval of the revised elevation(s), the proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
4. Prior to issuance of a building permit, the plans shall be revised to show the four foot high landscaping wall designed and stamped by a Registered Professional Engineer;
5. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
6. The proposed commercial structure shall be used for retail, office, banking, laundromat, restaurant and medial clinic(s) uses as allowed in the General Commercial District. In particular, no more than 7,363 square feet of restaurant area shall be allowed or additional parking shall be provided. In addition, no on-sale liquor use shall be allowed as a part of this Planned Commercial Development. The addition of the second building and/or any other use or change in use shall require a Major Amendment to the Planned Commercial Development;
7. A minimum of 104,035 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
8. A minimum of 165 parking spaces shall be provided. Six of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
9. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing

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10. motorist or constitute a nuisance of any kind;  
The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
11. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
12. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement for the two lots or the property shall be platted into one lot;
13. 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,
14. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment.

The proposed commercial development is currently under construction. Upon completion of the commercial development staff will review the commercial development for compliance with the required stipulations.

Staff has reviewed this request for a Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment as it relates to the applicable provisions of Section 17.54.030 of the Rapid City Municipal Code and has noted the following issues:

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

There are no places of religious worship, schools, playgrounds, parks, or similar use located within 500 feet. Staff does not find that this request for an on-sale liquor use to have an adverse effect on any place of religious worship, school, playground, park, or areas of similar use.

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

The subject property abuts residential property on the eastern and western boundary. Sheridan Lake Road, a four lane principal arterial street, separates the subject property from the residential property on the western boundary. The eastern boundary abuts property that is currently undeveloped but is zoned Low Density Residential District. A major drainage easement measuring 80 feet in width currently separates the subject property from the Low Density Residential District property. The applicant is required to adequately screen the proposed patio as per the guidelines of the Police Department to ensure adequate security for the on-sale liquor service area. Prior to Planning Commission approval the applicant shall

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submit for review and approval a site plan identifying a decorative fence that surrounds the patio dining area that meets the guidelines of the Police Department requirements, as well as elevations identifying materials of the proposed fence.

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 an on-sale liquor establishment exists adjacent to the proposed restaurant. This on-sale liquor establishment is a simulated golf entertainment use that serves on-sale liquor as a concession. The applicant is proposing to have on-sale liquor in conjunction with a full service restaurant. This does not appear to be an undue concentration of similar uses.

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

Parking

The proposed restaurant use including the patio associated with the property will require the provision of 73 parking spaces, the proposed general retail use will require 56 parking spaces, the simulated golf entertainment use will require 15 parking spaces, and a proposed fitness center will require 23 parking spaces, for a total of 167 required parking spaces. The applicant's site plan identifies 170 parking spaces, six of which are handicap spaces with three spaces being "van accessible".

Landscaping

A minimum of 104,035 landscaping points is required for the proposed development. The applicant's landscape plan identifies that 104,190 landscaping points are being provided. In particular the landscape plan identifies a row of large trees along the east lot line, and seven planter islands within the parking lot. Because the subject property is currently under construction no landscaping is currently in place. Staff has noted that all landscaping must be installed in accordance with the approved site plan, and maintained in a live vegetative state and replaced if necessary.

NOTIFICATION:

Staff has noted that the proper sign has been posted on the subject property, and the required mailings have been sent. Staff will notify the Rapid City Planning Commission at its meeting on July 26, 2007 if the receipts have not been returned prior to the meeting.

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the stated stipulations.