

STAFF REPORT  
August 7, 2008

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**No. 08PD033 - Major Amendment to a Planned Commercial ITEM 43 Development**

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GENERAL INFORMATION:

APPLICANT/AGENT	Uncork'd Wine and Tapas Bar
PROPERTY OWNER	Autumn Hills Properties
REQUEST	<b>No. 08PD033 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 1 of Stoney Creek South Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.5 acres
LOCATION	5734 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:	General Commercial District (Planned Commercial Development)
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/7/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

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. A minimum of 170 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;

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4. All applicable stipulations of the initial Planned Commercial Development shall be continually met; and,
5. The Planned Commercial Development shall expire if the use is not undertaken 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 applicant has submitted a Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment in conjunction with a full service restaurant. The property is located at 5734 Sheridan Lake Road. More specifically the property is located southeast of the intersection of Sheridan Lake Road and Catron Boulevard. Currently a two building strip mall is constructed on the property. The applicant is proposing to offer on-sale liquor service in conjunction with 1,585 square feet of restaurant service. The establishment is described as a wine and tapas bar. The property is zoned General Commercial District with a Planned Commercial Development.

On May 25, 2006 Planning Commission approved an Initial and Final Planned Commercial Development (#06PD025) for the property 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;

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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 motorist or constitute a nuisance of any kind;
10. 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.

**STAFF REVIEW:** 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 will 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 property abuts residential property on the eastern and western boundary. Sheridan Lake Road, a four lane principal arterial street, separates the 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 property from the Low Density Residential District property. To the north of the proposed use is an existing strip mall with various retail uses and to the south of the property an office complex is being constructed.

3. *The proposed use will not create an undue concentration of similar uses, so as to cause*

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*“blight, deterioration, or substantially diminish or impair property values”.*

Currently, wings and rings, an on-sale liquor establishment exists at the northern end of this shopping center development. The proposed establishment is full service restaurant with an on-sale beer and wine license. Because of the nature of the on-sale liquor establishments in this shopping center, 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 existing restaurant, golf entertainment establishment, general retail areas, and fitness center requires 152 parking stalls. The proposed restaurant will require 18 parking stalls for a total of 170 parking stalls. 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. 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 sign has not been posted on the property and the required mailings have not been sent. Staff will notify the Rapid City Planning Commission at the August 7, 2008 meeting if the required legal notification requirements have not been met.

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