

STAFF REPORT  
March 24, 2011

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**No. 11PD010 - Initial and Final Commercial Development Plan to allow an on-sale liquor establishment**      **ITEM 17**

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GENERAL INFORMATION:

APPLICANT	Jack Degagne - Rare Hospitality International, Inc.
AGENT	Kourtne Airheart - GHA Architecture/Development
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	<b>No. 11PD010 - Initial and Final Commercial Development Plan to allow an on-sale liquor establishment</b>
EXISTING LEGAL DESCRIPTION	Lot 2A and Lot 2B of Block 3 of Rushmore Crossing, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.89 acres
LOCATION	1510 and 1516 Eglin Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/21/2011
REVIEWED BY	Patsy Horton / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Initial and Final Commercial Development Plan to allow an on-sale liquor establishment be approved with the following stipulations:

1. Prior to Planning Commission approval, the site plan or sign package shall be revised to show a similar building layout. Changes to the proposed building layout that comply with all building and fire code regulations, which the Growth Management Director determines

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- to be consistent with the original approved site plan, shall be allowed as a Minimal Amendment to the Planned Commercial Development;
2. A minimum of 76,348 landscape points shall be provided. The landscaping shall be installed as per the approved landscape plan and continually maintained in a live vegetative state, kept free of refuse and debris and replaced when necessary;
  3. The approved uses for the property shall be limited to a full service restaurant and on-sale liquor establishment operating in conjunction with a full-service restaurant. Any other use of the property shall require a Major Amendment to the Planned Commercial Development;
  4. Prior to issuance of a building permit, a shared access agreement shall be reviewed and approved by the City Attorney's office and recorded at the Register of Deeds Office;
  7. 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;
  8. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
  9. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of the Planned Commercial Development Plan. Additionally, the roof coating shall match the color palette;
  10. Upon warrants being met to construct a signal along Eglin Street at the western approach, the western approach shall be redesigned to add a lane and align with the driveway located south of Eglin Street as per the Rushmore Crossing Traffic Impact Study, 3<sup>rd</sup> Edition. Said improvements shall be at the applicant's expense;
  11. 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 motorists;
  12. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The addition of electronic signage will require a Major Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
  13. A minimum of 69 off-street parking spaces shall continually be provided including a minimum of 3 handicap accessible spaces with one being "van accessible". The parking shall be installed as per the approved parking plan and continually maintained as such;
  14. All applicable provisions of the currently adopted International Fire Code shall continually be met;
  15. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Initial and Final Commercial Development Plan or a subsequent Major Amendment; and,
  16. 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.

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GENERAL COMMENTS: The applicant has submitted an Initial and Final Commercial Development Plan to allow an on-sale liquor establishment in conjunction with a full-service restaurant at the property located at 1510 and 1516 Eglin Street. In particular, the applicant has proposed to locate a 6,221 square foot full-service restaurant, Longhorn Steakhouse, at the property.

The property is located south of Interstate I-90 and north of Eglin Street. The proposed full-service restaurant will be located on two lots. The applicant has secured a Developmental Lot Agreement for the lots. A commercial retail building is located on the east of the lot.

STAFF REVIEW: Staff has reviewed this request with respect to the four criteria established for Planned Commercial Developments (PCD) and Planned Development Designations (PDD) identified in Section 17.50.100.

1. *No PCD or PDD should be less than 1 acre in size unless it is determined by the Common Council that a smaller PCD or PDD is appropriate.*

This Initial and Final Planned Commercial Development Plan covers approximately 1.89 acres.

2. *A PCD or PDD may be permitted in General Commercial, Neighborhood Commercial, Central Business and Office Commercial zoning districts.*

This Initial and Final Planned Commercial Development is located within the General Commercial Zoning District and is permitted as a Conditional Use subject to review and approval by the Planning Commission.

3. *A PCD shall only contain permitted uses and conditional uses for the zoning district in which the PCD is located.*

This Initial and Final Planned Commercial Development Plan is to allow a full-service restaurant and an on-sale liquor establishment in the General Commercial Zoning District. A restaurant is a permitted use and an on-sale liquor establishment is a conditional use in the General Commercial Zoning District.

4. *A PCD shall designate the type of uses approved for the development. Any change in approved land uses or changes in occupancy varying one Standard Industrial Classification (SIC) 2-digit code classification to another shall require an amendment to the PCD.*

The applicant has proposed to use the property for an on-sale liquor establishment operating in conjunction with a full service restaurant. An on-sale liquor establishment is a conditional use within the General Commercial Zoning District. All requirements of the General Commercial Zoning District must continually be met unless authorized as a stipulation of approval as a part of this Final Development Plan or subsequent Major

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Amendment. In addition, the approved uses for the property shall be limited to a full service restaurant and on-sale liquor establishment operating in conjunction with a full-service restaurant.

Staff has reviewed this request with respect to the four criteria established for On-Sale Liquor establishments identified in Section 17.50.185.

1. *The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within five hundred (500) foot radius.*

There are no places of religious worship, parks or playgrounds located within a 500 foot radius of the property. General Commercial Zoning District and General Commercial Zoning District with Planned Commercial Development surrounds the property. Staff has not identified any significant adverse impacts that the proposed on-sale liquor establishment will have on the area.

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

There are no residential areas located within 500 feet of the property. The properties north of Interstate 90 are vacant. The balance of the surrounding property is currently occupied by commercial developments and/or detention facilities. Staff does not anticipate that the proposed on-sale liquor use will result in any significant adverse effects on any existing or future residential areas.

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."*

There are no other on-sale liquor establishments located within 500 feet of the property. The proposed on-sale liquor establishment is located within a developing commercialized area. There is one establishment within 500 feet of the property with an off-sale malt beverage license. The proposed on-sale liquor establishment will operate in conjunction with a full-service restaurant, Longhorn Steakhouse. It does not appear that the proposed on-sale liquor establishment will create an undue concentration of similar uses so as to result in blight, deterioration or substantially diminished property values.

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 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The proposed building will be a 6,221 square foot structure constructed using simulated stone veneer with rough-sawn redwood stained wood. The proposed roof will be a metal

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roof with a coated steel finish. The proposed eaves and other building accents will be earth tones, including tans, browns and pumpkin colors. The proposed structure will be a maximum height of 25 feet. Staff recommends that the proposed structure conform architecturally to the plans, elevations and color palette approved as part of the Commercial Development Plan. Changes to the proposed building layout that comply with all building and fire code regulations, which the Growth Management Director determines to be consistent with the original approved site plan, shall be allowed as a Minimal Amendment to the Planned Commercial Development.

2. *The location, character and design of adjacent buildings:*

The building adjacent to the proposed restaurant is constructed of rock face concrete masonry unit block that is earth tone in color. Staff finds that the design and character of the proposed building is consistent with the design and character of the adjacent buildings and appears to comply with the previously approved design guidelines for Rushmore Crossing.

3. *Proposed fencing, screening and landscaping:*

A minimum of 76,348 landscape points are required for the property. The applicant submitted a landscape plan that provides 160,840 landscape points consisting of large trees, shrubs, hedge, and grassed areas. Staff recommends that the landscaping be installed and maintained as per the approved landscape plan and continually maintained in a live, vegetative state and kept free of refuse and debris and replaced when necessary. Additionally, staff recommends that sufficient landscaping is maintained along the north property line to adequately screen vehicle headlights from Interstate 90 along the entryway into the community.

4. *Proposed vegetation, topography and natural drainage:*

The majority of the property is relatively flat. As previously noted, the applicant has submitted a landscape plan that indicates that the area will be landscaped with large trees, shrubs and grasses.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Chapter 17.50.270 of the Rapid City Municipal Code requires that 69 off-street parking spaces be provided for the proposed 6,221 square foot restaurant including 3 handicap accessible spaces with a minimum of 1 being "van accessible". The parking plan submitted by the applicant identifies that 119 off-street parking spaces are being provided including 5 handicap spaces with 3 being "van accessible". Staff recommends that the off-street parking be constructed and maintained as per the approved parking plan.

6. *Existing traffic and traffic to be generated by the proposed use:*

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The proposed on-sale liquor establishment operating in conjunction with a full-service restaurant is located within a highly commercialized area. This establishment is part of a community shopping center, Rushmore Crossing, and includes several retail outlet areas. Roadways in the area of the proposed restaurant site are a mixture of collector and principal arterial streets designed to accommodate the traffic generated by a community shopping center and outlying commercial uses. The Rushmore Crossing Traffic Impact Study, 3<sup>rd</sup> Edition, identifies that the western most driveway into this site has been identified as a potential future signalized intersection. If signal warrants are met, the west driveway onto the site will need to be reconstructed to add a driving lane that aligns with the driveway to the south.

Staff noted that this lot will provide access to the property to the east. As such, staff recommends that prior to issuance of a building permit a shared access agreement must be recorded at the Register of Deeds Office that has been reviewed and approved by the City Attorney's office.

Staff finds that the existing road network surrounding the proposed restaurant use will sufficiently accommodate any additional traffic generated by the proposed use.

7. *Proposed signs and lighting:*

A sign package has been submitted with the application. In particular, the applicant has proposed 4 static wall signs for each side of the building, all measuring 15 feet 5.375 inches wide and 4 feet 5.5 inches tall for an overall wall sign size of 276 square feet. The signs will include the message "Longhorn Steakhouse" in white lettering and internally illuminated. Additionally, the structure will have a red LED illuminated band mounted to the cornice along the exterior. The sign package also includes a monument sign located east of the western access location. The monument sign measures 8 feet wide and 4 feet tall. The signage on the monument sign is 6 feet wide and 1 foot 2.75 inches tall with white lettering on a black background. The monument sign is constructed of red brick with tan accents.

All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. No electronic signs are being proposed as a part of this Final Development Plan. Staff is recommending that the addition of electronic signage will require a Major Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign.

8. *The availability of public utilities and services:*

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Public Works Department staff review has noted that the proposed full-service restaurant connects to City water and sewer services as required. As such, the proposed building is consistent with the requirement for public utilities.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The property is intended to be used for retail and commercial uses. The proposed on-sale liquor use is a conditional use in the General Commercial Zoning District. The proposed use of the property meets the objectives of the adopted comprehensive plan and the purpose of the Zoning Ordinance.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

The site for the proposed restaurant with on-sale liquor use is approximately 1.89 acres in size. The proposed building will span two lots and a development lot agreement has been submitted. The two lots have been previously platted and are bound to the north and south by existing roadways.

The restaurant is proposed to be 25 feet in height at the roof peak. As such, the proposed structure is in compliance with the height requirements of the General Commercial Zoning District.

11. *The effects of noise, odor, smoke, dust, air and water pollution and the degree of control through which clarifiers, screening, setbacks and orientation:*

The proposed on-sale liquor establishment operating in conjunction with a full-service restaurant is located within a highly commercialized area. The property is located within Rushmore Crossing, a community shopping center. Interstate 90 is located to the north of the property creating a physical buffer. Staff has not identified any significant increased adverse effects of noise, odor, smoke, dust, and air or water pollution on the immediate or surrounding area resulting from the proposed development.

12. *The degree to which conditions imposed will mitigate and probably adverse impacts of the proposed use on existing adjacent uses:*

The stipulations of approval will serve as a tool to insure that the existing parking, landscaping, signage, and lighting will be maintained on the property. In addition, the stipulations secure the use of the property and insure that the currently adopted International Fire Codes are continually met. As such, the stipulations should serve as a tool to mitigate probable adverse impacts of the proposed use on the existing adjacent uses and structures

Notification Requirement: As of this writing, the white receipts from the certified mailing been

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returned however the green card receipts have not been returned. The required signs have been posted on the property. Staff will notify the Planning Commission at the March 24, 2011 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Initial and Final Commercial Development Plan be approved with the stipulations as identified above.