

STAFF REPORT  
May 26, 2011

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**No. 11PD022 - Major Amendment to a Planned Commercial Development to expand an on-sale liquor establishment**      **ITEM 22**

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GENERAL INFORMATION:

APPLICANT	Frank Boyle
PROPERTY OWNER	SM Rushmore Mall
REQUEST	<b>No. 11PD022 - Major Amendment to a Planned Commercial Development to expand an on-sale liquor establishment</b>
EXISTING LEGAL DESCRIPTION	Lot 1 and Tract A and B of Lot 2 , Rushmore Mall Subdivision located in Section 25, T2N, R7E (also located in Section 30, T2N, R8E), BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 69.49 acres
LOCATION	2200 North Maple Avenue
EXISTING ZONING	Shopping Center District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Shopping Center District - General Commercial District
South:	General Commercial District - Medium Density Residential District
East:	Shopping Center District - General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/29/2011
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development to expand an on-sale liquor establishment be approved with the following stipulations:

1. The on-sale liquor establishment shall operate in conjunction with a full-service restaurant with hours of operation to be in conjunction with the hours of the Rushmore Mall. Any expansion to the on-sale liquor use shall require a Major Amendment to the Planned Commercial Development;
2. Prior to Planning Commission approval, a revised landscaping plan shall be submitted for review and approval, showing the relocation of existing landscaping;
3. Prior to initiation of construction, a building permit shall be obtained and a Certificate of

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4. Occupancy shall be obtained prior to occupancy;  
Prior to issuance of a building permit, a storm drainage plan shall be submitted for review and approval;
5. Any changes to the approved sign package for the Rushmore Mall, 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 any 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. A sign permit shall also be obtained for any additional signage;
6. All applicable provisions of the currently adopted International Fire Code shall continually be met;
7. All provisions of the Shopping Center Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Major Amendment to a Planned Commercial Development or a subsequent Major Amendment; 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 applicant has submitted a Major Amendment to a Planned Commercial Development request to allow the expansion of an on-sale liquor establishment in conjunction with a full-service restaurant at the property located at 2200 North Maple Avenue.

STAFF REVIEW: Staff has reviewed the Major Amendment to a Planned Commercial Development 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.*

Staff review has noted that there are no schools, parks, playgrounds or similar uses within a 500 foot radius of the property. There is one church in the 500 foot radius. The Church of God of Prophecy is located north of the Rushmore Mall at 2403 N. Maple Avenue. The proposed expansion of on-sale liquor use is for on-premise consumption in conjunction with a restaurant. Staff review has not identified any significant adverse effects on any places of religious worship, schools, parks, playgrounds or similar uses within 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 zoning districts adjacent to the property. The property is surrounded by Shopping Center, General Commercial and Light Industrial Zoning Districts. Staff has not identified that the proposed on-sale liquor use will result in any significant adverse effects on any residences.

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

There are currently three on-sale liquor establishments associated with the Rushmore Mall and one on-sale liquor establishment located within a 500 foot radius of the subject property. The Red Lobster, Olive Garden and Fudruckers are all located within the Rushmore Mall Subdivision. The Ramkota Hotel is located on N. LaCrosse Street. An additional on-sale liquor establishment will be in place for the Texas Road House. The on-sale liquor establishments identified are all associated with a restaurant.

The Police Department does not oppose this application and there is no evidence that this on-sale alcohol use will cause additional concerns. Staff has not identified that the proposed use will contribute to a concentration of similar uses in the area, and has not identified any information that would suggest the proposed use would 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 property is located within the Shopping Center District at 2200 N. Maple Avenue, the location of the Rushmore Mall. The applicant is proposing to establish an outdoor café adjacent to the current establishment. Four tables with chairs are proposed adjacent to the Rushmore Mall building and two other tables with chairs will be located in the balance of the proposed patio.

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

There will no change to the building adjacent to the outdoor cafe.

3. *Proposed fencing, screening and landscaping:*

The applicant has proposed fencing the patio area with a 42 inch high black metal fence with one opening to serve the outdoor café.

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

The applicant has indicated that the patio will be hard-surfaced. As such, the current landscaping along the building will need to be relocated, possibly to the outside edge of the proposed fence along the eastern border. Prior to approval by the Planning Commission, a revised landscaping plan for the patio area shall be submitted for review and approval. A storm drainage plan must be submitted prior to obtaining a building

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permit.

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

The property is located on the Rushmore Mall property at 2200 N. Maple Avenue. The existing sidewalk and parking lot, located adjacent to the building, serves as adequate access for the pedestrian and motorist. The Rushmore Mall has sufficient parking to accommodate the additional 675 square foot expansion of the alcohol use.

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

The expansion of the established restaurant located in the Rushmore Mall will not generate additional traffic that will be detrimental to the current uses at the Rushmore Mall.

7. *Proposed signs and lighting:*

There are no signs proposed for this expansion of alcohol use. The Rushmore Mall has a currently approved sign package. Changes to the current 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 Major Amendment to a Planned Commercial Development. No electronic signs are being proposed as a part of this Major Amendment to a 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 any individual new sign or replaced sign.

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

The property is served by City water and sewer services. There are no proposed changes to utility services with this Major Amendment to a Planned Commercial Development.

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

The property is zoned Shopping Center District and the proposed expansion of on-sale liquor use will aid in expanding the goods and services provided for people within a thirty minute drive of the shopping center.

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

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The property is located within the Shopping Center Zoning District. There will be no change in the required setbacks or building heights as identified in the Shopping Center 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 on-sale alcohol will be used in conjunction with the restaurant. The applicant has indicated that the hours of operation will be 10 a.m. to 9 p.m. in conjunction with the hours of operation of the Rushmore Mall. There are no noise or pollution issues that have been identified for this property.

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

As the proposed on-sale liquor establishment will operate in conjunction with a restaurant, the effects will be significantly mitigated.

Notification Requirement: As of this writing, the required signs have not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the May 26, 2011 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the Major Amendment to a Planned Commercial Development to expand an on-sale liquor establishment be approved with the stipulations as identified above.