

STAFF REPORT
December 6, 2012

No. 12PD037 - Major Amendment to a Planned Development to Allow an On-Sale Liquor Establishment in a General Commercial Zoning District **ITEM 3**

GENERAL INFORMATION:

APPLICANT	Target Corporation
PROPERTY OWNER	Target Corporation
REQUEST	No. 12PD037 - Major Amendment to a Planned Development to Allow an On-Sale Liquor Establishment in a General Commercial Zoning District
EXISTING LEGAL DESCRIPTION	Tract D of Block 2 of Rushmore Crossing, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.54 acres
LOCATION	1415 Eglin Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
South:	General Agricultural District
East:	General Commercial District (Planned Development)
West:	General Commercial District (Planned Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	November 8, 2012
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to Allow an On-Sale Liquor Establishment in a General Commercial Zoning District be approved with the following stipulations:

1. The Major Amendment to a Planned Development shall allow for the use of the off-sale portion of the Retail (on-off sale) Wine License. No on-sale use shall be allowed on the property. Any on-sale liquor use shall require the approval of a Major Amendment to a Planned Development;
2. The landscaping plan shall continually comply with all requirements of Chapter 17.50.300

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- of the Rapid City Municipal Code. All landscaping shall continually be maintained in a live vegetative states and replaced as necessary;
3. A minimum of 572 parking spaces shall be provided. In addition, 12 of the parking spaces shall be handicap accessible. Two of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
 4. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a Planned Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. 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 the proposed signs;
 5. All applicable provisions of the adopted International Fire Code shall continually be met;
 6. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment; and,
 7. 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.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Development to allow an on-sale liquor establishment in the General Commercial Zoning District. The applicant is proposing to sell off-sale wine at the existing "Target" store located in the Rushmore Crossing Retail Center. The wine will be displayed in a beverage aisle with approximately 38 linear feet of shelf display. The applicant is not proposing to offer on-sale wine for consumption on the property. The State of South Dakota only offers a Retail (on-off sale) Wine License. As such, a Conditional Use Permit is required in order to obtain the license for the proposed off-sale use.

On August 19, 2004, a Planned Development Designation (File #04PD044) was approved that included the above legally described property.

On April 26, 2007, the Planning Commission approved with stipulations an Initial Planned Development (File #07PD019) to construct approximately 861,000 square feet of commercial development on 127 acres.

On May 24, 2007, the Planning Commission approved with stipulations a Final Planned Development (File #07PD032) to allow a 131,748 square foot commercial building to be constructed on the subject property.

On July 26, 2007, the Planning Commission approved with stipulations a Major Amendment to the Initial Planned Development (File #07PD048) eliminating approximately 32 acres from the boundary of the Planned Development.

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The property is located on the south side of Eglin Street approximately 2,000 feet northwest of the intersection of Eglin Street and East North Street. Currently, a one-story "Target" store is located on the property.

STAFF REVIEW:

Staff has reviewed the Major Amendment to a Planned Development and has noted the following considerations:

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

There are no schools, playgrounds or places of worship located within a 500 foot radius of the subject property. Access to the property is from Eglin Street which is identified as a collector street on the City's Major Street Plan. The applicant is not proposing any on-sale liquor use on the property. This Major Amendment to a Planned Development is required because the State of South Dakota only offers a Retail (on-off sale) Wine License. As such, in order to use the off-sale portion of the license a Conditional Use Permit is required for the on-sale use. It does not appear that the proposed off-sale use will adversely affect the use of any place used for religious worship, school, park, playground, or similar use.

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

The property is zoned General Commercial District with a Planned Development and is located in the Rushmore Crossing Retail Shopping Center located adjacent to the Interstate 90 corridor. Property located approximately 500 feet to the southwest is zoned Low Density Residential District and is currently undeveloped. A drainage lot provides a buffer to the residential property.

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 Major Amendment to a Planned Development will allow for the use of the off-sale portion of the Retail (on-off sale) Wine License. No on-sale use will be allowed on the property. Any on-sale liquor use will require the approval of a Major Amendment to a Planned Development. The applicant is not proposing to sell wine for use on the property. As such, the proposed off-sale use does not create an undue concentration of similar uses.

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 at 1415 Eglin Street approximately 2,000 feet northwest of the

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intersection of Eglin Street and East North Street. There is a one story "Target" store located on the property.

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

The above legally described property is located in the Rushmore Crossing Retail Shopping Center. Properties to the east, west and northeast are also in the Rushmore Crossing Retail Shopping Center and are similar in style to the existing "Target" store.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any changes to the previously approved site plan. The landscaping must continually comply with all requirements of Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

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

There will be no changes in impervious surfaces, topography or drainage.

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

Eglin Street provides vehicular access to the property. A combination of property line and curbside sidewalk along Eglin Street provides pedestrian access to the property. The proposed off-sale use does not trigger additional parking. The existing "Target" store requires a minimum of 572 stalls to be provided. There are currently 574 parking stalls with twelve handicapped accessible stalls located on the property. A minimum of 572 parking spaces must be provided. In addition, 12 of the parking spaces must be handicap accessible. Two of the handicap spaces must be "van accessible." All provisions of the Off-Street Parking Ordinance must be continually met.

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

The proposed off-sale wine sales should not generate any additional traffic impacts.

7. *Proposed signs and lighting:*

The applicant is not proposing any changes to the previously approved sign package or lighting package. All signage must continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a Planned Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be allowed as a Minimal Amendment. All signage not in conformance with the Sign Code or any electronic reader board signs will require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs

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must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for any proposed signs. In addition, all outdoor lighting must 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.

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

The property is currently served by public utilities including Rapid City sewer and water.

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

The property is intended to be used for commercial uses. The applicant is proposing to sell off-sale wine at the existing "Target" store. The proposed use is a permitted use in the General Commercial District. However, the State of South Dakota only offers a Retail (on-off sale) Wine License. As such, a Conditional Use Permit is required for the on-sale portion of the license. The proposed off-sale use is in compliance with the objectives of the comprehensive plan and the Zoning Ordinance.

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

The existing structure on the property is in compliance with the area requirements of the General Commercial District. The applicant is not proposing any changes to the previously approved site plan. The proposed off-sale liquor use does not trigger any additional parking. All provisions of the General Commercial District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment.

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

It does not appear that the proposed off-sale wine use will have a negative effect on the surrounding area by causing noise, odor, smoke, dust, air or water pollution.

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

The stipulations of approval will ensure that the on-sale portion of the Retail (on-off sale) Wine License will not be allowed.

Notification: As of this writing, the white slips and green cards from the certified mailing have not been returned and the required sign has not been posted on the property. Staff will notify the Planning Commission at the December 6, 2012 Planning Commission meeting if these requirements have not been met.