

STAFF REPORT
July 10, 2014, 2014

No. 14PD012 - Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant **ITEM 6**

GENERAL INFORMATION:

APPLICANT	Lauren Boyum - Dakota Slice
AGENT	Shane Boyum
PROPERTY OWNER	CPP Rushmore II LLC
REQUEST	No. 14PD012 - Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant
EXISTING LEGAL DESCRIPTION	Lot 5A4 of Block 2 of Rushmore Crossing, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.82 acres
LOCATION	1325 Eglin Street #100
EXISTING ZONING	General Commercial (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial
South:	General Commercial (Planned Development)
East:	General Commercial (Planned Development)
West:	General Commercial (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	May 27, 2014
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant be approved with the following stipulations:

1. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be required prior to occupancy;
2. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a

STAFF REPORT
July 10, 2014, 2014

No. 14PD012 - Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant **ITEM 6**

- part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
3. All parking shall continue to comply with the previously approved Planned Developments for the property, specifically File #07PD074, and File #13PD046;
 4. All landscaping shall continue to comply with the previously approved Planned Developments for the property, specifically File #07PD074 and File #13PD046;
 5. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
 6. All applicable provisions of the International Fire Code shall be continually maintained;
 7. All provisions of the General Commercial District shall be continually maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to the Planned Development, and;
 8. The Major Amendment to the Planned Development shall allow an on-sale liquor establishment for beer and wine in conjunction with a full service restaurant. All permitted uses in the General Commercial District shall be permitted. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS: (Update, June 26, 2014. All revised and/or added text is shown in bold print.) This item was continued at the June 19, 2014 Planning Commission meeting since the paper failed to post the required publication notice for this item.

The applicant is requesting a Major Amendment to the Planned Development to allow an on-sale liquor establishment in conjunction with a full service restaurant to be located in the Rushmore Crossing commercial development. On December 5, 2013, the Planning Commission approved a Final Planned Development for the construction of two structures comprising four commercial suites (File #13PD046). The applicant is now opening a full service restaurant to be known as "Blaze Fast Fire'd Pizza" in one of the newly constructed suites and would like to serve beer and wine. As such, the applicant has submitted this Major Amendment to the Planned Development.

The property is located at 1325 Eglin Street, Suite #100, immediately north of the existing "Bed, Bath, and Beyond". Additional suites within the strip mall development are currently under construction on the site.

STAFF REVIEW: Staff has reviewed the application according to the requirements of Rapid City Municipal Code Chapter 17.50.185 regarding on-sale liquor establishments. The requirements are as follows:

1. *The requested use will not adversely affect the use of any place used for religious worship, school, park, playground or similar use within a 500-foot radius:*

The property is located in a General Commercial District currently undergoing development. Property in the area continues to develop with a variety of commercial and retail uses. The

STAFF REPORT
July 10, 2014, 2014

No. 14PD012 - Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant **ITEM 6**

proposed restaurant is not located within 500 feet of any place of 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 the areas:*

Property to the north, south, east and west are zoned General Commercial District and are located within a Planned Development. There are no residentially zoned districts in the vicinity of the proposed use. The requested Major Amendment to the Planned Development will not adversely affect any 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:*

Property in the vicinity of the proposed full service restaurant continues to develop with commercial uses. Fuji Japanese Steakhouse, Q'doba Mexican Grill, and HuHot, located to the east, are all on-sale liquor establishments for beer and wine in conjunction with full service restaurants. A Perfect 10 Salon is also located east of the subject property and is an on-sale liquor establishment in conjunction with a salon and spa. Famous Dave's and Longhorn Steakhouse, both located to the north and east of the proposed full service restaurant, are also on-sale liquor establishments in conjunction with full service restaurants. The General Commercial District is intended to provide a location for the personal and business services and general retail business of the city, including businesses with alcohol sales. The proposed on-sale alcohol use is proposed as an accessory to the primary restaurant use proposed for the property. In addition, the applicant is proposing to serve beer and wine only, and is not seeking a full liquor license. It does not appear that the proposed use will create an undue concentration of similar uses, so as to cause blight, deterioration, or substantially diminish or impair property values.

4. *The proposed use complies with the standards of 5.12.140 and 17.54.030 of this code:*

The criteria for review of a Conditional Use Permit per Chapter 17.54.030 of the Rapid City Municipal Code are included below. The proposed use complies with the standards of the Code.

Criteria for Review: Rapid City Municipal Code Chapter 17.54.030.E sets the criteria required in reviewing a Conditional Use Permit. In reviewing applications for a Conditional Use Permit, due consideration shall be given to the following:

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

The property is located on Eglin Road, north of the primary Rushmore Crossing strip mall development. The proposed restaurant, to be known as "Blaze Fast Fire'd Pizza", will be located within one suite of the strip mall. The suite is currently under construction. Commercial and retail uses in the area continue to expand.

STAFF REPORT
July 10, 2014, 2014

No. 14PD012 - Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant **ITEM 6**

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

The area is developing as a commercial district with retail shops and services. A building permit has been approved for a "Five Guys" hamburger restaurant to be located within another suite in the same retail development. As of this writing, building permits have not been submitted or approved for the tenant finishes in the remaining two suites within the development.

3. Proposed fencing, screening, and landscaping:

A Planned Commercial Development (File #07PD074) was approved on September 20, 2007 for the parking and landscaping on the western side of the Rushmore Crossing commercial development, including the subject property. The Final Planned Development approved in 2013 showed the landscaping in compliance with the originally approved Planned Development. All landscaping must continue to comply with the requirements of the Rapid City Municipal Code, the previously approved landscaping plan, (File #07PD074), and the submitted plans.

Submitted plans show that an outdoor seating area located adjacent to the restaurant is being proposed. The proposed seating area is a total of 400 square feet. The submitted operations plan does show that the sale and service of alcohol is proposed within the seating area. Plans show that a barrier fence is being proposed that will serve as separation of the service area from the rest of the property. Access to the serving area will be from inside the building, however, plans do show that a gate is located on the outside the service area to allow emergency access to the patio. A building permit must be obtained prior to construction. A Certificate of Occupancy must be obtained prior to occupancy.

4. Proposed vegetation, topography, and natural drainage:

All grading and drainage improvements for the Rushmore Crossing development have been approved per the previously approved Final Planned Development. The development is currently under construction. The Public Works department has not identified any additional issues with the drainage or grading of the area.

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

A Major Amendment to the Planned Development (File #07PD074) was approved by Planning Commission at the September 20, 2007 Planning Commission meeting for the parking and landscaping in the western portions of the Rushmore Crossing commercial development. All parking and uses within the boundaries of the Planned Development are calculated at the shopping center rate of 4.5 per 1,000 SFGFA. The previously approved Final Planned Development for the strip mall showed a total of 77 parking spaces were being proposed as a part of the development. The proposed restaurant with an on-sale liquor use will utilize the parking approved as a part of the previously

STAFF REPORT
July 10, 2014, 2014

No. 14PD012 - Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant **ITEM 6**

approved Major Amendments. All parking must continue to comply with the previously approved Planned Developments.

Sidewalks are being installed along Eglin Street and in front of the strip mall as a part of the previously approved Final Planned Development. Interior pedestrian circulation connecting Eglin Street and the storefront sidewalks is also provided.

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

Eglin Street is classified as a collector street on the City's Major Street Plan, suitable for accommodating the higher traffic volumes associated with a commercial development. Transportation Planning has noted that the proposed use is anticipated to create a total of 47 trips per peak hour. In addition, Transportation Planning staff has noted that the anticipated traffic for this development was considered as a part of the Traffic Impact Study required for the whole Rushmore Crossing commercial development. It is not anticipated that the proposed on-sale alcohol use for beer and wine will create issues with traffic on Eglin Street.

7. Proposed signs and lighting:

Submitted plans show two wall signs are being proposed for the proposed full service restaurant. The first faces to the east and measures 12 feet 8 inches long by 3 feet 3 inches tall, totaling 40.625 square feet of signage. The second sign faces the north and measures 11 feet 3/4 inch long by 2 feet 10 1/2 inches tall, totaling 31.8 square feet of signage. A total of approximately 72.5 square feet of signage are proposed for the restaurant. The proposed signage is in compliance with Chapter 17.50.080 of the Rapid City Municipal Code.

All signage must comply with Chapter 17.50.080 of the Rapid City Municipal Code. Any changes to the original sign package which the Director of Community Planning and Development Services determines is consistent with the original approved sign package may be allowed as a Minimal Amendment to the Planned Development. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign.

8. The availability of public utilities and services:

The property is served by Rapid City water and sewer services. Public Works staff has noted that existing utilities appear sufficient to accommodate the proposed on-sale liquor establishment for beer and wine.

The Rapid City Fire Department has noted that the development currently under construction must be fully protected with an approved fire-sprinkler protection system. Submitted plans in the previously approved Final Planned Development show that the structures are fire-sprinkler protected. All applicable provisions of the currently adopted

STAFF REPORT
July 10, 2014, 2014

No. 14PD012 - Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant **ITEM 6**

International Fire Code must be continually met.

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

The Future Land Use designation for this property is commercial. The property is zoned General Commercial District with a Planned Development. The proposed use on the property complies with 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 proposed on-sale liquor establishment is comprised of 2,499 square feet interior space located within one suite of an existing four suite strip mall, as well as an additional 400 square feet of outdoor seating. The existing and proposed structures meet all the land use regulations of the General Commercial District.

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 orientations:*

The proposed on-sale liquor use for beer and wine will be located within one suite of the four-suite strip mall currently under construction as well as a 400 square foot patio located in the central area between the two structures. This Major Amendment to the Planned Development will allow for an on-sale liquor establishment in conjunction with a full service restaurant with the sale and service of beer and wine as an accessory to the primary use. The applicant should note that the sale of alcohol may not commence on the site until this Major Amendment to the Planned Development has been approved. The General Commercial District is intended for personal and business services and the general retail business of the city. It does not appear that the request will create excessive 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 on-sale alcohol use for beer and wine on the property must comply with the hours/days/holiday restrictions that apply for the type of license secured. The stipulations of approval of this Planned Development will serve as the tool to ensure that the proposed use will maintain parking, sufficient buffering from neighboring business, and not create additional light or noise that may have an adverse impact on adjacent uses. The proposed on-sale alcohol use is an accessory to the primary restaurant use. The General Commercial District is viewed as the appropriate zoning classification for on-sale alcohol uses, especially as an accessory to other primary uses. In addition, the applicant is proposing the sale and service of beer and wine only, and is not proposing the sale of liquor. The proposed restaurant is located in one suite of a strip mall meeting all the requirements of the Rapid City Municipal Code. Parking and landscaping meet the requirements of the Rapid City Municipal Code and the approved Major Amendment to the Planned Development. For these reasons, staff recommends that the Major

STAFF REPORT
July 10, 2014, 2014

No. 14PD012 - Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant **ITEM 6**

Amendment to the Planned Development to allow an on-sale liquor establishment for beer and wine in conjunction with a full service restaurant be approved with the stipulations outlined above.

Notification Requirements: The first class mailings have been returned to Community Planning and Development Services for mailing. ~~The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property.~~ **The sign has been posted on the property.** Staff will notify the Planning Commission at the ~~June 19, 2014~~ **July 10, 2014** Planning Commission meeting if these requirements have not been met.