

STAFF REPORT  
April 23, 2015

---

**No. 15UR008 - Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino**

---

**ITEM 6**

GENERAL INFORMATION:

APPLICANT	Paul Bradsky - Wal-East Development, Inc.
AGENT	Kennedy Design Group Inc.
PROPERTY OWNER	Wal-East Development Inc.
REQUEST	<b>No. 15UR008 - Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino</b>
EXISTING LEGAL DESCRIPTION	Lots 1 thru 4 of Block 20 of Wises Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.47 acres
LOCATION	685 LaCrosse Street
EXISTING ZONING	General Commercial District
FUTURE LAND USE DESIGNATION	Mixed Use Commercial
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District
East:	General Commercial District
West:	Medium Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	March 23, 2015
REVIEWED BY	Fletcher Lacock / Dan Kools

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino be approved with the following stipulations:

1. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a Certificate of Occupancy, two handicap accessible parking spaces shall be provided and the accessible route to the building shall be striped as shown on the site plan. A minimum of 27 parking spaces shall be provided. In addition, two of the

STAFF REPORT  
April 23, 2015

---

**No. 15UR008 - Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino** **ITEM 6**

---

3. parking spaces shall be handicap accessible. One of the handicap spaces shall be “van accessible.” All provisions of the Off-Street Parking Ordinance shall be continually met; Prior to issuance of a Certificate of Occupancy, the landscaping shall be installed as per the approved landscape plan. A minimum of 14,342 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
4. 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;
5. All provisions of the General Commercial District shall be met;
6. 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 part of this Major Amendment to a Conditional Use Permit. The addition of electronic or LED signage shall require a Major Amendment. A sign permit is required for any new signs;
7. All applicable provisions of the adopted International Fire Code shall continually be met; and,
8. The Major Amendment to a Conditional Use Permit shall allow for the expansion of an on-sale liquor establishment in conjunction with a casino from 1,886 square feet to 3,136 square feet. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District and in compliance with the Parking Ordinance shall require the review and approval of a Minimal Amendment. All conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino. In particular, the applicant is proposing to expand the existing “Jackpot Casino” into a third suite thereby increasing the total on-sale liquor area by 1,250 square feet. The existing on-sale liquor establishment area is approximately 1,886 square feet and with the expansion, will be a total of 3,136 square feet in size.

On August 2, 1993, a Conditional Use Permit (File #UR1198) was approved to allow an on-sale liquor establishment. On July 16, 2007, the City Council approved a Major Amendment to a Conditional Use Permit (File #07UR008) to allow for the expansion of the on-sale liquor establishment in conjunction with a casino. The approved expansion was 750 square feet in size.

The property is located on the southwest corner of the intersection of North LaCrosse Street and East Monroe Street. Currently, a one-story commercial structure is located on the property. The current tenants are “Little Caesar’s” and “Jackpot Casino”. The remaining suites are currently vacant.

STAFF REPORT  
April 23, 2015

---

**No. 15UR008 - Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino** **ITEM 6**

---

STAFF REVIEW:

Staff has reviewed the Conditional Use Permit 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.*

On the north side of East Monroe Street is “Pennington County Health and Human Services”. Located on the north side of Monroe Street approximately 98 feet northwest of the subject property is the “Community Health Center”. Located approximately 306 feet northwest of the subject property is “Youth and Family Services”. There are no schools or churches located within a 500 foot radius of the subject property. The subject property abuts North LaCrosse Street which is identified as a Principal Arterial Street on the City’s Major Street Plan and is an established commercial corridor in the City. The applicant is proposing to expand an existing on-sale liquor establishment currently located on the property. The proposed expansion will allow for an additional 10 video-lottery machines within the existing casino. The applicant has indicated that the proposed expansion will not increase the bar area within the structure. For these reasons, it does not appear that the proposed expansion will have an adverse affect on places used for religious worship, schools, parks, playgrounds, or similar uses.

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

The property to the west is zoned Medium Density Residential District and is developed with a single-family dwelling. There is an existing six foot high opaque screening fence located on the west property line. The Planning Commission previously approved the screening as shown. The applicant is proposing to expand an existing on-sale liquor establishment into an adjacent suite and will not be adding to or expanding the footprint of the existing structure.

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.”*

Located approximately 111 feet to the northeast of the subject property is “Taste of Chicago” an on-sale liquor establishment in conjunction with a restaurant and the “LaCrosse Street Casino I and II”. The applicant is proposing to expand an existing on-sale liquor establishment located adjacent to North LaCrosse Street. North LaCrosse Street is identified as a Principal Arterial Street on the City’s Major Street Plan and is an established commercial corridor. It does not appear that expanding an existing on-sale liquor use will create an undue concentration.

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:

STAFF REPORT  
April 23, 2015

---

**No. 15UR008 - Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino**

---

**ITEM 6**

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

The property is located on the southwest corner of the intersection of North LaCrosse Street and East Monroe Street. Currently, a one-story commercial structure with four suites is located on the property. The structure is located on the southwest side of the property with the parking lot abutting East Monroe Street and North LaCrosse Street.

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

The property to the west is developed with a single-family dwelling. The property to the east is a one-story commercial strip mall. The property to the south is the location of the "Super Lube" oil change. The property to the north is "Pennington County Health and Human Services".

3. *Proposed fencing, screening and landscaping:*

The property to the west is zoned Medium Density Residential District and requires that an opaque screening fence be provided. There is an existing six foot high opaque screening fence located on the west property line. The screening fence was approved with a previous Major Amendment to the Conditional Use Permit.

A minimum of 14,342 landscaping points must be provided for the proposed development. The applicant has submitted a landscape plan showing that with existing and proposed landscaping, a total of 14,430 landscape points will be provided. The proposed landscape plan is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. Prior to issuance of a Certificate of Occupancy, the landscaping must be installed as shown.

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

The landscape plan identifies that 16 new shrubs will be planted on the northeast corner of the property to ensure that the minimum landscaping is provided. Otherwise, the applicant is not proposing any construction which will affect 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:*

Vehicle access to the property is from East Monroe Street and North LaCrosse Street. Property line sidewalks are located on East Monroe Street and North LaCrosse Street that provides pedestrian access. A minimum of 27 parking spaces must be provided for the existing and proposed uses. The applicant has submitted a site plan that identifies that 29 parking spaces are being provided. In addition, two of the parking spaces must be handicap accessible with one being "van" accessible. Currently, there is only one handicap accessible parking space located on the property. The applicant has shown that the handicap accessible parking will be addressed with a Building Permit. Prior to

STAFF REPORT  
April 23, 2015

---

**No. 15UR008 - Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino**

---

**ITEM 6**

issuance of a Certificate of Occupancy, the handicap parking and accessible route must be striped as shown on the site plan.

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

With the proposed expansion to the on-sale liquor use, the strip mall will generate approximately 92 peak hour trips.

7. *Proposed signs and lighting:*

The applicant is not proposing any changes to the existing signage or lighting. There is an existing off-premise billboard sign and two on-premise pole signs located on the subject property. It appears that the existing pole signs are legal non-conforming. In addition, there is wall signage on the north and south sides of the building. It appears that the wall signage is in compliance with the sign code. The applicant has indicated that the proposed expansion to the on-sale liquor use in conjunction with a casino will not require any new signage.

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 Zoning Ordinance is the tool that implements the Comprehensive Plan. An on-sale liquor establishment is a conditional use in the General Commercial District. The applicant should be aware that any expansion to the on-sale liquor use will require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District and in compliance with the Parking Ordinance will require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District will require the review and approval of a Major Amendment to the Conditional Use Permit.

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

The existing structure is legal non-conforming to the side yard setback that abuts a residential district on the west side of the property. The minimum required side yard setback is 25 feet and the existing setback is 15 feet. The applicant is not proposing to expand the footprint of the structure. All provisions of the General Commercial District must continually be met.

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:*

STAFF REPORT  
April 23, 2015

---

**No. 15UR008 - Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino** **ITEM 6**

---

It does not appear that the proposed expansion to an existing on-sale liquor establishment in conjunction with a casino will have a significant 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 are included to serve as a tool to mitigate probable adverse impacts of the proposed use on existing adjacent uses. In addition, the stipulations of approval will serve to ensure compliance with the Zoning Ordinance and the International Fire Code.

Notification: The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the April 23, 2015 Planning Commission meeting if this requirement has not been met.