



# Rapid City Planning Commission

## Major Amendment to a Planned Development Project Report

### October 8, 2015

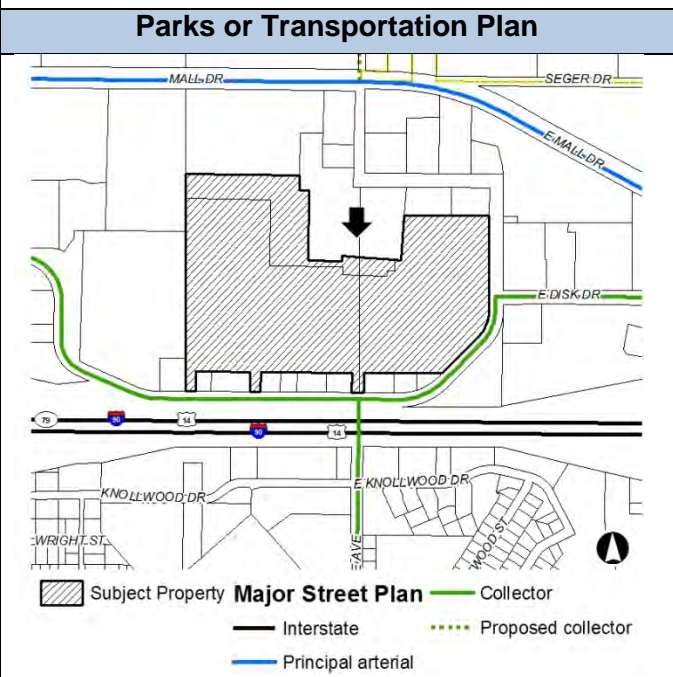
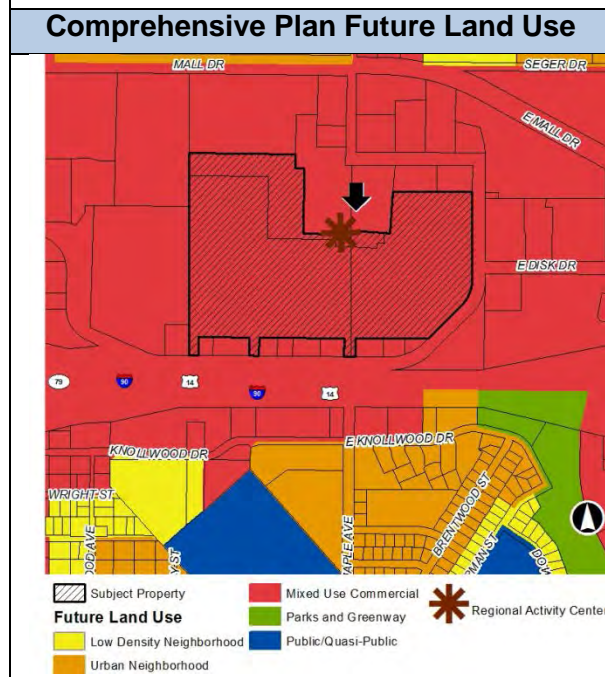
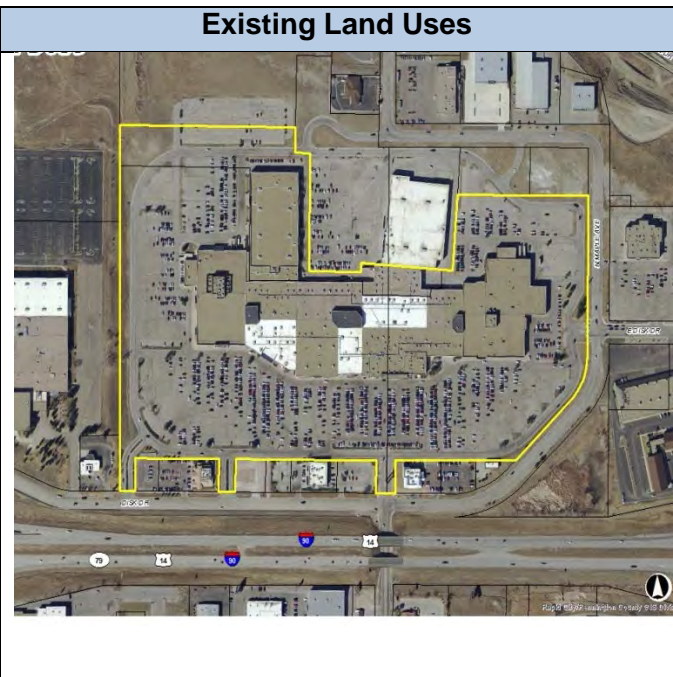
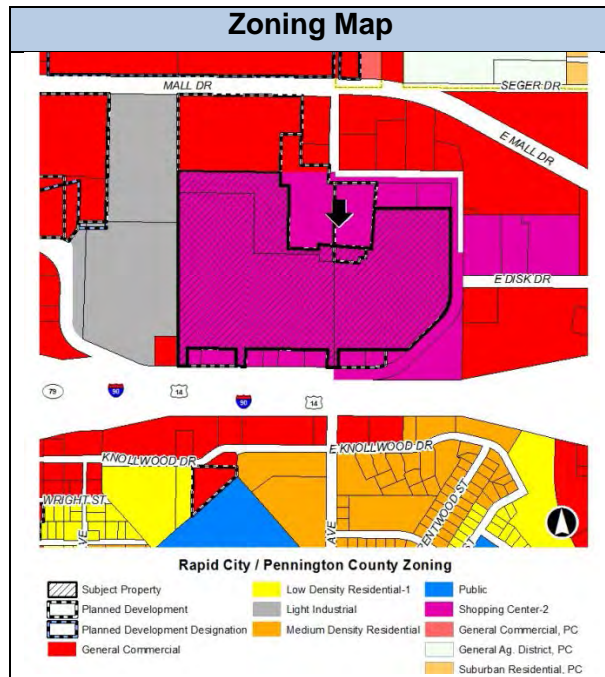
Applicant Request(s)
Case # 15PD039 – Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a specialty store
Companion Case(s) N/A

Development Review Team Recommendation(s)
<b>The Development Review Team recommends approval with stipulations as noted below.</b>

Project Summary Brief	
The applicant has submitted a Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a specialty store. In particular, the applicant is proposing to serve wine samples to customers of the “Dakota’s Best Wine & Gifts” specialty store located in Rushmore Mall. The hours of operation are 10:00 a.m. to 9:00 p.m. Monday through Friday, 10:00 a.m. to 8:00 p.m. on Saturdays, and 11:00 a.m. to 6:00 p.m. on Sundays. State Statutes allow a limited number and size of wine samplings with an off-sale liquor license. In order to provide a larger sampling size and more than three samples per customer, an on-sale liquor license is required which also requires a Conditional Use Permit.	
Applicant Information	Development Review Team Contacts
Applicant: Dakota’s Best Wine and Gifts LLC	Planner: Fletcher Lacock
Property Owner: SM Rushmore Mall LLC	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Nicole Lecy
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	2200 North Maple Avenue, Suite 0242A
Neighborhood	Northeast
Subdivision	Rushmore Mall
Land Area	56.73 acres
Existing Buildings	685,312 square feet
Topography	Relatively flat
Access	North Maple Avenue
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	SC-2/PD	MUC-Regional Activity Center	Rushmore Mall
Adjacent North	GC and GC/PD	MUC-Regional Activity Center	One-story commercial
Adjacent South	SC-2	MUC-Regional Activity Center	Restaurants
Adjacent East	SC-2	MUC-Regional Activity Center	Hotel and commercial uses
Adjacent West	LI	MUC-Regional Activity Center	Industrial structure



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Shopping Center District 2	Required	Proposed	
Lot Area	4 acres	56.73 acres	
Lot Frontage	N/A	Approximately 1,500 feet	
Maximum Building Heights	2.5 stories or 35 feet	Existing structure	
Maximum Density	25%	Existing structure	
Minimum Building Setback:			
• Front	25 feet	Existing structure	
• Rear	30 feet	Existing structure	
• Side	25 feet	Existing structure	
• Street Side	25 feet	Existing structure	
Minimum Landscape Requirements:			
• # of landscape points	As per Chapter 17.32.080 of the RCMC	Use does not trigger additional landscaping	
• # of landscape islands	N/A	Use does not trigger additional landscaped islands	
Minimum Parking Requirements:			
• # of parking spaces	3,603	4,630	
• # of ADA spaces	56	58	
Signage	Two square feet for every linear square foot of frontage	No new signage proposed	
Fencing	8 feet	No fencing proposed	

Planning Commission Criteria and Findings for Approval or Denial	
<b>Pursuant to Chapter 17.50.185 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to allow an on-sale liquor establishment:</b>	
Criteria	Findings
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 places or religious worship, schools, parks, or playgrounds within 500 feet. It does not appear that the on-sale liquor establishment will have an adverse impact if operated in conjunction with a specialty store.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	The proposed on-sale liquor use is located in Rushmore Mall and appears to be sufficiently buffered from 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.”	“Fuji Sushi and Sake Bar” is a restaurant also located in Rushmore Mall. There are three restaurants located south of Rushmore Mall: “Red Lobster”, “Olive Garden”, and “Texas Roadhouse”. It does not appear that the proposed on-sale liquor establishment in conjunction with a specialty store will create an undue concentration.
4. The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.	See below
<b>Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:</b>	

1. The location, character and natural features of the property:	The property is the location of "Rushmore Mall". "Dakota's Best Wine & Gifts" is located inside the mall.
2. The location, character and design of adjacent buildings:	There are restaurants located on properties to the south. One story commercial structures are located to the east and north. Property to the west is developed with an industrial structure for "SymCom".
3. Proposed fencing, screening and landscaping:	No new fencing, screening, or landscaping is proposed.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any changes to the site.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	Vehicular access to the property is from Disk Drive and North Maple Avenue. The applicant is not proposing any structural expansion on the property. The property owner should be aware that there do not appear to be sidewalks along North Maple Avenue which may be required with a Building Permit in the future.
6. Existing traffic and traffic to be generated by the proposed use:	It does not appear that the proposed on-sale liquor use in conjunction with a specialty store will generate additional traffic. The applicant is proposing to increase the sample serving size for occasional wine tasting events.
7. Proposed signs and lighting:	The applicant is not proposing any new signage or lighting.
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:	An on-sale liquor establishment in conjunction with a specialty store is a conditional use in the Shopping Center 2 District. The City's adopted Comprehensive Plan identifies the property as suitable for Mixed-Use Commercial and a Regional Activity Center which supports commercial and retail uses.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The applicant is not proposing any new development on the property.
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 on-sale liquor use in conjunction with a specialty store will have a negative effect on noise, odor, smoke, dust, air, and water pollution.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	The stipulation of approval will ensure that the on-sale liquor use will only be operated in conjunction with a specialty store for wine tastings. Any expansion of the use will require a Major Amendment to the Planned Development.

**Staff has also reviewed the proposed use with respect to Chapter 17.50.050(F)5 of the Rapid City Municipal Code and has noted the following issues:**

The property is located within a previously approved Planned Development. The proposed on-sale liquor use in conjunction with a specialty store is a conditional use in the Shopping Center 2 District requiring a Major Amendment to the Planned Development.

**Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial**

**In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles,**

**goals, and policies within the Rapid City Comprehensive Plan:**

<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
BPG-1.2B	<b>Priority Activity Centers for Reinvestment:</b> Rushmore Mall is identified as a Regional Activity Center. “Dakota’s Best Wine & Gifts” is a specialty store located in the mall that is proposing to expand their services to include occasional wine tastings.
	<b>A Vibrant, Livable Community</b>
LC-5.1B	<b>Diverse Mix of Uses:</b> The proposed on-sale liquor use in conjunction with a specialty store for wine tastings supports the diverse mix of uses in the Rushmore Mall.
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1E	<b>Access Management Planning:</b> Access to the property is from North Maple Avenue and Disk Drive which are both identified as Collector Streets on the City’s Major Street Plan.
	<b>Economic Stability and Growth</b>
EC-3.1C	<b>Other Employment Areas:</b> Rushmore Mall is identified as an established Regional Activity Center and the proposed on-sale liquor use promotes the reinvestment in the area.
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> The proposed Major Amendment to a Planned Development requires that public notice be advertized in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Major Amendment to a Planned Development is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan</b>	
<b>Designation(s):</b>	<b>Mixed-Use Commercial / Regional Activity Center</b>
	<b>Design Standards:</b>
N/A	Rushmore Mall is identified as a Regional Activity Center that is in need of reinvestment and targeted redevelopment.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
<b>Neighborhood:</b>	<b>Northeast</b>
<b>Neighborhood Goal/Policy:</b>	
N/A	Rushmore Mall is identified as a Regional Activity Center and is an established retail destination.

Findings
Staff has reviewed the Final Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a specialty store pursuant to Chapter 17.50.050(F)5, Chapter 17.32, Chapter 17.50.185, and Chapter 17.54.030 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The property is the location of Rushmore Mall an established Regional Activity Center. The proposed on-sale liquor use is to allow wine tastings for an existing specialty store located in the mall. It does not appear that the proposed on-sale liquor use will have a negative impact on the area if it is operated in conjunction with a specialty store for occasional wine tastings.

Planning Commission Recommendation and Stipulations of Approval
Staff recommends that the Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a specialty store be approved with the following stipulations(s):
1. Approval of the Major Amendment to the Planned Development hereby acknowledges the stipulations of the previously approved Planned Development and Major Amendments to the Planned Development on the property;
2. Any changes to the approved sign package for the Rushmore Mall, 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 to the Planned Development. The addition of any electronic signage will require a Major Amendment to the Planned Development. In addition, the Community Planning and Development Services Director may approve temporary signs in accordance with the Sign Code. A sign permit shall be obtained for any new signage; and,
3. The Major Amendment to a Planned Development shall allow an on-sale liquor establishment in conjunction with a specialty store for the applicant. Any change in use that does not increase the minimum parking requirement shall be reviewed as a Minimal Amendment. Any change in use that increases the minimum parking requirement or is a Conditional Use shall require a Major Amendment.