



# Rapid City Planning Commission

## Major Amendment to a Planned Development

### Project Report

April 7, 2016

<b>Item #15</b>
<b>Applicant Request(s)</b>
Case # 16PD009 – Major Amendment to a Planned Development to expand an on-sale liquor establishment in conjunction with a casino
Companion Case(s) # N/A

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

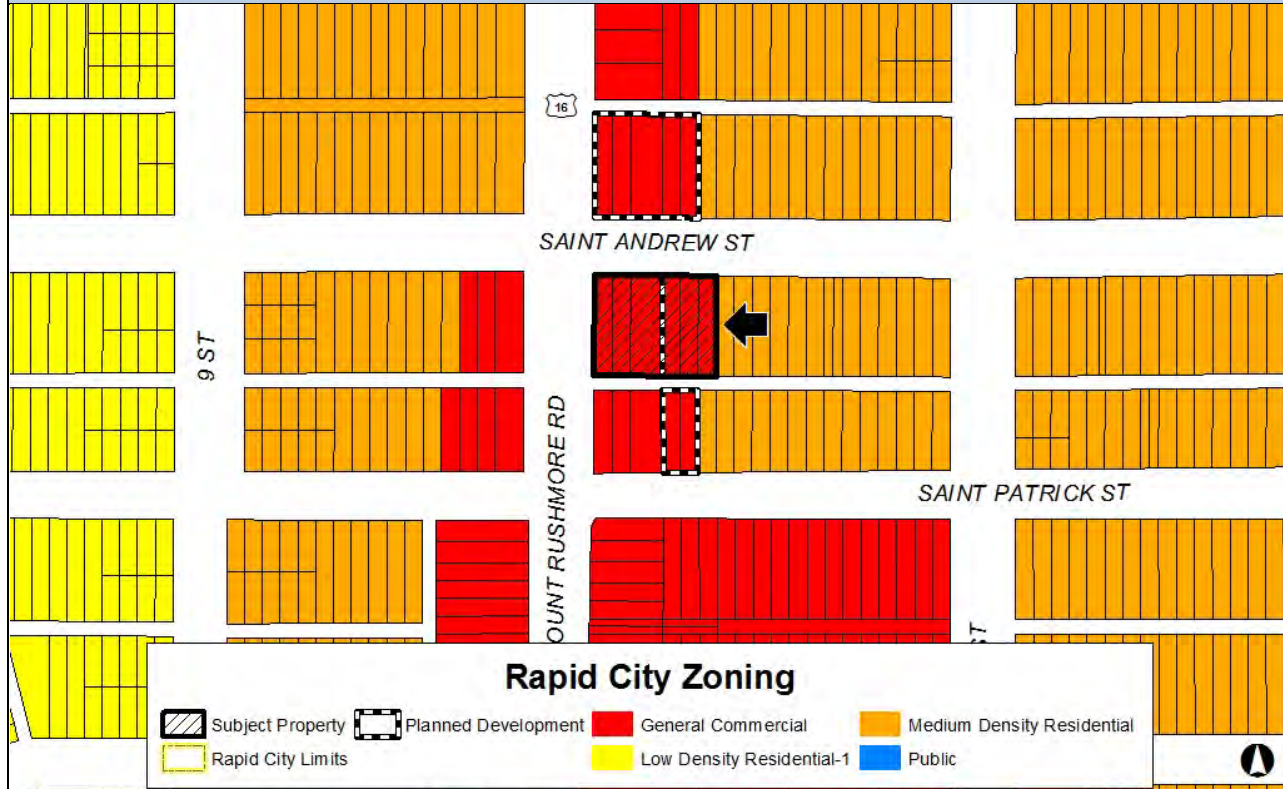
<b>Project Summary Brief</b>	
<p><b>(Update March 28, 2016. All revised and/or added text is shown in bold.) This item was continued at the applicant’s request to the April 7, 2016 Planning Commission meeting to allow the applicant to address concerns raised by the neighborhood.</b> The applicant has submitted a Major Amendment to a Planned Development to expand an on-sale liquor establishment in conjunction with a casino. In particular, the applicant is proposing to expand the “Rushmore Casino” located at 1808 Mount Rushmore Road with a third casino license to occupy the entire 2,551 square foot commercial structure. The site plan also identifies additional signage and landscaping.</p>	
<b>Applicant Information</b>	<b>Development Review Team Contacts</b>
Applicant: Troy Erickson – MG Oil Company	Planner: Fletcher Lacock
Property Owner: MG Oil Company	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: Kennedy Design Group Inc	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	1808 Mount Rushmore Road and 729 Saint Andrew Street
Neighborhood	Downtown / Skyline Drive
Subdivision	West Boulevard Subdivision and Flormann Subdivision
Land Area	0.54 acres
Existing Buildings	2,551 square feet
Topography	Relatively flat
Access	Mount Rushmore Road / Saint Andrew Street / alley access from south
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	West Boulevard Historic District

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC-PD	UN – Revitalization Corridor	Rushmore Casino
Adjacent North	GC-PD	UN – Revitalization Corridor	Hunan Restaurant
Adjacent South	GC and GC-PD	UN – Revitalization Corridor – Revitalization Node	Conoco gas station
Adjacent East	MDR	UN	One-story dwelling
Adjacent West	GC	UN – Revitalization Corridor	Dental clinic

**Zoning Map**



**Rapid City Zoning**

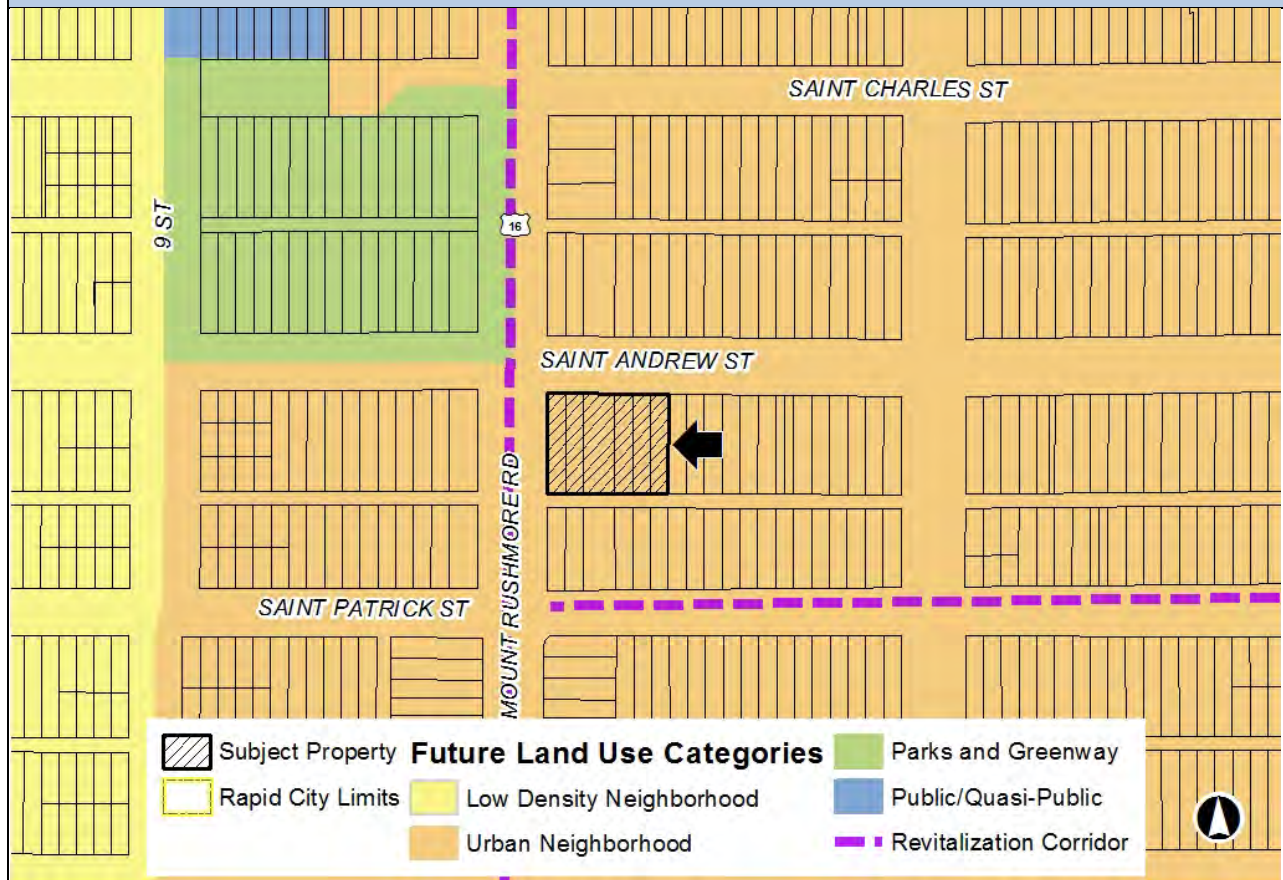
- Subject Property
- Planned Development
- General Commercial
- Medium Density Residential
- Rapid City Limits
- Low Density Residential-1
- Public

**Existing Land Uses**





## Comprehensive Plan Future Land Use



## Parks or Transportation Plan










Relevant Case History			
Case/File#	Date	Request	Action
UR1378	2/6/95	Conditional Use Permit to allow an on-sale liquor establishment	Council approved with stipulations
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	0.54 acres	
Lot Frontage	N/A	Approximately 310 feet	
Maximum Building Heights	4 stories or 45 feet	One story	
Maximum Density	75%	10.9%	
Minimum Building Setback:			
• Front	25 feet from Mount Rushmore Road	62 feet	
• Rear	25 feet	74 feet	
• Side	"0" feet	"0" feet	
• Street Side	25 feet from Saint Andrew Street	53 feet	
Minimum Landscape Requirements:			
• # of landscape points	20,942	21,981	
• # of landscape islands	1	1	
Minimum Parking Requirements:			
• # of parking spaces	26	45	
• # of ADA spaces	2	2	
Signage	Two square feet for every linear square foot of frontage	Preliminary sign package submitted. Will require 11.1 Historic Sign Board review and approval.	
Fencing	8 feet	Existing six-foot high screening fence along east property line	

Planning Commission Criteria and Findings for Approval or Denial	
<p><b>Pursuant to Section 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></p>	
Criteria	Findings
<p>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.</p>	<p>Wilson Park is located approximately 125 feet northwest of the subject property. Wilson Elementary School is also located approximately 560 feet to the northwest on the west side of Mount Rushmore Road. The applicant is proposing to expand an existing on-sale liquor establishment in conjunction with a casino. Mount Rushmore Road is identified as a Principal Arterial Street on the City's Major Street Plan and is a commercial corridor in the City. It does not appear that expanding the on-sale liquor use will have an adverse affect.</p>
<p>2. The requested use is "sufficiently buffered" with respect to residential areas so as not to "adversely affect" such areas.</p>	<p>The closest residential is located on the adjacent property to the east. There is an existing six-foot high wood screening fence located along the east property line. In addition, there are eight evergreen trees located between the fence and the property line to the east. An Exception was previously granted to reduce the side yard setback for the paved parking area from 12 feet to 9 feet. The applicant is proposing to expand an existing on-sale liquor use in conjunction with a casino into an existing vacant suite. The applicant is not proposing any new construction.</p>

	It appears that the proposed use is sufficiently buffered with respect to the residential property to the east.
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."	Pizza Hut is located approximately 450 feet to the southwest of the subject property. This is an established commercial corridor in the City. Staff does not find that the expansion of the on-sale use will cause blight, deterioration or diminish or impair property values.
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 located at 1808 Mount Rushmore Road and is developed with a 2,551 square foot commercial building and a parking lot. The applicant is proposing to expand an on-sale liquor use in conjunction with a casino into a vacant suite in the existing structure.
2. The location, character and design of adjacent buildings:	The property to the south is developed with a gas station. Property to the north is developed with a restaurant. Property to the west is developed with a dental clinic. Property to east is developed with single-family dwellings. There is an existing wood screening fence and landscaping which provides a buffer to the residential.
3. Proposed fencing, screening and landscaping:	There is an existing six-foot high wood screening fence located along the east property line and 8 evergreen trees providing an additional buffer. The landscape plan identifies 21,981 points which is in compliance with the landscape requirement of 20,942 points.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any structural 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:	Pedestrian and vehicular access is from Mount Rushmore Road and Saint Andrew Street. The proposed expansion of the on-sale liquor use requires that a minimum of 26 parking spaces be provided. The site plan identifies 45 parking spaces in compliance with the Parking Ordinance.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed expansion of the on-sale liquor use in conjunction with a casino will generate approximately 34 trips per peak hour.
7. Proposed signs and lighting:	The sign package identifies removing an existing pole sign located on the southwest corner of the property. There is an existing pole sign located in the northwest corner of the property as well as a billboard sign. The applicant has also submitted an elevation showing proposed wall signage on the building. The property is located in the environs of the West Boulevard Historic District and will require an 11.1 Historic Sign Board review and approval for proposed signage. The applicant is not proposing any digital reader boards.
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 zoned General Commercial District and an on-sale liquor establishment is a conditional use.
10. The overall density, yard, height and other requirements of	The existing structure on the property is in compliance with the density, yard and height requirements of the General

the zone in which it is located:	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 orientation:	There is an existing six-foot high wood screening fence located along the east property line with eight evergreen trees providing an additional buffer between the fence and the property to the east. It appears that there is a sufficient buffer between the subject property and the property to the east.
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 casino. The applicant is aware that the structure is required to be fire sprinkler protected and is working with the Rapid City Fire Department. Any further expansion to the use will require 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-1.2C	<b>Priority Revitalization Corridors:</b> The applicant is proposing to fill a vacant suite within an existing commercial structure along Mount Rushmore Road and is proposing to remove an existing pole sign located on the property. <b>The applicant should be aware that approval of the Historic Sign Board must be obtained prior to issuance of a Sign Permit.</b>
	<b>A Vibrant, Livable Community</b>
	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	<b>Major Street Plan Integration:</b> The property is located on the east side of Mount Rushmore Road which is identified as a Principal Arterial Street on the City's Major Street Plan.
	<b>Economic Stability and Growth</b>
	N/A
	<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 the 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 is before the Planning



	Commission for review and approval. The public has an opportunity to provide input at this meeting.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
<b>Future Land Use Plan Designation(s):</b>	<b>Urban Neighborhood – Revitalization Corridor</b>
<b>Design Standards:</b>	
N/A	The applicant is proposing to expand an existing on-sale liquor establishment in conjunction with a casino into a vacant suite in an existing commercial structure located along Mount Rushmore Road. Mount Rushmore Road is identified as a Principal Arterial Street on the City's Major Street Plan and is an established commercial corridor.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
<b>Neighborhood:</b>	<b>Downtown / Skyline Drive</b>
<b>Neighborhood Goal/Policy:</b>	
N/A	Mount Rushmore Road is identified as a Revitalization Corridor. The applicant is proposing to expand an existing on-sale liquor use in conjunction with a casino into a vacant suite in an existing building. In addition, the site plan identifies that an existing pole sign will be removed from the southwest corner of the property.

Findings	
Staff has reviewed the Major Amendment to the Planned Development to expand an on-sale liquor establishment in conjunction with a casino pursuant to Chapter 17.18, Chapter 17.54.030(E), and Chapter 17.50.185 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The property is located in the established commercial corridor. The applicant is proposing to expand an existing on-sale liquor establishment in conjunction with a casino into a vacant suite in an existing commercial structure. The applicant has stated that an existing pole sign located on the southwest corner of the property will be removed. The proposed expansion of use supports the revitalization of the corridor.	

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Major Amendment to the Planned Development to expand an on-sale liquor establishment in conjunction with a casino be approved with the following stipulation:	
1.	Acknowledge the previously granted Minimal Amendment to reduce the minimum required parking lot setback from a residential district from 12 feet to 8 feet;
2.	Prior to issuance of a building permit, a Developmental Lot Agreement shall be signed and recorded and a copy submitted to Community Planning and Development Services;
3.	The six-foot high screening fence and eight evergreen trees along the east property shall be maintained at all times. 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.	The applicant shall coordinate with the Rapid City Fire Department concerning the installation of a fire sprinkler protection system. All applicable provisions of the adopted International Fire Code shall continually be met.
5.	<b>Prior to issuance of a sign permit, the southern pole sign shall be removed from the property as per the applicant's sign package.</b> All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this <b>Major Amendment to a Planned Development</b> . The addition of electronic or LED signage shall require a <b>Major Amendment to the Planned Development</b> . A sign permit is required for any new signs. The approval of the Historic Sign Board shall be obtained prior to obtaining a Sign Permit; and,
6.	The Major Amendment to a Planned Development shall allow for the expansion of the on-sale liquor establishment use in conjunction with a casino. Any expansion to the on-

	sale use shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use in the General Commercial District and noncompliance with the parking ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development.
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