



CITY OF RAPID CITY

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MEMORANDUM

TO: Rapid City Planning Commission

FROM: Karen Bulman, Planner II

DATE: August 19, 2010

RE: Ordinance Amendment to provide a Casino Buffer Zone for Residential Neighborhoods

On July 19, 2010, the Rapid City Council requested that the Planning Commission bring forward a recommendation for a distance buffer between casinos and residential neighborhoods within 60 days.

In 2006, the City Council requested that the Planning Commission review a proposed ordinance amendment adding a specific distance requirement between casinos and adjacent residential areas. On March 23, 2006, the Planning Commission recommended an Ordinance Amendment establishing 500 feet as the distance between residential areas and on-sale liquor establishments with and without video lottery and exempting establishments operated in conjunction with a full service restaurant that do not contain video lottery. On March 29, 2006, the Legal and Finance Committee discussed the ability to expand current establishments that would not comply under the ordinance amendment and whether variances could be allowed or exceptions granted. The Legal and Finance Committee sent the item to the City Council without recommendation. On April 3, 2006, the City Council discussed the non-conforming uses and the effect of competition with the proposed ordinance. The City Council referred the item back to the April 12, 2006 Legal and Finance Committee. In addition, the City Council approved a motion to ask the Mayor's Office to appoint a Task Force of interested citizens and business owners to review the recommended ordinance. On April 12, 2006, the Legal and Finance Committee tabled the Ordinance Amendment and the appointment of a Task Force.

In 2006, staff reviewed the requirements from several communities, each requiring a distance between on-sale liquor establishments and residential areas varying from 100 feet to 2,000 feet. The majority of communities also required approval of a Conditional Use Permit in order to review the effects the use may have on surrounding properties. Bozeman, Montana established



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a Casino Overlay District that included regulations of casinos and a 600 foot distance between licensed establishments and schools, churches, residences, public parks and other casinos.

Staff has reviewed the ordinances of South Dakota cities and found one community, Sioux Falls, that identifies a minimum distance standard for video lottery machines requiring that they be located 2,000 feet from any city park, other video lottery machine placement, or any elementary or secondary school. Aberdeen has a provision for a School Safe Zone that applies to all businesses within 300 feet of educational institutions. Any business development within the School Safe Zone is subject to certain conditions that ensure the suitability of such business in order to protect nearby educational institutions. Huron restricts on-sale alcoholic beverages, other than malt beverages, to be sold only in designated locations.

Staff has identified the following options:

1. Amend the ordinance to require a minimum 500 foot distance (or some other distance) between a property with video lottery and residential property, excluding full service restaurants that do not have video lottery and retain the requirement for a Conditional Use Permit.
2. Amend the ordinance to require a minimum 500 foot distance (or some other distance) between a property with video lottery and residential property, excluding full service restaurants that do not have video lottery and eliminate the requirement for a Conditional Use Permit.
3. Leave the requirements as they currently exist.
4. Amend the ordinance to require a minimum 500 foot distance (or some other distance) between a property with an on-sale liquor license and residential property, excluding full service restaurants that do not have video lottery and retain the requirement for a Conditional Use Permit.
5. Amend the ordinance to require a minimum 500 foot distance (or some other distance) between a property with an on-sale liquor license and residential property, excluding full service restaurants that do not have video lottery and eliminate the requirement for a Conditional Use Permit.

A copy of the Staff Report from 2006 and the minutes of the previously mentioned meetings in 2006 are attached to this memo.

The Planning Commission should provide a recommendation to the City Council regarding possible buffers between video lottery establishments and or on-sale liquor establishments and residential properties.