

STAFF REPORT  
July 23, 2009

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**No. 09PD031 - Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment and to revise the previously approved sign package** **ITEM 41**

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GENERAL INFORMATION:

APPLICANT	Conrads Big "C" Signs
AGENT	LeAnn Harlan for Conrad's Big "C" Signs
PROPERTY OWNER	Heinsel Investments LLC
REQUEST	<b>No. 09PD031 - Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment and to revise the previously approved sign package</b>
EXISTING LEGAL DESCRIPTION	Lot B of Lot 1 of Lot D of KW Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.6 acres
LOCATION	1333 North Elk Vale Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/23/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment and to revise the previously approved sign package be approved with the following stipulations:

1. The on-sale liquor establishment shall be operated in conjunction with a hotel banquet facility;

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2. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, may be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign;
3. All applicable provisions of the International Fire Code shall be continually met;
4. A minimum of 134,528 landscaping points with four landscaping islands shall be provided. All landscaping shall be installed in accordance with the approved plans. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
5. A minimum of 168 parking spaces shall be provided. In addition, six of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met; and,
6. The Major Amendment to a Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: The applicant has submitted a Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment and to revise the previously approved sign package for the hotel currently being constructed on the property.

On October 21, 1999 Planning Commission approved a Planned Commercial Development for the property with the following stipulations:

1. That prior to approval by City Council of the Planned Commercial Development, topographical information and a grading plan shall be submitted for review and approval by the Engineering Division. The grading plan shall address work which has been done on the site since the addition was initiated, and the grading which has been completed along the western and southern property boundary;
2. That prior to approval by City Council of the Planned Commercial Development, a drainage plan and drainage calculations shall be submitted for review and approval by the Engineering Division;
3. That prior to approval by City Council of the Planned Commercial Development, a revised site plan showing an emergency vehicle turnaround on the southeast parking/access lane shall be provided;
4. That prior to issuance of a Certificate of Occupancy for the addition on the shop building, a sprinkler system shall be installed in the building. Plans for the sprinkler shall be submitted for review and approval by the Fire Department prior to installation;
5. That prior to issuance of a Certificate of Occupancy for the addition on the shop building, an agreement to connect to the City water system once City water is available to the property shall be signed;

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6. That prior to issuance of a Certificate of Occupancy for the addition on the shop building, a fire hydrant must be installed on site subject to review and approval by Fire Department personnel.

On May 22, 2008 Planning Commission approved a Major Amendment to a Planned Commercial Development (#08PD018) for the property with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall submit documentation that an access easement exists for that portion of the driveway located on Lot A of Lot 1 of Lot D Less Lot H1 of K-W Subdivision, or an access easement shall be recorded at the Register of Deeds Office;
2. Prior to Planning Commission approval, the applicant shall submit a copy of an approved Approach Permit from the South Dakota Department of Transportation;
3. A minimum of 134,528 landscaping points with four landscaping islands shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
4. A minimum of 168 parking spaces shall be provided. In addition, six of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met.

The property is located at 3815 Beale Street which is north of Eglin Street and west of North Elk Vale Road. The property is currently zoned General Commercial District with a Planned Commercial Development. The property to the north is currently zoned Light Industrial District. The property to the south is currently zoned General Commercial District. The property to the east is currently General Commercial District with a Planned Commercial Development. The property to the west is currently zoned General Commercial District.

STAFF REVIEW: Staff has reviewed the Major Amendment to a Planned Commercial Development and has noted the following considerations:

1. *The request will not "adversely affect" the use of any place for religious worship, school, park, playground, or similar use within a five hundred foot radius.*

There are no places of religious worship, schools, playgrounds, parks, or similar use located within 500 feet. Staff does not find that this request for an on-sale liquor use will have an adverse effect on any place of religious worship, school, playground, park, or areas of similar use.

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

The property is currently zoned General Commercial in a Planned Commercial Development. There are no residential properties located adjacent to the property. The property appears to be sufficiently buffered from residential areas by the surrounding

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properties.

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".*

The proposed on-sale liquor use will be associated with the banquet facility located on the property and will not be open to the general public. Currently, there is a hotel establishment that serves alcohol that is located approximately 450 feet to the east of this property and a video lottery casino that is located approximately 700 feet to the southeast of this property. Both are located on the east side of Elk Vale Road. Since this establishment will operate in conjunction with the hotel banquet facility and not be open to the general public staff does not find this request for on-sale liquor use to constitute an undue concentration which would cause blight or deterioration or diminish land values in the surrounding area.

4. *The proposed use has been reviewed under Chapter 17.54.030 (E) Criteria for Review.*

Parking: Staff noted that the parking plan was previously reviewed and approved as part of the previous Major Amendment to a Planned Commercial Development. A total of 168 parking stalls are required for this project. The parking plan that was submitted for this project indicates that 175 stalls will be provided. This number includes a total of 8 handicap accessible parking stalls, with two of them being "van accessible". The parking for this project exceeds the requirements of the Rapid City Municipal Code. As such staff recommends that the Major Amendment to a Planned Commercial Development be approved with the above mentioned stipulations.

Landscaping: Staff noted that the landscape plan was previously reviewed and approved as part of the previous Major Amendment to a Planned Commercial Development. A minimum of 134,528 landscape points and four landscaping islands are required for this project. The landscape plan that was submitted for this project indicates that 172,500 landscape points and six landscaping islands will be provided. The landscaping for this project exceeds the number of points required by the Rapid City Municipal Code. As such, staff recommends that the Major Amendment to the Planned Commercial Development be approved with the above mentioned stipulations.

Signage: Staff noted that a revised sign package was submitted with the application showing two wall signs located on the building totaling 145 square feet in size and one pylon sign totaling 224 square feet in size.

Staff recommends that all signage conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, may be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs must be designed to preclude

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shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Fire Code: Staff noted that all applicable provisions of the International Fire Code shall be continually met.

Notification: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the July 23, 2009 Planning Commission meeting if this requirement has not been met. Staff has not received any objections regarding the Major Amendment to a Planned Commercial Development at the time of this writing.

Staff is recommending that the Major Amendment to a Planned Commercial Development be approved with the previously stated stipulations.