



Rapid City Planning Commission

Planned Development Overlay Project Report

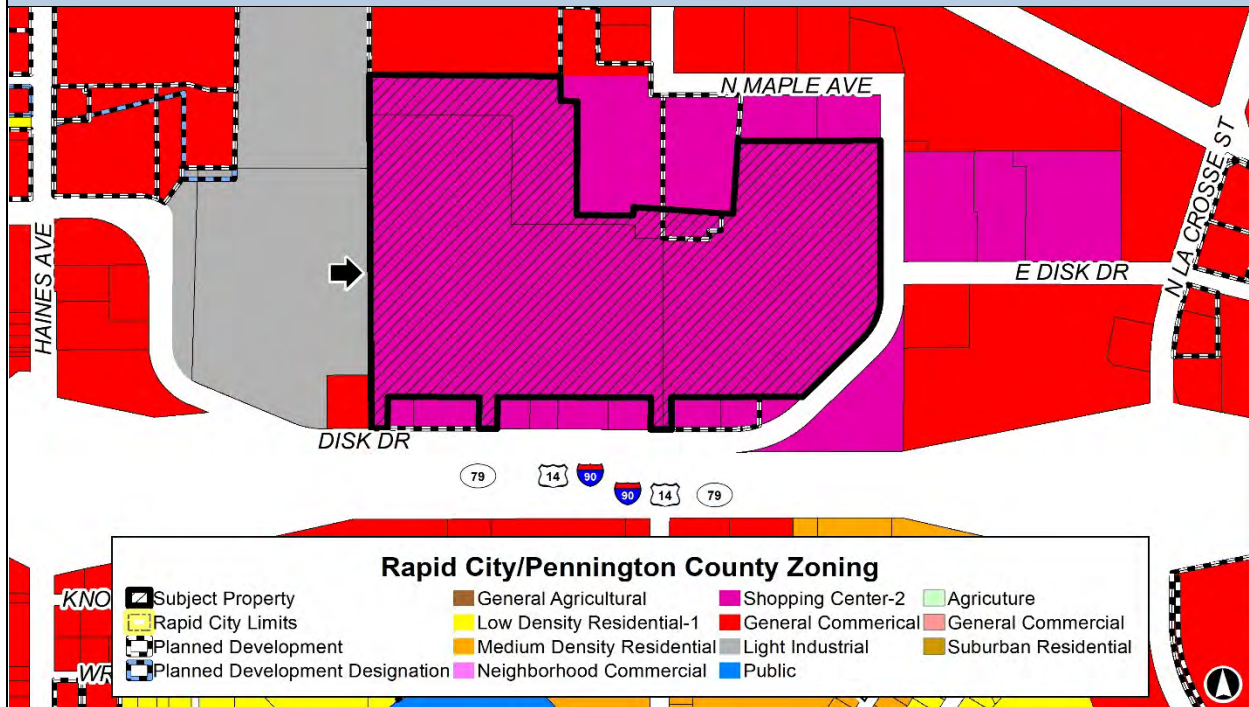
April 7, 2021

Item #6	
Applicant Request(s)	
Case #22PD011 – Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with an indoor golf facility.	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends approval of the Major Amendment to Planned Development Overlay with the stipulations noted below.	
Project Summary Brief	
<p>The applicant has submitted a Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with an indoor golf facility at the Uptown Rapid Mall located at 2200 North Maple Avenue. The applicant intends to operate the business in Suite 458, located in the southern end of the Mall. The business, known as “X-Golf”, is an indoor golf simulator facility. The business will include 7 gaming kiosks, a lounge area, a bar, and an outdoor patio. The applicant is not proposing to serve alcohol outdoors at this time. The subject property is zoned Community Shopping Center-2 District with a Planned Development Overlay. In the Shopping Center-2 District, on-sale liquor is a Conditional Use within the district. The applicant’s operational plan includes the following details for the business:</p> <ul style="list-style-type: none"> 2 full-time employees and 6 to 8 part-time employees. The hours of operation will be Monday – Friday 9 am to 10 pm; Saturday 8 am to 11pm and Sunday 8 am to 8 pm. No alcohol consumption on the patio is requested at this time. <p>The Uptown Rapid Mall is a Regional Activity Center with a Reinvestment Focus. The City’s Comprehensive Plan recommends introducing additional commercial service uses. The proposed Major Amendment to the Planned Development Overlay at the Uptown Rapid Mall is consistent with the City’s adopted Comprehensive Plan.</p> <p>On September 23, 2021, a Major Amendment to the Planned Development Overlay (File #21PD030) was approved with stipulations to allow the on-sale of beer and wine in conjunction with a virtual golf course. The applicant is now proposing to expand this use to include the on-sale of hard liquor.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Michael Thibault	Planner: Tanner Halonen
Property Owner: QR Rushmore LLC	Engineer: Emily Fisher
Architect: Upper Deck Architects, Inc.	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: City
Other: N/A	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	2200 North Maple Avenue, Suite 458
Neighborhood	Northeast Neighborhood Area
Subdivision	Rushmore Mall Subdivision
Land Area	56.73 acres or 2,472,465.6 square feet
Existing Buildings	815,333.6 square-foot commercial complex
Topography	Relatively flat
Access	North Maple Avenue
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills Power / MDU

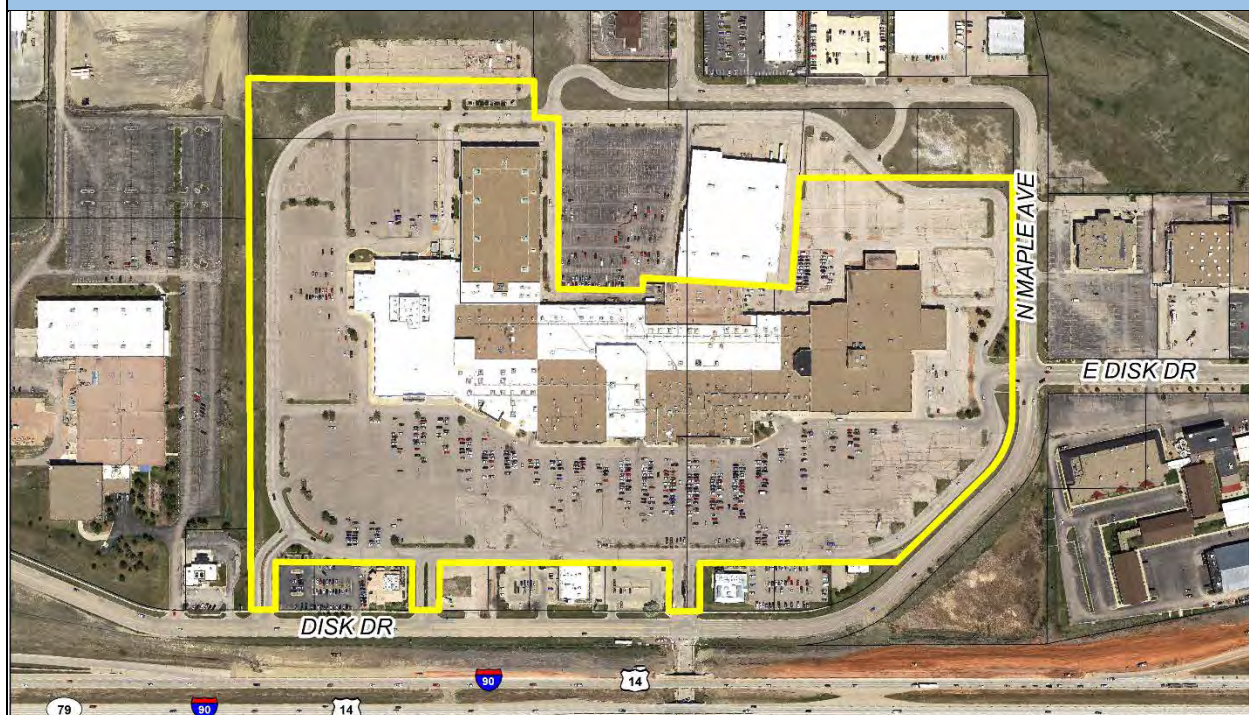
Floodplain	N/A
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Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	SC-2 - PD	MUC	Commercial Retail Center
Adjacent North	GC – PD / SC-2 / SC-2 – PD	MUC	Mix of Vacant/Commercial
Adjacent South	SC-2 / SC-2 – PD	MUC	Commercial Restaurant
Adjacent East	GC / SC-2	MUC	Commercial/Entertainment
Adjacent West	GC / LI	MUC	Retail/Industrial

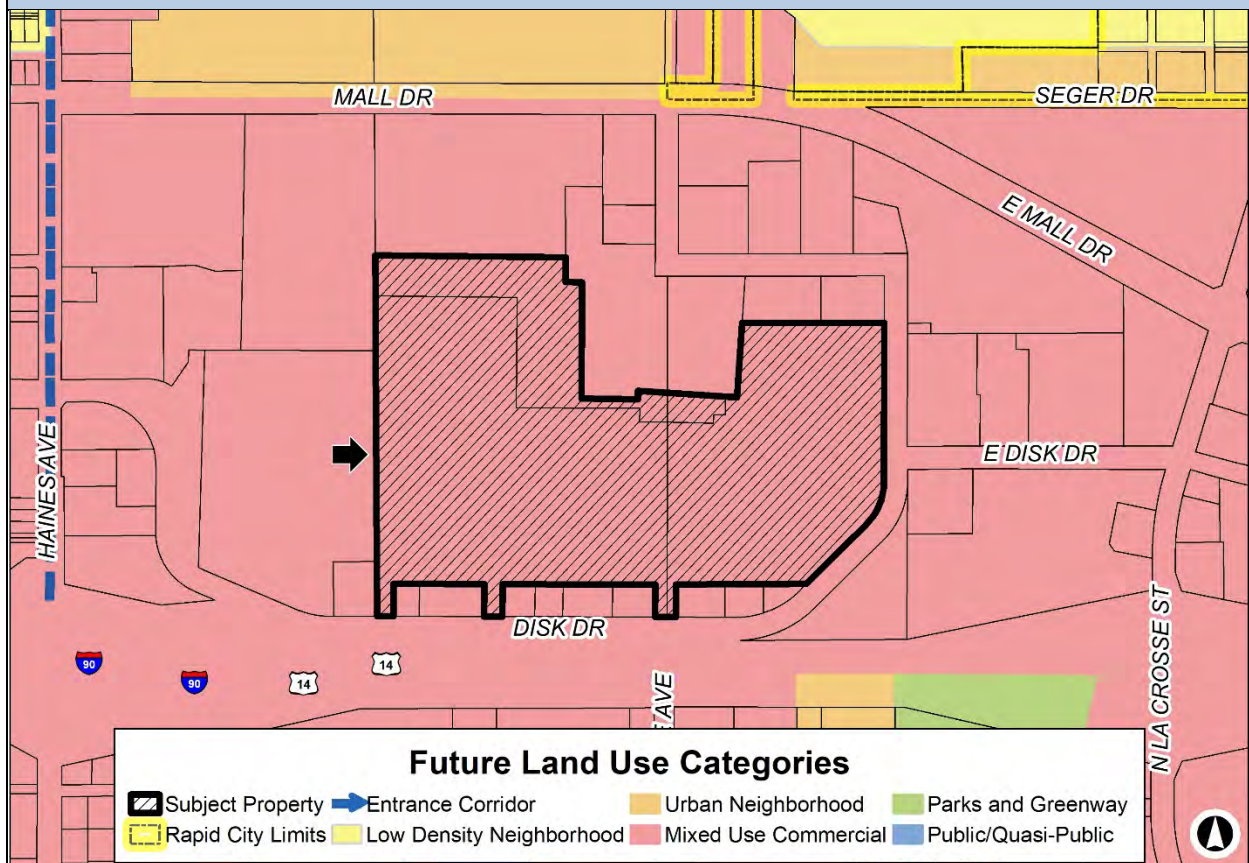
Zoning Map



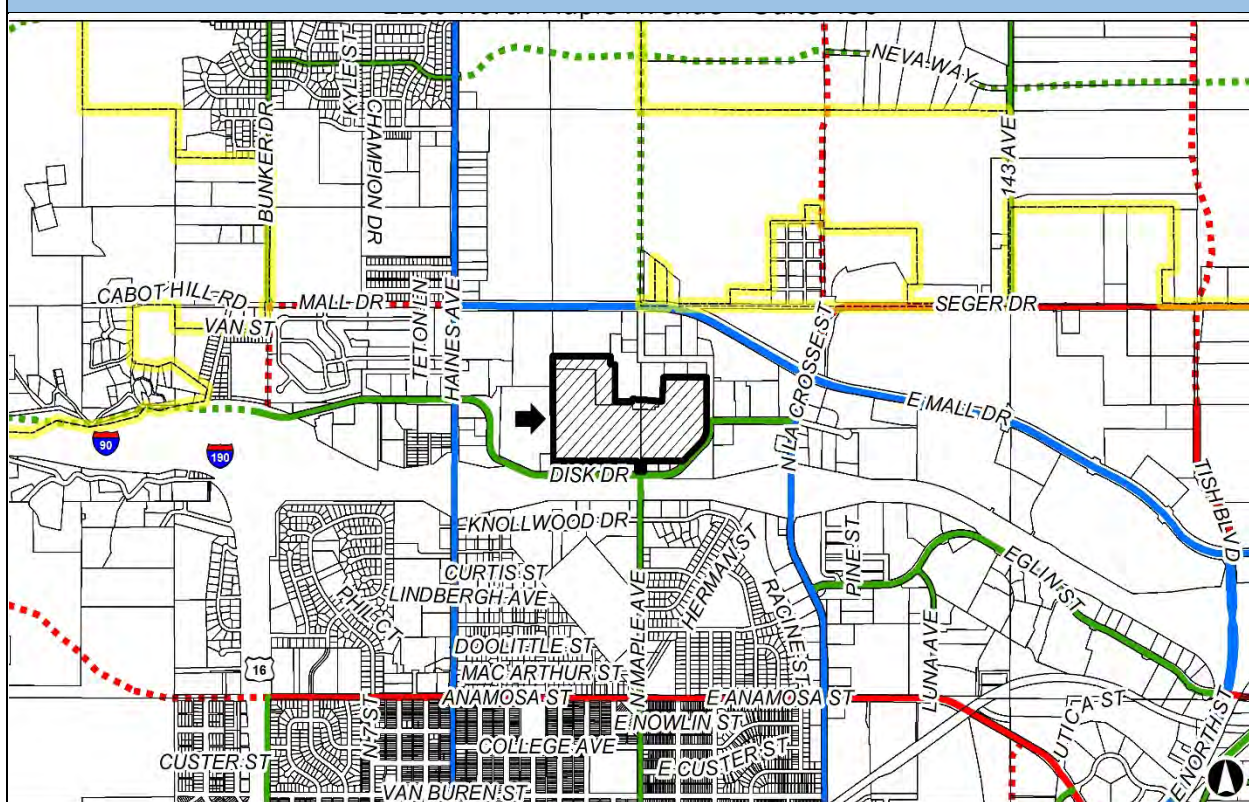
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
21PD030	September 23, 2021	Major Amendment to a Planned Development Overlay to allow on-sale liquor in conjunction with a virtual golf course	Approved with stipulations
Relevant Zoning District Regulations			
Community Shopping Center – 2 District		Required	Proposed
Lot Area		4 acres or 174,240 square feet	Existing - 56.73 acres or 2,472,465.6 square feet
Lot Width		100 feet	505 feet
Maximum Building Heights		2 ½ stories or 35 feet	Existing – 1 story
Maximum Density		25%	Existing – 1 story
Minimum Building Setback:			
• Front		25 feet from street lines	Existing - >25 feet
• Rear		30 feet from street lines	Existing - >30 feet
• Side		25 feet from street lines	Existing - >25 feet
• Street Side		25 feet from street lines	Existing - >25 feet
Minimum Landscape Requirements:			
• # of landscape points		As per RCMC 17.32.080	No additional landscaping is required
• # of landscape islands		As per RCMC 17.50.300	No additional landscaping is required
Minimum Parking Requirements:			
• # of parking spaces		4.5 spaces per 1000 square feet	No additional parking is required
• # of ADA spaces		As per RCMC Chapter 17.50.270	No additional ADA spaces are required
Signage		As per RCMC 17.50.100	No additional signage is proposed
Fencing		As per RCMC 17.50.340	No fencing is proposed

Planning Commission Criteria and Findings for Approval or Denial	
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:	
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 of religious worship, schools, parks, playgrounds, or other similar uses within 500 feet of the subject property. It does not appear that the proposed on-sale use will adversely affect areas of religious worship, schools, parks, playgrounds, or other similar uses.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	The subject property is located approximately 685 feet north of the nearest residential district, on the south side of Interstate-90. The proposed use is sufficiently buffered so as to not adversely impact any residential areas.
3. The proposed use will not create an undue concentration of similar	Other similar on-sale liquor uses have been previously approved within the Uptown Rapid Mall, such as; the







uses, so as to cause “blight, deterioration, or substantially diminish or impair property values.”	indoor dog park “K-9 Bar” which was approved for on-sale liquor use in 2021, “Dakota’s Best Wine and Gift” which was approved for on-sale liquor use in 2015, and “Kaktus Kim’s Grill and Bar” which was approved for on-sale liquor in 2011. Additionally, “Texas Roadhouse”, “Olive Garden”, and “Red Lobster” all operate with on-sale liquor south of the subject property, adjacent to Disk Drive. The proposed use is consistent with that of a Regional Activity Center comprised of retail, restaurants, and entertainment. It does not appear that the proposed use will cause any undue concentration of similar uses to cause blight or impair property values.
4. The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.	See below:
Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:	
1. The location, character and natural features of the property:	The property is located at 2200 North Maple Avenue and is zoned Community Shopping Center-2 District with a Planned Development Overlay. The proposed on-sale liquor use is in conjunction with an entertainment venue in an existing suite located in the southern portion of the Uptown Rapid Mall. The suite can be accessed via a separate secured exterior entry way, which will support the hours of operation which differ from that of the rest of the Mall.
2. The location, character and design of adjacent buildings:	The adjacent properties are zoned Community Shopping Center-2 District, General Commercial District and Light Industrial District, the proposed use is consistent with that of the surrounding land uses.
3. Proposed fencing, screening and landscaping:	The proposed change in use does not include a structural expansion or increase occupancy. The proposed use does not require the review and approval of landscaping, fencing, or screening elements for the subject property. An outdoor patio will be constructed for use by the patrons of this business; however, no sale or consumption of alcohol on the outdoor patio is being proposed at this time. The applicants should be aware that the sale or consumption of alcohol on the patio will require that fencing be provided around the patio and will trigger a Major Amendment to the Planned Development Overlay. In order to properly secure the outdoor consumption of alcohol, the access to the patio should only be from an access point on the interior of the building, not the main entrance from the parking lot.
4. Proposed vegetation, topography and natural drainage:	The proposed use will occupy an existing suite within the Rushmore Mall which does not require revisions to existing landscape, vegetation, 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:	The proposed virtual golf course business will be accessed via an exterior entry way on the outside of the building located adjacent to the Rushmore Mall parking lot. The suite can also be accessed via an interior entrance to the mall corridor.


6. Existing traffic and traffic to be generated by the proposed use:	The proposed use operated in conjunction with the submitted operations plan will not have any transportation impacts.
7. Proposed signs and lighting:	No new signage is proposed as part of this application. Any new exterior signage will require a Sign Permit and compliance with the Rapid City Sign Code.
8. The availability of public utilities and services:	The property is currently served by Rapid City water and sewer.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:	The Community Shopping Center-2 District is intended to serve as a centralized district for all manner of commercial and retail activity. The applicant is proposing to allow on-sale liquor use in conjunction with a golf simulation business. The business, known as "X-Golf" is intended to provide an entertainment and recreational use to compliment the other retail and service offerings of the Uptown Rapid Mall.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The applicant is not proposing any expansion of the existing structure.
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:	The proposed business utilizes 7 simulator rooms to which use camera systems, infrared lasers, impact sensors, and gaming software. Renovation to the suite will require a building permit and compliance with all building and fire codes. The proposed use will not create 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 will ensure that the on-sale liquor use is only operated pursuant to the applicant's operational plan and that any expansion of the use will require a Major Amendment to the Planned Development Overlay. In September of 2021 a Major Amendment to the Planned Development Overlay was approved to allow the sale of beer and wine in conjunction with the business, to date no adverse impacts have been observed.

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a Major Amendment to a Planned Development Overlay:	
Criteria	Findings
1. There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:	The subject property is 56.73 acres in size and is zoned Community Shopping Center-2 District with an existing Planned Development Overlay. The proposed virtual golf simulators will encompass an existing 8,843 square foot suite located at the southern end of the Uptown Rapid Mall. The proposed hours of operation which extend beyond typical mall hours requiring that it have separate secured access from the Uptown Rapid Mall parking lot.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	The subject property is within a Planned Development Overlay. A Major Amendment to the Planned Development Overlay is necessary in order to allow the proposed on-sale liquor use in conjunction with the indoor simulated golf business.

3. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:	The applicant has not requested any Exceptions as part of this application.
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:	On-sale liquor use is listed as a Conditional Use within the Community Shopping Center-2 District. The Conditional Use prompts the need for a Major Amendment to the existing Planned Development Overlay. The applicant has indicated that the "X Golf Franchise" requires on-sale as part of its operations.
5. Any adverse impacts will be reasonably mitigated:	The stipulations of approval of the Major Amendment to the Planned Development Overlay will serve to reasonably mitigate any adverse impacts.
6. The requested Exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:	The applicant has not requested any Exceptions as part of this application.

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:

Comprehensive Plan Conformance – Core Values Chapters	
	A Balanced Pattern of Growth
	N/A
	A Vibrant, Livable Community
LC-2.1E	Neighborhood Serving Uses: The proposed indoor golf simulators will provide an indoor entertainment and recreation venue to compliment the other retail and services uses at the Uptown Rapid Mall.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
T1-2.1A	Major Street Plan Integration: The property will be accessed from North Maple Avenue, which is identified as a Collector Street on the City's Major Street Plan. The street is currently constructed to accommodate the commercial traffic generated by the mix of uses at the Mall.
	Economic Stability and Growth
	N/A
	Outstanding Recreational and Cultural Opportunities

	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: Public Input Opportunities: The proposed Major Amendment to a Planned Development Overlay requires that public notice be advertised 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 Overlay is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed-Use Commercial
Design Standards:	
GDP-MU1	Relationship of Uses: The proposed development creates a mix of recreational, retail, and restaurant uses within the Uptown Rapid Mall.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Northeast Neighborhood Area
Neighborhood Goal/Policy:	
NE-NA1.1B	Mixed-Use Development: The proposed indoor golf simulator facility adds a recreational space to the southern end of the Uptown Rapid Mall and compliments the existing retail uses in the Mall.

Findings
Staff has reviewed the Major Amendment to the Planned Development Overlay to allow on-sale liquor in conjunction with “X Golf”, an indoor golf simulator, pursuant to Chapter 17.50.050(F)5 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The proposed use is intended to provide a unique indoor entertainment and recreational facility to the Uptown Rapid Mall. The proposed expansion of the on-sale liquor use will be available to only those patrons who are legally of age to consume alcohol. The proposed development adds a mixed recreational use into the exciting retail climate of the Uptown Rapid Mall and does not appear to cause any adverse impacts on adjacent land uses. As such, staff recommends approval of the Major Amendment to the Planned Development Overlay.

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Major Amendment to a Planned Development to allow on-sale allow liquor in conjunction with an indoor golf facility be approved with the following stipulations;	
1.	No sale or consumption of alcohol shall be allowed on the outdoor patio area;
2.	All signage shall continually conform to the Sign Code. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,
3.	The Major Amendment to the Planned Development Overlay shall allow for hard liquor to be served in conjunction with the existing virtual golf facility with on-sale liquor operated in compliance with the applicant's operational plan. Any change in use or expansion of use that is permitted in the Community Shopping Center-2 District shall require review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Community Shopping Center-2 District shall require review and approval of a Major Amendment to the Final Planned Development Overlay.



Rapid City Community Planning & Development Services

Development Review Advisories

*Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. **This is not a complete list.** All City, District, State, and Federal requirements must be continually met.*

Applicant Request(s)	
Case # 22PD011	Major Amendment to Planned Development Overlay to allow liquor in conjunction with an indoor golf facility.
Companion Case(s)	N/A
ADVISORIES: Please read carefully!	
1.	A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2.	An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
3.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;
4.	All requirements of the currently adopted Building Code shall be met;
5.	ADA accessibility shall be provided throughout the structure and site as necessary;
6.	All construction plans shall be signed and stamped by a registered professional pursuant to South Dakota Codified Law 36-16A;
7.	All provisions of the underlying zoning districts shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Amendment;
8.	All outdoor lighting shall continually 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; and,
9.	All applicable provisions of the adopted International Fire Code shall continually be met.