



Rapid City Planning Commission

Planned Development Project Report

January 26, 2017

Item 8
Applicant Request(s)
Case # 16PD066, a Major Amendment to the Planned Development to allow expansion of an existing on-sale liquor establishment in conjunction with a casino
Companion Case(s) #: N/A

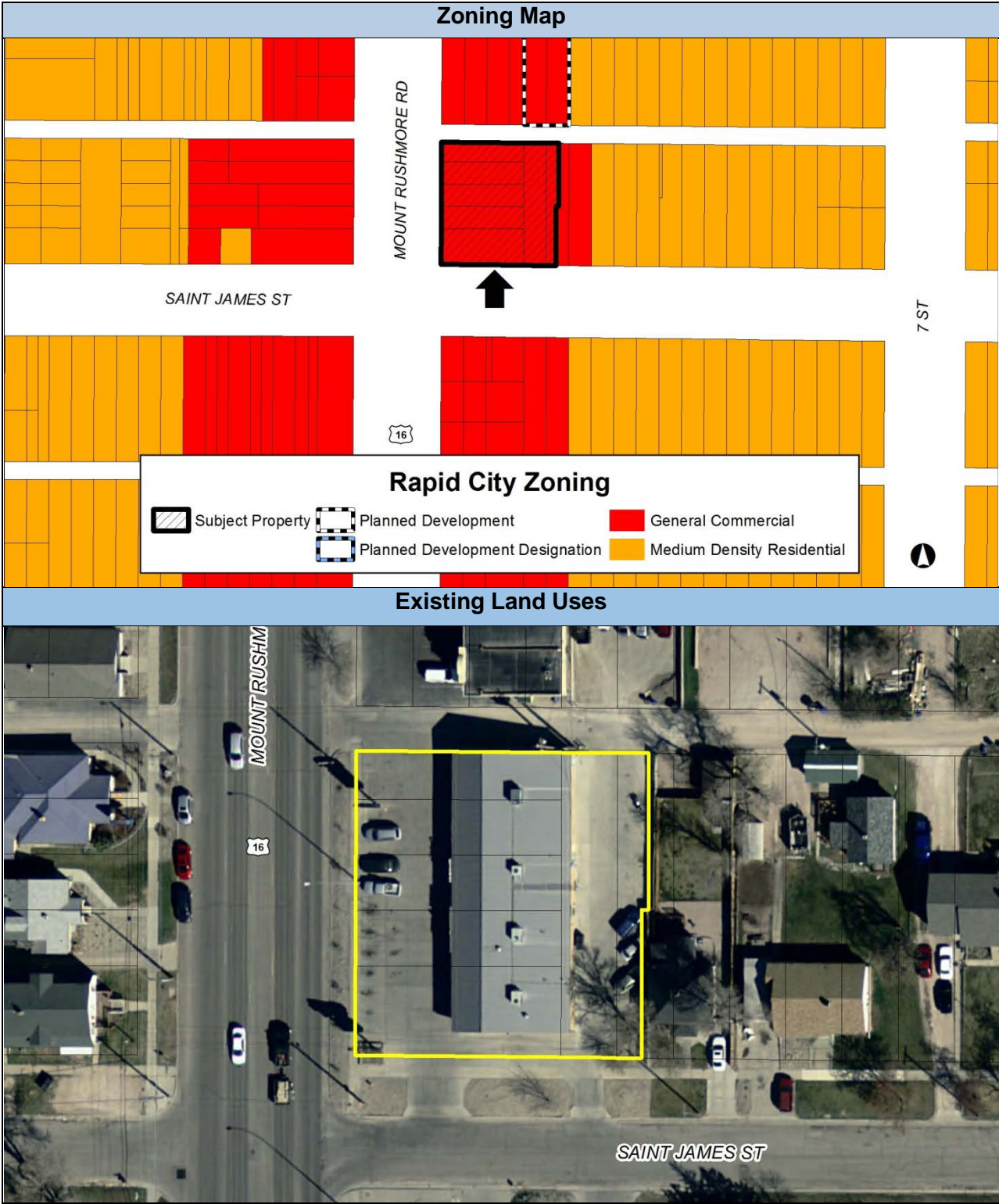
Development Review Team Recommendation(s)
The Development Review Team recommends that the Major Amendment to the Planned Development to expand an existing on-sale liquor establishment in conjunction with a casino be approved with the stipulations noted below.

Project Summary Brief
<p>The applicant has submitted a request for a Major Amendment to the Planned Development to allow expansion of an existing on-sale liquor establishment in conjunction with a casino. The existing Joker's Casino, located at 1320 Mount Rushmore Road, is proposing to expand existing operations into an adjacent suite. No expansion or additions are proposed as a part of this request. A Variance was obtained in 1994 for the non-conforming conditions on the site in regards to parking, landscaping, and setbacks. The property has since been developed as a part of a Planned Development but the conditions approved as a part of the Variance have remained. The applicant is now seeking to include the previously approved Variances as a part of the approved Planned Development for the property. As such, the applicant has requested a number of Exceptions as a part of this request:</p> <ul style="list-style-type: none"> • An Exception to reduce the required amount of off-street parking on the site from 52 to 22 spaces. • An Exception to reduce the required setback for parking adjacent to a residential use from 12 to 0 feet. • An Exception to reduce the required amount of landscaping from 12,715 to 6,060 points.

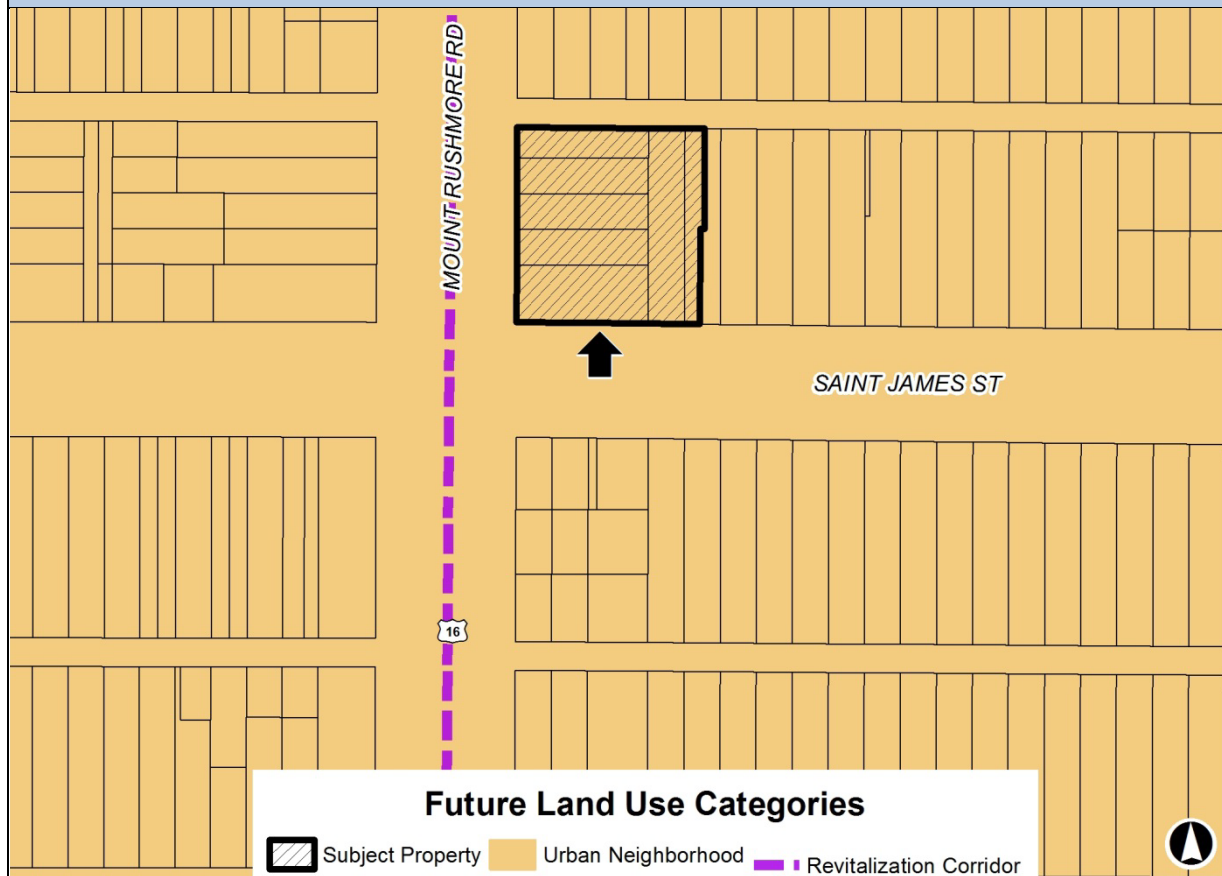
Development Review Team Contacts	
Applicant: Wal-East Development, Inc.	Planner: Robert Laroco
Property Owner: Robert and Bonnie Holyoak	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Nicole Lecy
Other:	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	1320 Mount Rushmore Road, northeast of the intersection of Saint James Street and Mount Rushmore Road
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Flormann Subdivision, Boulevard Addition
Land Area	0.43 acres, approximately 18,731 square feet
Existing Buildings	Existing commercial strip mall
Topography	Level
Access	Saint James Street, alley right-of-way north of the property
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	

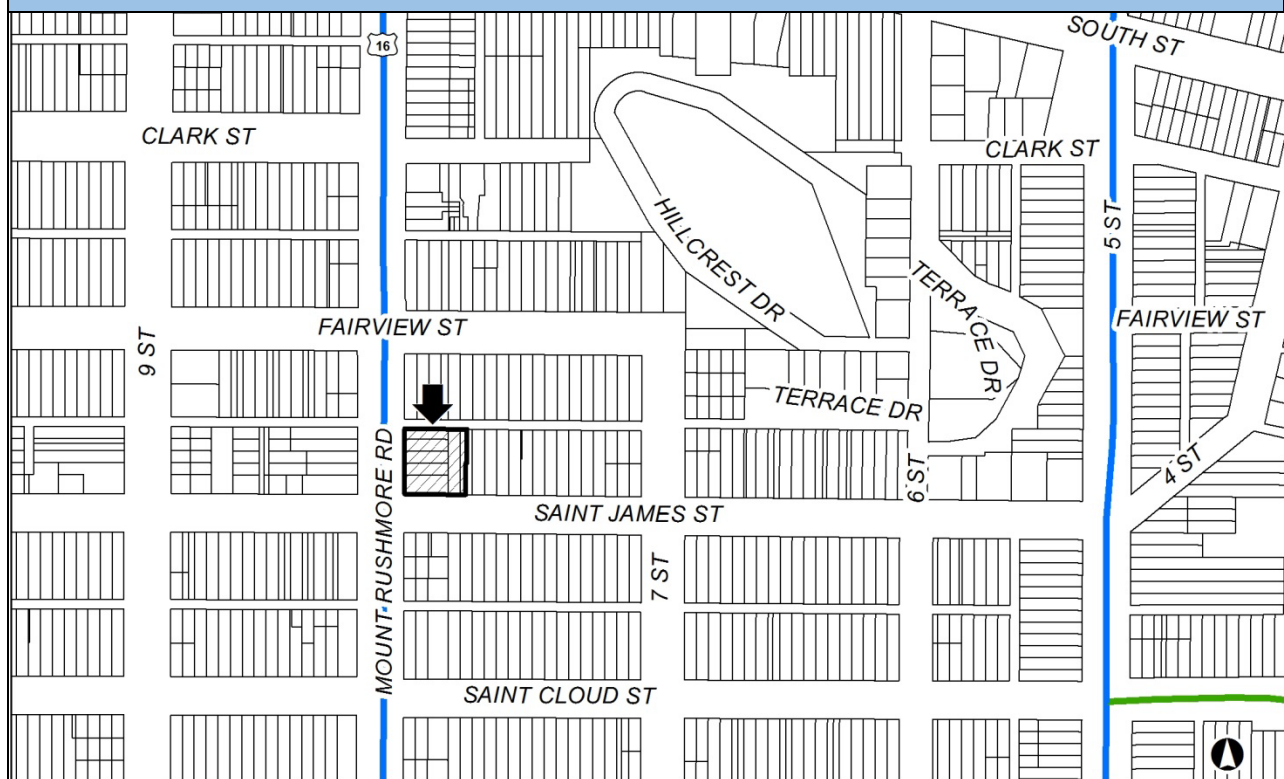
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC, GC/PD	UN, Revitalization Corridor	Strip mall commercial
Adjacent North	GC, GC/PD	UN, Revitalization Corridor	Strip mall commercial
Adjacent South	GC	UN, Revitalization Corridor	Strip mall commercial
Adjacent East	GC	UN, Revitalization Corridor	Single family residential
Adjacent West	GC	UN, Revitalization Corridor	Strip mall commercial



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
PD1290	4/18/1994	Planned Commercial Development	Council approved w/ stipulations
Relevant Zoning District Regulations			
General Commercial District		Required	Proposed/Existing
Lot Area		No minimum required	0.43 ac, approximately 18,731 sq ft.
Lot Frontage		No minimum required	268.16 ft
Maximum Building Heights		4 stories, 45 feet	1 story, approximately 20 ft
Maximum Density		Maximum 75%	32.12%
Minimum Building Setback:			
• Front		25 ft to Mount Rushmore Rd.	47 ft to Mount Rushmore Rd.
• Rear		25 ft from structures to eastern property line. 12 feet from parking to eastern property line	33 feet to structures, 0 feet to parking
• Side		0 ft to northern property line	0 ft to northern property line
• Street Side		25 ft to Saint James Street	15 ft to Saint James Street, per approved Variance
Minimum Landscape Requirements:			
• # of landscape points		12,715 points required	6,060 points proposed, 67% of proposed from the St. James St. ROW
• # of landscape islands		N/A	N/A
Minimum Parking Requirements:			
• # of parking spaces		51.15 (52 required)	22 provided on-site
• # of ADA spaces		3 ADA, 1 van accessible	1 Van accessible ADA
Signage		Per RCMC	Per RCMC
Fencing		5-6 foot tall opaque screening fence required along eastern property line	6 foot tall opaque screening fence existing

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 in a request for a Planned Development:	
	Findings
1. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;	The property is comprised of 0.43 acres located northeast of the intersection of Mount Rushmore Road and Saint James Street in an area developed with a mix of residential and commercial development. There are no conditions on the site due to its size, shape, or topography.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;	The property is located within an existing Planned Development. Based on the applicant's request to expand an existing on-sale liquor establishment on the site, an amendment to the Planned Development is required. In addition, based on the unique conditions on the site, the applicant is requesting a number of Exceptions to the underlying zoning. The application of the Zoning Ordinance to this particular piece of property does not create practical difficulties or undue hardship.
3. Exceptions to the underlying zoning district, if granted, would	As noted above, in 1994 a Variance was approved for parking, landscaping, and setbacks on the property. Since

not cause undue hardship to the public good or impair the purposes and intent of these regulations;

that time, the property has been developed through the Planned Development process. Today, the applicant is requesting Exceptions to reduce the required amount of parking, landscaping, and setbacks approved for the property in order to reflect the existing conditions on the site.

Submitted plans show that based on current uses, a minimum of 44 parking spaces are required for the site. The proposed expansion of the on-sale liquor establishment for the casino will result in an increase in required parking on the property from 44 to 52. The applicant has requested an Exception to reduce the required amount of off-street parking provided on the site from 52 to 22. The applicant has noted that based on the unique operations of the businesses on the site, the 22 parking spaces existing today will continue to serve parking needs for the property. The three different businesses generally attract peak business at different hours, which balances the parking demand for the site. In addition, while the existing massage parlor shows a maximum of 7 work stations, requiring a minimum of 21 parking spaces, the operation of the facility does not utilize all work stations simultaneously. Based on these reasons, the applicant believes the provision of 52 parking spaces is excessive. Staff has noted that no actual reduction in parking is proposed as a part of this request, but that the Exception reflects the Variance previously approved for the property. To date there have been no identified issues with the parking on the site. It does not appear that the requested Exception will create hardship to the public good or impair the intent of the Zoning Ordinance.

Submitted plans show that parking currently exists on the east side of the lot, adjacent to the single family residential use located east of the subject property. It should be noted that while the property to the east is zoned General Commercial District, the residential use still requires a minimum 12 foot setback to the proposed parking. The applicant has requested a reduction in the required setback from parking to a residential use from 12 feet to 0 feet. The applicant has noted that at the time of the original development of the property, there was not a required setback for parking to a residential use. Today, the neighboring residential use is screened from the commercial parking by a 6-foot tall wooden, privacy fence, which should continue to provide a separation between uses as well as a visual buffer from potential light pollution generated by the parking lot. Staff has noted that the requested Exception is to allow existing conditions to remain on the site as approved by the original Variance approved for the property. Based on these reasons, it does not appear that the requested Exception will create a hardship to the public good or impair the intent of the Zoning Ordinance.

Submitted plans show that a total of 12,715 points of

	<p>landscaping are required for the property. However, based on the reconstruction of the Mount Rushmore Road corridor as well as limitations on space on the site, the submitted landscaping plans shows a total of 6,060 points of landscaping provided on the site. In addition, Rapid City Municipal Code Chapter 17.50.300.E.1 specifies that a maximum of 25 percent of required landscaping may be located within the public right-of-way. However, the submitted landscaping plans show that 4,060 of the 6,060 points of landscaping proposed are located within the Saint James Street right-of-way. This totals approximately 32 percent of the total landscaping points required, or approximately 67 percent of the total landscaping points proposed. Staff has noted that the reconstruction and widening of the Mount Rushmore Road limits locations for potential landscaping. However, the location of landscaping on Saint James Street maximizes the limited landscaping that can be provided and reflects current conditions on the site. The requested Exception does not harm the public good or impair the intent of the Zoning Ordinance.</p>
<p>4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;</p>	<p>The applicant has requested a Conditional Use Permit to allow expansion of an existing on-sale liquor establishment in conjunction with a casino. The property was previously developed through the Planned Development process and, as such, requires a Major Amendment to the Planned Development to request and expansion of the use. Due to the unique conditions on the site, several Exceptions have been requested as a part of this request. A literal interpretation of the Zoning Ordinance does not deprive that applicant of rights that others in the same district are allowed.</p>
<p>5. Any adverse impacts will be reasonably mitigated;</p>	<p>As previously noted, no additions or expansions of the existing structures or development on site are proposed as a part of this request. The proposed expansion of the casino is within an existing suite. As such, all conditions on the site are remaining the same because of this request. The requested reduction in parking does not appear to have an adverse impact on the neighborhood today, and will allow the existing parking lot to continue to service the businesses on the site today. While parking is located 0 feet from the eastern lot line, the business has constructed and maintained a 6-foot-tall wooden screening fence adjacent to the existing residential use in order to mitigate potential light and noise pollution generated from the parking lot. In addition, reductions in the required amount of landscaping will allow existing landscaping already located within the Saint James Street right-of-way to continue to serve as landscaping for the site, which was originally developed without the open space necessary to accommodate landscaping in a major commercial corridor. Potential adverse impacts of the requested Major Amendment are being mitigated to the greatest extent possible.</p>
<p>6. The requested exception to the underlying zoning district standards is an alternative or</p>	<p>The requested Exceptions reflect a previously approved Variance, which resulted in a unique development of commercial retail space located within one of the City's</p>

innovative practice that reasonably achieves the objective of the existing standard sought to be modified.	oldest and busiest commercial corridors. As a part of this Major Amendment, the applicant is proposing to update the approved Planned Development on the site while expanding the existing casino on the property. No additions or expansions to the existing structures are proposed as a part of this request. Based on the pre-existing conditions on the site, the Mount Rushmore Road reconstruction, and the previously approved Variance for the property, the requested Exceptions are alternative and/or innovated practices that will reasonably achieve the objectives of the Zoning Ordinance.
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On-Sale Liquor Establishment: 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 in a request for an on-sale liquor establishment:

	Findings
1. The requested use will not adversely affect the use of any place used for religious worship, school, park, playground, or similar use within a 500-foot radius:	It appears that there is one church located approximately 450 feet northwest of the subject property. However, Mount Rushmore Road is a major commercial corridor and identified principal arterial street on the City's Major Street Plan. There a number of on-sale liquor establishments located along the Mount Rushmore Road corridor, especially on-sale liquor establishments operating in conjunction with another primary use. The General Commercial District is viewed as the appropriate zoning district for on-sale liquor uses.
2. The requested use is sufficiently buffered with regard to residential areas so as not to adversely affect the areas:	The subject property is located within a fully developed, densely populated historic area of the City developed with a mix of residential and commercial uses. While there are residential uses in close proximity to the proposed on-sale liquor establishment, the proposed expansion of the existing casino should have minimal impact on the surrounding residential neighborhood.
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 existing Joker's casino located within the same strip mall, and Boyd's Liquor, located approximately 250 feet to the south of the subject property, are both located within 500 feet of the subject property. The General Commercial District is generally viewed as the appropriate location for an on-sale liquor establishment, especially when operating in conjunction with another primary use.
4. The proposed use complies with the standards of Chapters 5.12 and 17.54.030 of the Rapid City Municipal Code:	The proposed on-sale liquor establishment generally complies with the standards for a conditional use, with the exception of the requested Exceptions identified as a part of 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:

Comprehensive Plan Conformance – Core Values Chapters



A Balanced Pattern of Growth

BPG-1.2C	<u>Priority Revitalization Corridors:</u> Mount Rushmore Road is an identified
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	Revitalization Corridor. The improvements included as a part of the Mount Rushmore Road reconstruction project should contribute to the reinvestment and revitalization of the area.
	A Vibrant, Livable Community
LC-6.1B	<u>Historic Landmarks and Areas:</u> The applicant should note that this property is located within the environs of the West Boulevard Historic District. Any changes to signage will require review and approval of the Historic Sign Review Committee. Any future exterior alterations will require an 11.1 Historic Review.
	A Safe, Healthy, Inclusive, and Skilled Community
N/A	N/A
	Efficient Transportation and Infrastructure Systems
N/A	N/A
	Economic Stability and Growth
N/A	N/A
	Outstanding Recreational and Cultural Opportunities
N/A	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	<u>Public Input Opportunities:</u> The Final Planned Development requires notification of surrounding property owners located within 250 feet of the property and posting of a sign on the property. These notification requirements allow public input into the proposed development. As of this writing, there have been no inquiries into the requested Final Planned Development.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Urban Neighborhood, Revitalization Corridor
Design Standards:	
Chapter 10, Page 93	<u>Urban Neighborhood:</u> Secondary neighborhood serving uses appropriate for the Urban Neighborhood land use category include small markets, restaurants, drugstores, specialty shops, health services, professional offices, and civic uses.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown/Skyline Drive Neighborhood
Neighborhood Goal/Policy:	
DSD-NA1.1D	<u>Reinvestment Corridors:</u> The proposed expansion of the casino generally complies with the reinvestment and redevelopment goals of the neighborhood.

The Development Review Team Recommends that the request for a Major Amendment to the Planned Development be approved for the following reasons:	
•	The applicant is proposing the expansion of the existing Joker's Casino on the property into an adjacent suite. No additions or expansions to the development on site is being requested as a part of this Major Amendment.
•	In 1994, a Variance was approved for the property to allow reduced parking, landscaping, and setbacks on the site. The applicant is requesting the same

	reductions as Exceptions as a part of this Major Amendment. As previously noted, no additions or expansion to the structure or changes to the existing parking and landscaping are being proposed as a part of this request.
•	It appears the parking existing on the site today is adequate to serve the uses on the property. A screening fence provided along the eastern property line should ensure that potential impacts of the parking on the neighboring residential uses is mitigated to the greatest extent possible. In addition, the existing landscaping will maximize the amount of landscaping on or adjacent to the property while mitigating the impact of recent Mount Rushmore Road construction and widening.

Staff recommends that the requested Major Amendment to the Planned Development be approved with the following stipulations:

1.	The requested Exception to reduce the required amount of off-street parking on the property from 52 spaces to 22 spaces is hereby granted;
2.	The requested Exception to reduce the required setback from commercial parking to a residential use from 12 feet to 0 feet is hereby granted, contingent upon the provision and maintenance of a minimum 6-foot-tall opaque screening fence between the commercial parking and the residential use;
3.	The requested Exception to reduce the required number of landscaping points from 12,715 to 6,060 points, and to increase the percentage of landscaping points which may be located in the public right-of-way from 25 percent to 32 percent is hereby granted;
4.	If larger water services are proposed for the site, then prior to issuance of a building permit, water service plans and profile shall be submitted. Any abandoned/unused services shall be abandoned at the main in compliance with City Standard Specifications;
5.	All signage shall comply with the requirements of the Rapid City Sign Code. Prior to issuance of a sign permit for this property, review and approval from the Historic Sign Review Committee shall be obtained. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers on the property shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;
6.	This Major Amendment to the Planned Development shall allow for the expansion of an existing on-sale liquor establishment in conjunction with a casino. All uses permitted within the General Commercial District shall be permitted contingent upon issuance of a building permit and provision of sufficient parking. All conditional uses in the General Commercial District or any uses which result in an increase in the required amount of parking shall require a Major Amendment to the Planned Development. All requirements of the General Commercial District shall be continually met unless specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment to the Planned Development.