



# Rapid City Planning Commission Planned Development Project Report

April 5, 2018

<b>Item #10</b>
<b>Applicant Request(s)</b>
Case #18PD007 – Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant
Companion Case(s) 18PD008 - Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a home improvement store

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

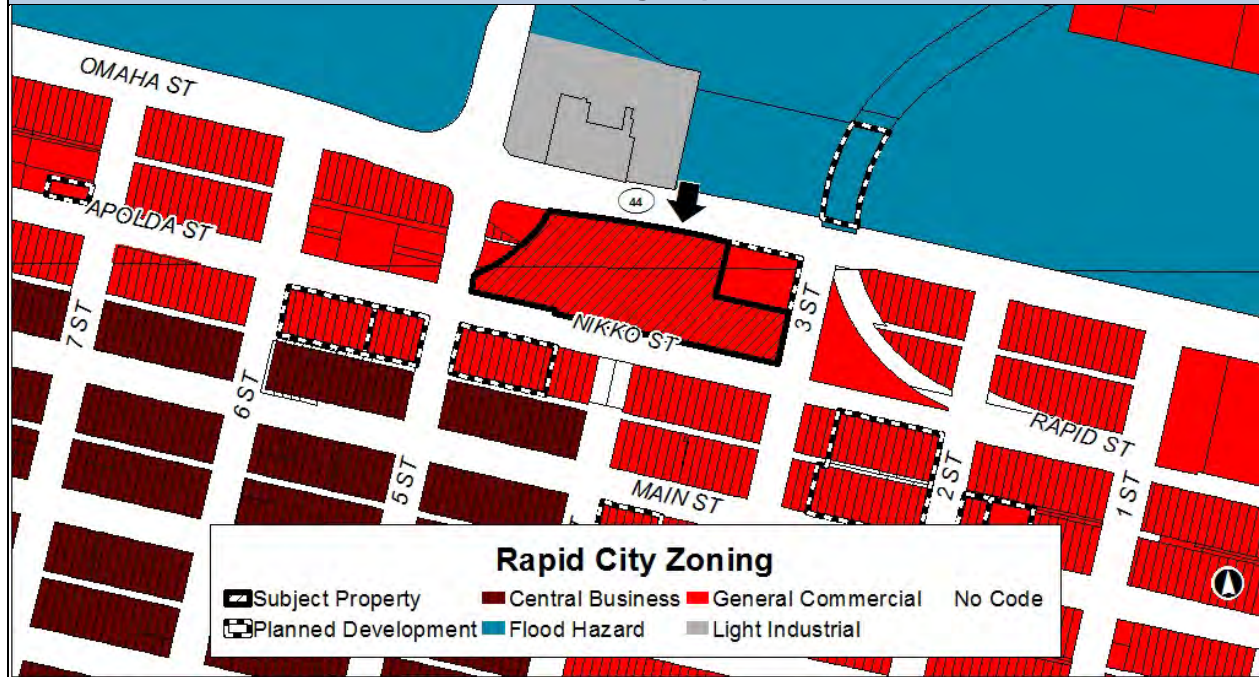
<b>Project Summary Brief</b>	
<p>The applicant has submitted a Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant. In particular, the applicant is proposing to sell beer to customers of “Boss’ Pizza and Chicken” while they are having a meal. The hours of operation are seven days a week 11:00 a.m. to 3:00 a.m. The submitted operations plan identifies that no beer will be served after 1:30 a.m.</p> <p>The property is developed as a part of the Tuscany Square commercial strip mall. Other businesses located within the mall include: Kitchen Tune-Up, Main Street Market, BES Lighting Center, Beatty Electric, Bank West, Headlines Academy, Echappe Dance Studio, Cellphone Repair, SiBelle Beauty Shop, Lecy Family Chiropractic, Black Hills Flooring, Edward Jones, and Complete Nutrition.</p>	
<b>Applicant Information</b>	<b>Development Review Team Contacts</b>
Applicant: Boss’ Pizza and Chicken	Planner: Fletcher Lacock
Property Owner: Good Guys LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	325 Omaha Street, Suite 6
Neighborhood	Downtown / Skyline Drive
Subdivision	Tuscany Square Subdivision
Land Area	4.84 acres
Existing Buildings	Approximately 80,100 square feet
Topography	Relatively flat
Access	Omaha Street, 3 <sup>rd</sup> Street, and Nikko Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 500-year floodplain
Other	Southwest edge of property located in Downtown Commercial Historic District

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC -PD	DT	Tuscany Square
Adjacent North	LI and FH	LI and PG	Dakota Mill and Grain
Adjacent South	GC and GC-PD	DT	Aby's Feed and Seed and Servall
Adjacent East	GC and GC-PD	DT	Bank West and Goodyear
Adjacent West	GC	MUC and P/QP	City/School Administration Center and parking lot

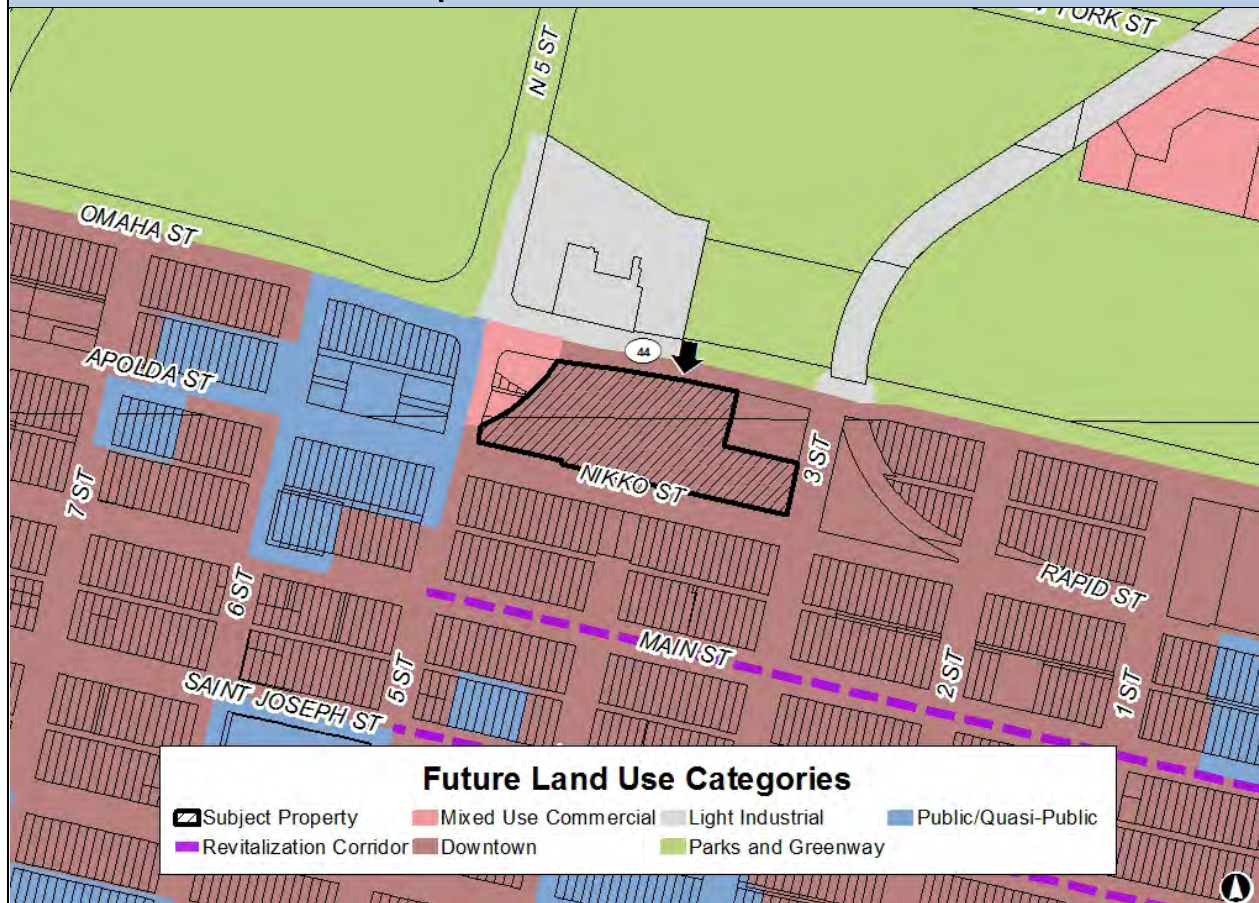
**Zoning Map**



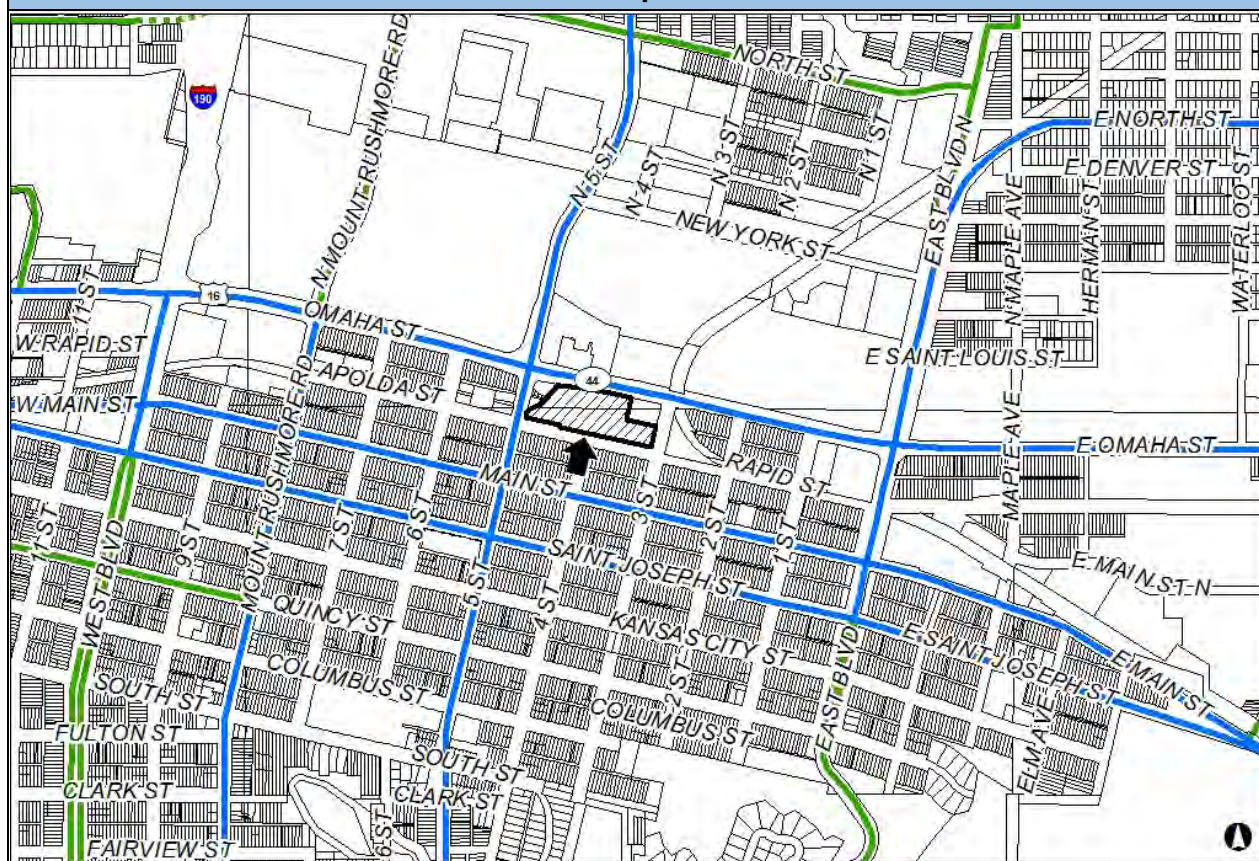
**Existing Land Uses**



### Comprehensive Plan Future Land Use



### Parks or Transportation Plan



<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
15PD032	10/08/2015	Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a salon	Approved with stipulations
12PD041	1/10/2013	Major Amendment to Planned Development to review the Cosmetology School parking and to request a reduction in parking for an additional beauty salon	Approved with stipulations
<b>Relevant Zoning District Regulations</b>			
<b>General Commercial District</b>	<b>Required</b>	<b>Proposed</b>	
Lot Area	N/A	4.84 acres	
Lot Width	N/A	Approximately 895 feet	
Maximum Building Heights	4 stories or 45 feet	Existing structures / No new development proposed	
Maximum Density	75%	Approximately 38%	
Minimum Building Setback:			
• Front	25 feet	"0" feet	
• Rear	"0" feet	"0" feet from Nikko Street	
• Side	"0" feet	Approximately 150 feet	
• Street Side	25 feet	Approximately 50 feet from 3 <sup>rd</sup> Street	
Minimum Landscape Requirements:			
• # of landscape points	129,240	129,240	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	264	Exception was previously granted to reduce parking to 178 spaces	
• # of ADA spaces	6	6	
Signage	2 square feet per lineal foot of frontage	No new signage proposed	
Fencing	N/A	None proposed	

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>Pursuant to Chapter 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>	
<b>Criteria</b>	<b>Findings</b>
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.	The Rapid City Greenway Tract is located on the north side of Omaha Street. The bike path is separated from the subject property by Rapid Creek and Omaha Street. In addition, the "Promenade" is located northwest of the subject property on the northwest corner of 5 <sup>th</sup> Street and Omaha Street. It does not appear that the on-sale liquor establishment will have an adverse impact if operated in conjunction with a restaurant.
2. The requested use is "sufficiently buffered" with respect to residential areas so as not to "adversely affect" such areas.	As noted above, Omaha Street, 5 <sup>th</sup> Street, and Rapid Creek provide a buffer between the subject property and nearby park areas.

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.”	There are several on-sale liquor establishments located within the area of the subject property. “Sibelle Salon and Spa” is also located in the Tuscan Square commercial strip mall. In addition, a Major Amendment to the Planned Development (File #18PD008) to allow an on-sale liquor establishment in conjunction with a home improvement store has been submitted. Located approximately 275 feet to the southwest is Main Street Square, “Wobbly Bobby”, “Klinkeltown”, and “Que Pasa”. Located approximately 250 to the south is the “VFW”. The property is located on Omaha Street which is identified as a Principal Arterial Street on the City’s Major Street Plan and is a commercial corridor in the City. The subject property is located on the periphery of the established downtown core where these types of uses are typically located. Staff does not find that the on-sale use in conjunction with a restaurant 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 the location of “Tuscan Square”, an established strip mall. The property is relatively flat.
2. The location, character and design of adjacent buildings:	“Dakota Mill and Grain” and the Rapid City Greenway Tract are located on property to the north. Property to the east is developed with commercial structures including “Bank West” and “Goodyear”. The property to the south is developed with “Aby’s Feed and Seed” and “Servall”. The property to the west is a City parking lot.
3. Proposed fencing, screening and landscaping:	No new fencing, screening, or landscaping is proposed.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any 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 access is from Omaha Street, 3 <sup>rd</sup> Street, and Nikko Street. An Exception was previously granted to reduce the minimum required parking from 264 parking spaces to 178 parking spaces. The Exception also required that a minimum of 58 off-site parking spaces be provided for the cosmetology, esthetics and massage therapy school and salon. The proposed on-sale liquor use in conjunction with a restaurant does not trigger that additional parking be provided.
6. Existing traffic and traffic to be generated by the proposed use:	It does not appear that the proposed on-sale liquor use in conjunction with a restaurant will generate additional traffic.
7. Proposed signs and lighting:	The applicant is not proposing any new signage or lighting. There is existing signage located on the façade of the structure that reads “Boss’ Pizza and Chicken”.
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:	An on-sale liquor establishment in conjunction with a restaurant is a conditional use in the General Commercial District. The City's adopted Comprehensive Plan identifies the property as suitable for Downtown Mixed-Use which supports commercial and retail uses.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The applicant is not proposing any new development on the property. It appears that some of the structures may be non-conforming to setbacks.
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:	It does not appear that the proposed on-sale liquor use in conjunction with a restaurant will have a negative effect on noise, odor, smoke, dust, air, and water pollution.
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 restaurant. Any expansion to the use will require a Major Amendment to the Planned Development.






**Staff has also reviewed the proposed use with respect to Chapter 17.50.050(F)5 of the Rapid City Municipal Code and has noted the following issues:**



The property is located within a previously approved Planned Development. The proposed on-sale liquor use is identified as a Conditional Use in the General Commercial District and requires 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:**

**Comprehensive Plan Conformance – Core Values Chapters**

	<b>A Balanced Pattern of Growth</b>
BPG-1.2B	<b>Priority Activity Centers for Reinvestment:</b> The property is located in the downtown area which promotes a variety of uses for reinvestment in the area as a destination and activity hub.
	<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 accessed from Omaha Street which is identified as a Principal Arterial Street on the City's Major Street Plan. The property is also accessed from 3 <sup>rd</sup> Street and Nikko Street.
	<b>Economic Stability and Growth</b>
EC-1.2B	<b>Downtown as Entertainment Center:</b> The proposed Major Amendment to a Planned Development supports the Comprehensive Plan goal of encouraging

	restaurant growth in the downtown area.
	<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 a Planned Development 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 is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	<b>Downtown Mixed-Use</b>
<b>Design Standards:</b>	
GDP-MU7	<b>Adaptive Reuse:</b> “Tuscany Square” is an existing commercial strip mall. Previous Major Amendments to the Planned Development have supported the adaptive reuse of the property by reducing the minimum required parking.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	<b>Downtown / Skyline Drive</b>
<b>Neighborhood Goal/Policy:</b>	
DSD-NA1.1C	<b>Mixed-Use Development:</b> The proposed on-sale liquor use in conjunction with a restaurant encourages a variety of uses along a major commercial corridor in the City.

<b>Findings</b>	
Staff has reviewed the Major Amendment to the Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant pursuant to Chapter 17.50.185, Chapter 17.54.030(E), and Chapter 17.50.050(F) of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The property is located in a commercial corridor adjacent to the established downtown core. It does not appear that the proposed on-sale liquor use in conjunction with a restaurant will have an adverse impact on parks located to the north and west.	

<b>Planning Commission Recommendation and Stipulations of Approval</b>	
Staff recommends that the Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant be approved with the following stipulations:	
1.	Acknowledge the previously granted Exception to reduce the parking requirement from 246 parking spaces to 178 parking spaces. In addition, a minimum of 58 off-site parking spaces shall be continually provided for the cosmetology, esthetics and massage therapy school and salon. A Major Amendment to the Planned Development shall be required at any time should a complaint be received regarding shortage of parking; and,
2.	The Major Amendment to a Planned Development shall allow an on-sale liquor establishment in conjunction with a restaurant on the property operated in compliance with the applicant’s operations plan. Permitted uses within the General Commercial District and any change in use that does not increase the minimum parking requirement shall be reviewed as a Minimal Amendment. Any change in use that increases the minimum parking requirement or is a Conditional Use shall require a Major Amendment to the Planned Development.



## Rapid City Department of Community Development

### Development Review Advisories

<p><i>Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. <b>This is not a complete list.</b> All City, District, State, and Federal requirements must be continually met.</i></p>	
<b>Applicant Request(s)</b>	
<b>Case # 18PD007</b>	Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant
<b>Companion Case(s) #</b>	N/A
<b>ADVISORIES: Please read carefully!</b>	
1.	All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign. Prior to issuance of a sign permit, all signage shall obtain the review and approval of the Historic Sign Review Committee;
2.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;
3.	All requirements of the currently adopted Building Code shall be met;
4.	ADA accessibility shall be provided throughout the structure and site as necessary;
5.	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 Major Amendment;
6.	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,
7.	All applicable provisions of the adopted International Fire Code shall continually be met.