



Rapid City Planning Commission

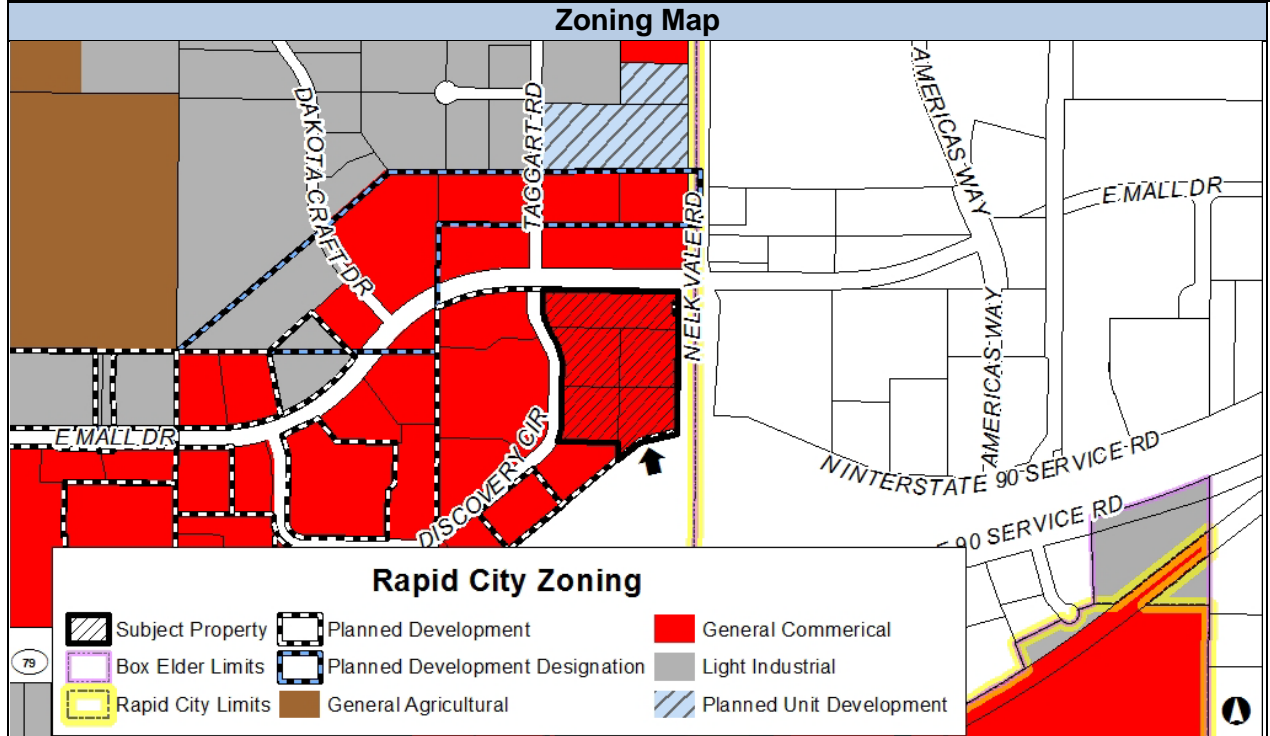
Initial and Final Planned Development Overlay Project

Report

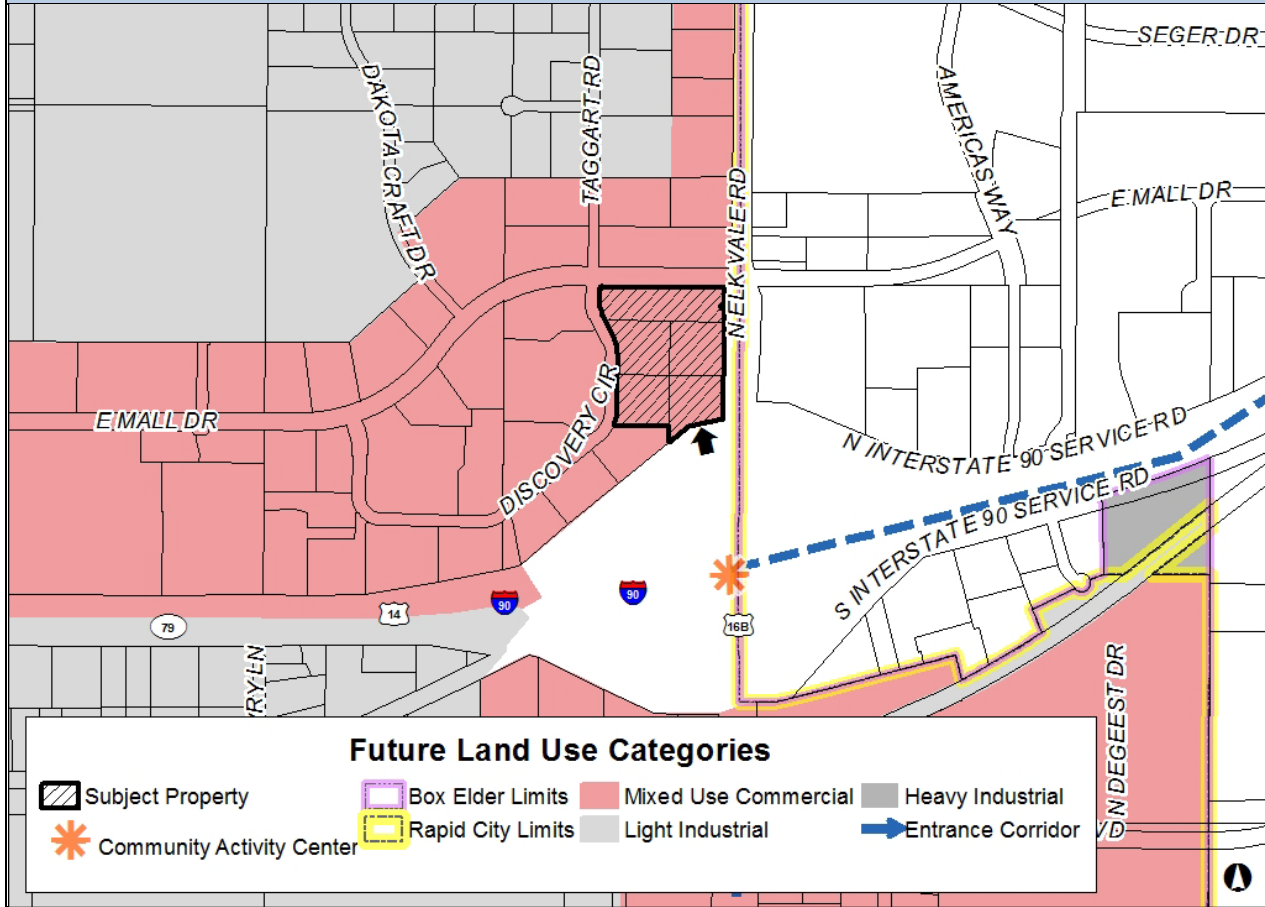
March 21, 2019

Item #8	
Applicant Request(s)	
Case #18PD038 –Initial and Final Planned Development Overlay to allow a convenience store and on-sale liquor in conjunction with a casino	
Companion Case(s): N/A	
Development Review Team Recommendation(s)	
The Development Review Team recommends that the Initial and Final Planned Development Overlay to allow a convenience store and on-sale liquor in conjunction with a casino be approved with stipulations as noted below.	
Project Summary Brief	
<p>(Update: March 15, 2019. All revised and/or added text is shown in bold.) The Initial and Final Planned Development Overlay to allow a convenience store was approved at the March 7, 2019 Planning Commission meeting. In addition, the request to allow on-sale liquor with a casino within the proposed convenience store was continued to the March 21, 2019 Planning Commission meeting since the applicant did not post the “on-sale” notification sign seven days prior to the March 7, 2019 Planning Commission meeting as required. Staff has updated the stipulations of approval showing Planning Commission’s action on the Exception requests for the pole sign with an LED reader board. No other portion of this report has been changed. The applicant has submitted an Initial and Final Planned Development Overlay application to allow a convenience store and on-sale liquor in conjunction with a casino for property located east of Discovery Circle. Specifically, the applicant is intending to construct a 14,700 square foot convenience store and 607 square foot casino as part of a fueling station. Additionally, the site plan submitted with the application identifies space for a future restaurant southwest of the proposed convenience store. The proposed casino will include on-sale liquor use, which requires a Conditional Use Permit in the General Commercial District. The subject property is zoned General Commercial District within a Planned Development Overlay and consists of five individual parcels totaling 11.28 acres in size.</p> <p>As a part of this application, the applicant is requesting an Exception to allow a 60 foot high pole sign in lieu of the maximum allowed height of 45 feet. Additionally, the applicant is requesting an Exception to allow a 491 square foot LED message center sign in lieu of the maximum 60 square feet allowed.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Discovery Circle LLC	Planner: John Green
Property Owner: Discovery Circle LLC	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: KTM	School District: N/A
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	East of Discovery Circle
Neighborhood	Northeast Neighborhood Area
Subdivision	Discovery Subdivision
Land Area	11.28 acres or 491,357 square feet
Existing Buildings	None
Topography	Rises 34 feet from northeast to southwest
Access	Discovery Circle and North Elk Vale Road
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	N/A

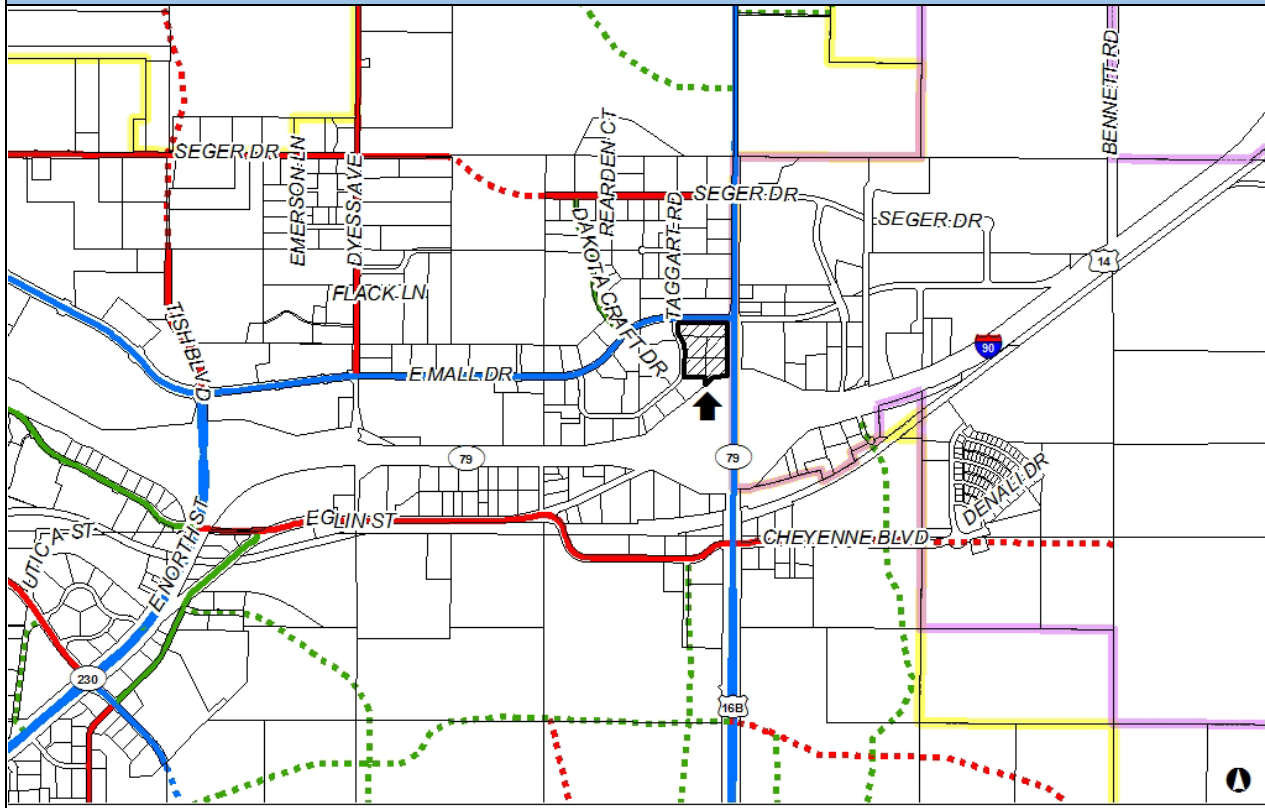
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC -PD	MUC	No Structural Development
Adjacent North	GC-PDD	MUC	No Structural Development
Adjacent South	GC-PD	MUC	No Structural Development
Adjacent East	City of Box Elder	N/A	Flying J Truck Stop
Adjacent West	GC-PD	MUC	Black Hills Visitor Information Center



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	11.28 acres	
Lot Width	N/A	745 feet	
Maximum Building Heights	4 stories or 45 feet	31.25 feet	
Maximum Density	75%	6.28%	
Minimum Building Setback:			
• Front	25 feet	68 feet / 36 feet	
• Rear	0 feet		
• Side	0 feet	43.7 feet	
• Street Side	25 feet		
Minimum Landscape Requirements:			
• # of landscape points	460,448	476,125 points	
• # of landscape islands	5	4	
Minimum Parking Requirements:			
• # of parking spaces	182 spaces	218 spaces provided	
• # of ADA spaces	6	6	
Signage	2 square feet per lineal foot of frontage	Requesting an Exception to allow 491 square feet of LED signage in lieu of 60 square feet allowed	
Fencing	N/A	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
<p>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:</p>	
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.	The subject property is not located within 500 feet of any existing school, park, playground, place of worship, or other similar uses and does not appear to have an adverse impact on the surrounding neighborhood. The Black Hills Visitor Information Center is located 450 feet west of the subject property. The proposed use within this commercial corridor should not have any adverse impacts on the Visitor Center.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	The nearest residential district is approximately 3500 feet south of the subject property and is sufficiently buffered from the proposed on-sale liquor use so as to not be adversely affected by the development.
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 no other on-sale liquor uses in the immediate area of the proposed development. The Flying J truck stop east of the subject property includes a restaurant and bar known as the “J Bar and Grill”.
4. The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.	See below
<p>Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:</p>	

<p>1. The location, character and natural features of the property:</p>	<p>The subject property is 11.28 acres in size and is zoned General Commercial District with a Planned Development Overlay. The applicant is proposing to construct a 14,700 square foot convenience store and 607 square foot casino that will include on-sale liquor use. Additionally, the applicant has identified space for a future restaurant southwest of the convenience store. The subject property consists of five separate parcels of land located between Elk Vale Road and Discovery Circle. The site plan submitted by the applicant identifies the convenience store and parking area occupying portions of all five lots. Rapid City Municipal Code stipulates that buildings cannot encroach across existing lot lines. The applicant has indicated their intent to submit a Lot Line Consolidation Plat to consolidate the existing lots on the property into a single new lot for the proposed development. Prior to issuance of a Building Permit, the subject property must be re-platted to create a single lot for the proposed development or a Developmental Lot Agreement shall be recorded between all five lots.</p>
<p>2. The location, character and design of adjacent buildings:</p>	<p>The subject property is zoned General Commercial District and is located within a Planned Development Overlay. The properties north of the subject property are zoned General Commercial District with a Planned Development Designation and are void of structural development. The Black Hills Visitor Information Center is located 450 feet west of the subject property and is zoned General Commercial District with a Planned Development Overlay. The property south of the subject property is zoned General Commercial District within a Planned Development Overlay and is currently void of structural development. The property to the east of the subject property is within the City of Box Elder and is developed as a truck stop with fuel sales.</p>
<p>3. Proposed fencing, screening and landscaping:</p>	<p>Based on the applicant's submitted site plan, a total of 460,448 landscape points are required for the proposed development. The applicant is proposing to provide 476,125 landscape points on the property. Additionally, the site plan submitted with the application shows four landscape islands as part of the development. Per Rapid City Municipal Code Section 17.50.300, landscape islands must be provided at a rate of 1 island per 50 parking spaces. The site plan submitted with the application shows 218 parking spaces, which would require a minimum of five landscape islands. Prior to issuance of a Building Permit, site plans must be revised to show five landscape islands. No screening or fencing is required for the proposed development.</p>
<p>4. Proposed vegetation, topography and natural drainage:</p>	<p>A major drainage easement currently transects the subject property from south to north between existing Lots 4 and 10, and existing Lots 3 and 11. The site plan submitted with the application shows the proposed convenience store and parking area constructed within the drainage easement. Prior to issuance of a Building Permit, all portions of the major drainage easement occupied by structural development must be vacated.</p>
<p>5. Proposed pedestrian and</p>	<p>Pedestrian access to the property is provided by sidewalks</p>







<p>vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:</p>	<p>along Discovery Circle and Elk Vale Road. Based on the proposed uses in the development, a total of 182 off-street parking spaces must be provided. The site plan submitted with the application identifies 218 off-street parking spaces on the property, six of which are ADA Accessible. One of the ADA Accessible spaces is also designed to be “Van Accessible”. The parking plan is in compliance with the City’s Parking Regulations.</p> <p>The convenience store will be accessed from the west via Discovery Circle and the east via North Elk Vale Road. The site plan submitted with the application shows 60 foot wide access approaches from Elk Vale Road. Per the Infrastructure Design Criteria Manual Section 2.16.3, access approaches cannot exceed a maximum width of 40 feet. Prior to issuance of a Building Permit, the site plan shall be revised to show all access approaches designed in compliance with the Infrastructure Design Criteria Manual, or an Exception must be obtained.</p>
<p>6. Existing traffic and traffic to be generated by the proposed use:</p>	<p>The proposed development will generate a total of 232 trips per peak hour. The applicant submitted a Traffic Impact Study as part of the Final Planned Development Overlay application to determine the capacity of the existing infrastructure to accommodate the proposed development. The results of that study indicate that the existing infrastructure surrounding the proposed development is adequate to meet traffic demands generated by the proposed development.</p>
<p>7. Proposed signs and lighting:</p>	<p>The applicant is proposing to construct a 60 foot high pole sign with varying electronic message displays on the southeast corner of the property to provide advertising to traffic on Interstate 90. The proposed LED signage totals 491 square feet in size. The Sign Code allows for a maximum of 60 square feet of LED signage and a maximum pole sign height of 45 feet. The applicant has requested an Exception to allow 491 square feet of LED signage and an Exception to allow a pole sign height of 60 feet. Both the proposed sign height and sign size are well beyond the maximum regulations allowed in the General Commercial District. The proposed signage is adjacent to a Principal Arterial Street and an identified Entrance Corridor Gateway. The City’s adopted Comprehensive Plan encourages low profile monument signs and billboards in lieu of visually cluttered LED signage and pole signs. As such, staff recommends denial of both the Exception request to allow a pole sign height of 60 feet in lieu of 45 feet allowed and the Exception request to allow 491 square feet of LED signage in lieu of 60 square feet allowed.</p>
<p>8. The availability of public utilities and services:</p>	<p>The property is currently served by public utilities including Rapid City sewer and water.</p>
<p>9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:</p>	<p>An on-sale liquor establishment is a conditional use in the General Commercial District. The City’s adopted Comprehensive Plan identifies the property as Mixed Use Commercial, which supports commercial and retail uses.</p>
<p>10. The overall density, yard, height and other requirements of the zone in which it is</p>	<p>The proposed development complies with all underlying area regulations applicable to the General Commercial District.</p>

located:	
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 casino is separated from the rest of the convenience store by an interior wall and door. It does not appear that the proposed convenience store and on-sale liquor use in conjunction with a casino 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 stipulations of approval will ensure that the on-sale liquor use will only be operated in conjunction with a casino. 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 applicant has submitted an Initial and Final Planned Development Overlay application to allow a convenience store and on-sale liquor in conjunction with a casino. On-sale Liquor is a Conditional Use in the General Commercial District and is located within a Planned Development Overlay. Additionally, the applicant is requesting exceptions to the maximum allowed height and square footage of an LED pole sign, requiring that the proposed development be reviewed as a Final Planned Development Overlay 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	
BPG-1.1A	Compact Growth: The subject property is located on a vacant City lot adjacent to city limits. The proposed development utilizes existing infrastructure and will be accessed via Elk Vale Road and Discovery Circle.
 A Vibrant, Livable Community	
	N/A
 A Safe, Healthy, Inclusive, and Skilled Community	
	N/A
 Efficient Transportation and Infrastructure Systems	
TI-2.1A	Major Street Plan Integration: The property will be accessed from the west via Discovery Circle and from the east via North Elk Vale Road. Discovery Circle is classified as a Local Street, while North Elk Vale Road is identified as a Principal Arterial Street on the City's Major Street Plan.
 Economic Stability and Growth	
EC-1.2B	N/A
 Outstanding Recreational and Cultural Opportunities	
	N/A



Responsive, Accessible, and Effective Governance

GOV-2.1A	<p>Public Input Opportunities: The proposed Initial and Final Planned Development Overlay application 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 Initial and Final Planned Development Overlay application is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.</p>
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Mixed Use Commercial
Design Standards:	
GDP-MU1	<p>Relationship of Uses: The proposed development adds activity generating uses near the existing Black Hills Visitor Information Center and other retail uses.</p>

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Northeast Neighborhood Area
Neighborhood Goal/Policy:	
DSD-NA1.1C	<p>Mixed-Use Development: The proposed convenience store and on-sale liquor use in conjunction with a casino encourages a variety of uses in the existing commercial development within the neighborhood.</p>

Findings

Staff has reviewed the Initial and Final Planned Development Overlay application to allow a convenience store and on-sale liquor in conjunction with a casino 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 an existing commercial corridor adjacent to Interstate-90. It does not appear that the proposed convenience store and on-sale liquor use in conjunction with a casino will have an adverse impact on the surrounding neighborhood.

Planning Commission Recommendation and Stipulations of Approval

<p>Staff recommends that the Initial and Final Planned Development Overlay application to allow a convenience store and on-sale liquor in conjunction with a casino be approved with the following stipulations:</p>	
1.	Acknowledge the approval of the Exception request to allow a Pole Sign with a height of 60 feet in lieu of a maximum allowed height of 45 feet;
2.	Acknowledge the approval of the Exception request to allow 317 square feet of LED signage in lieu of a maximum 60 square feet allowed;
3.	Prior to issuance of a Building Permit, construction plans shall be revised to address all redlined comments;
4.	Prior to issuance of a Building Permit, the Traffic Impact Study shall be revised to address all redlined comments;
5.	Prior to issuance of a Building Permit, the site plan shall be revised to show all access approaches designed in compliance with the Infrastructure Design Criteria Manual, or an Exception shall be obtained;
6.	Prior to issuance of a Building Permit, site plans shall be revised to show a minimum of 5 landscape islands;
7.	Prior to issuance of a Building Permit, the subject property shall be re-platted to create a single lot for the proposed development, or a Developmental Lot Agreement between all five lots shall be recorded;
8.	Prior to issuance of a Building Permit, all portions of the Major Drainage Easement

	shown as occupied by structural development shall be vacated;
9.	A Major Amendment to the Planned Development Overlay shall be approved prior to the construction of the restaurant;
10.	The Initial and Final Planned Development Overlay shall allow a convenience store and on-sale liquor in conjunction with a casino on the property operated in compliance with the applicant's operations plan. All requirements of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the General Commercial District or uses which increase the required amount of parking on the site shall require a Major Amendment to the Planned Development.



Rapid City Department of Community Development

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 # 18PD038		Initial and Final Planned Development Overlay application to allow a convenience store and on-sale liquor in conjunction with a casino
Companion Case(s)	N/A	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.	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.	An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;	
5.	A Right-of-way Permit shall be obtained prior to any work within the right-of-way, including grading;	
6.	ADA accessibility shall be provided throughout the structure and site as necessary;	
7.	All provisions of the underlying zoning district shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major 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.	
10.	All signage shall continually conform to the Sign Code. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any proposed electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. 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.	