



Rapid City Planning Commission

Conditional Use Permit Project Report

May 23, 2019

Item #17
Applicant Request(s)
Case #19UR009 – Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a recreational facility
Companion Case(s) # N/A

Development Review Team Recommendation(s)
Staff recommends approval with stipulation(s) as noted below.

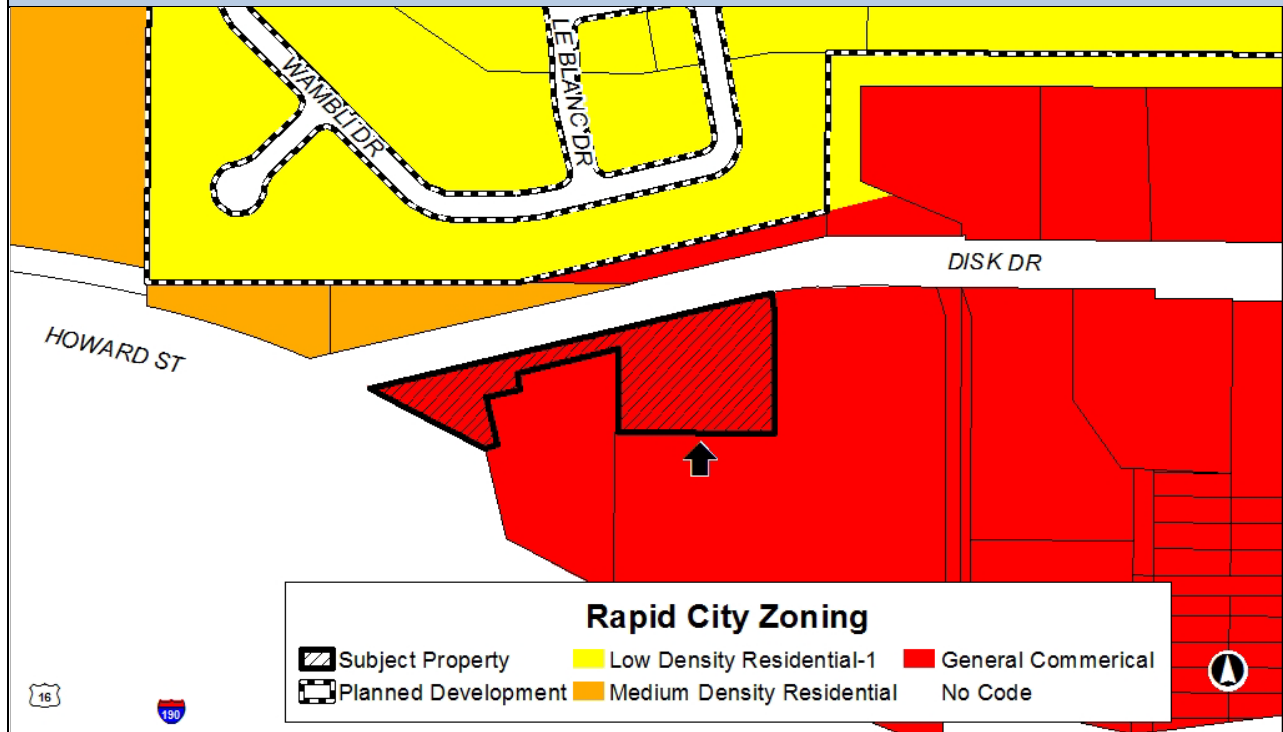
Project Summary Brief	
<p>The applicant has submitted a Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a recreational facility. In particular, the applicant is proposing to serve beer and wine at an axe-throwing venue called “Axe It Out” in a commercial suite measuring 2,334 square feet in size. There are four throwing lanes where individuals will throw axes at targets separated by walls from each other and from spectators. The applicant has indicated that the adopted safety plan will comply with World Axe Throwing League regulations. To address concerns where axes have bounced back at throwers, the applicant has stated that no rubber handles will be used and the target areas will have kinetic dampening materials. In addition, only one alcoholic beverage per hour will be allowed for participants. Proposed hours of operation are: Tuesday through Thursday from 5:00 p.m. to 10:00 p.m.; Friday through Saturday from 3:00 p.m. to 12:00 a.m.; and Sunday open for private events. The property is located at 811 Disk Drive with the axe-throwing in Suite 6. The property is developed with a 20,800 square foot commercial strip mall.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Melissa Buehms-Bonham	Planner: Fletcher Lacock
Property Owner: The Shops at RC LLC	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	811 Disk Drive, Suite 6
Neighborhood	Deadwood Avenue Neighborhood Area
Subdivision	Five Star Subdivision
Land Area	2.43 acres
Existing Buildings	20,800 square feet
Topography	Relatively flat
Access	Disk Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	N/A

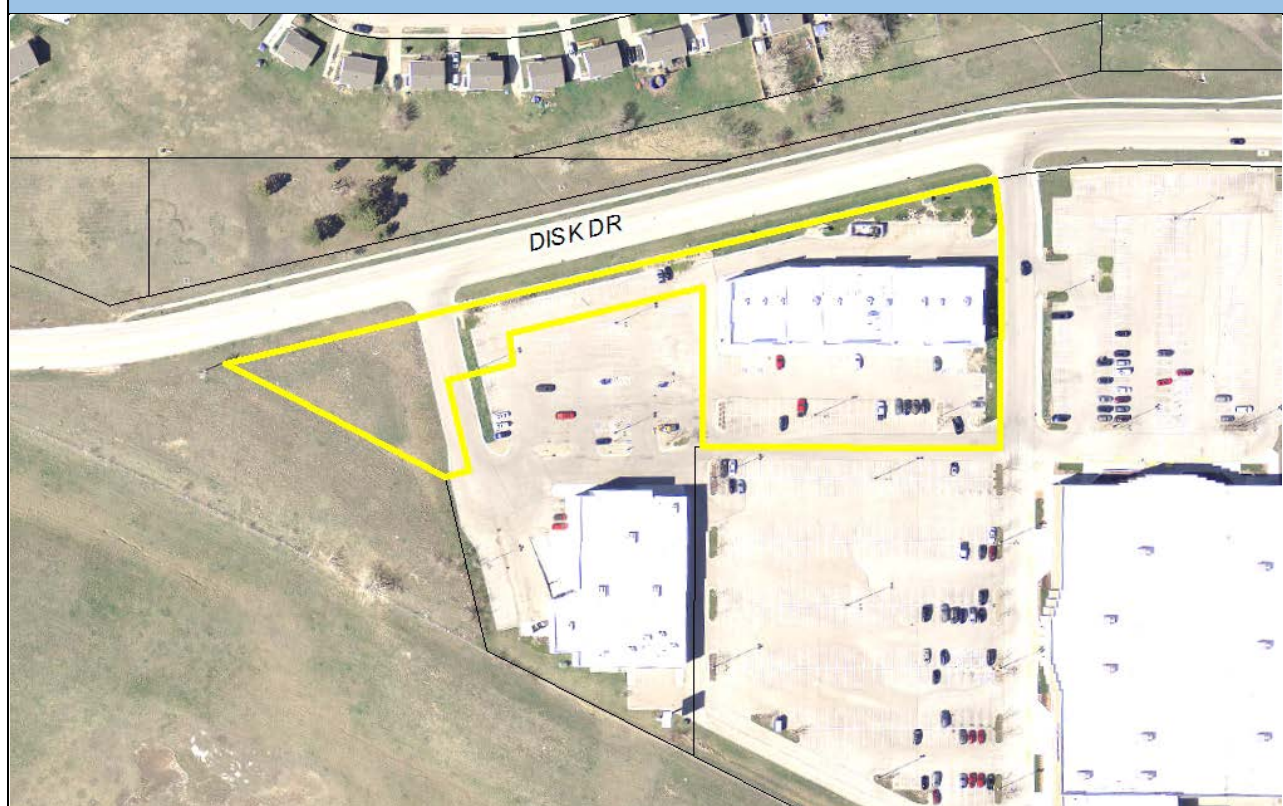
Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	One story commercial structure
Adjacent North	MDR and GC	UN and MUC	Lakota Homes
Adjacent South	GC	MUC	Kohl's
Adjacent East	GC	MUC	Parking lot
Adjacent West	MDR	MUC	Petsmart

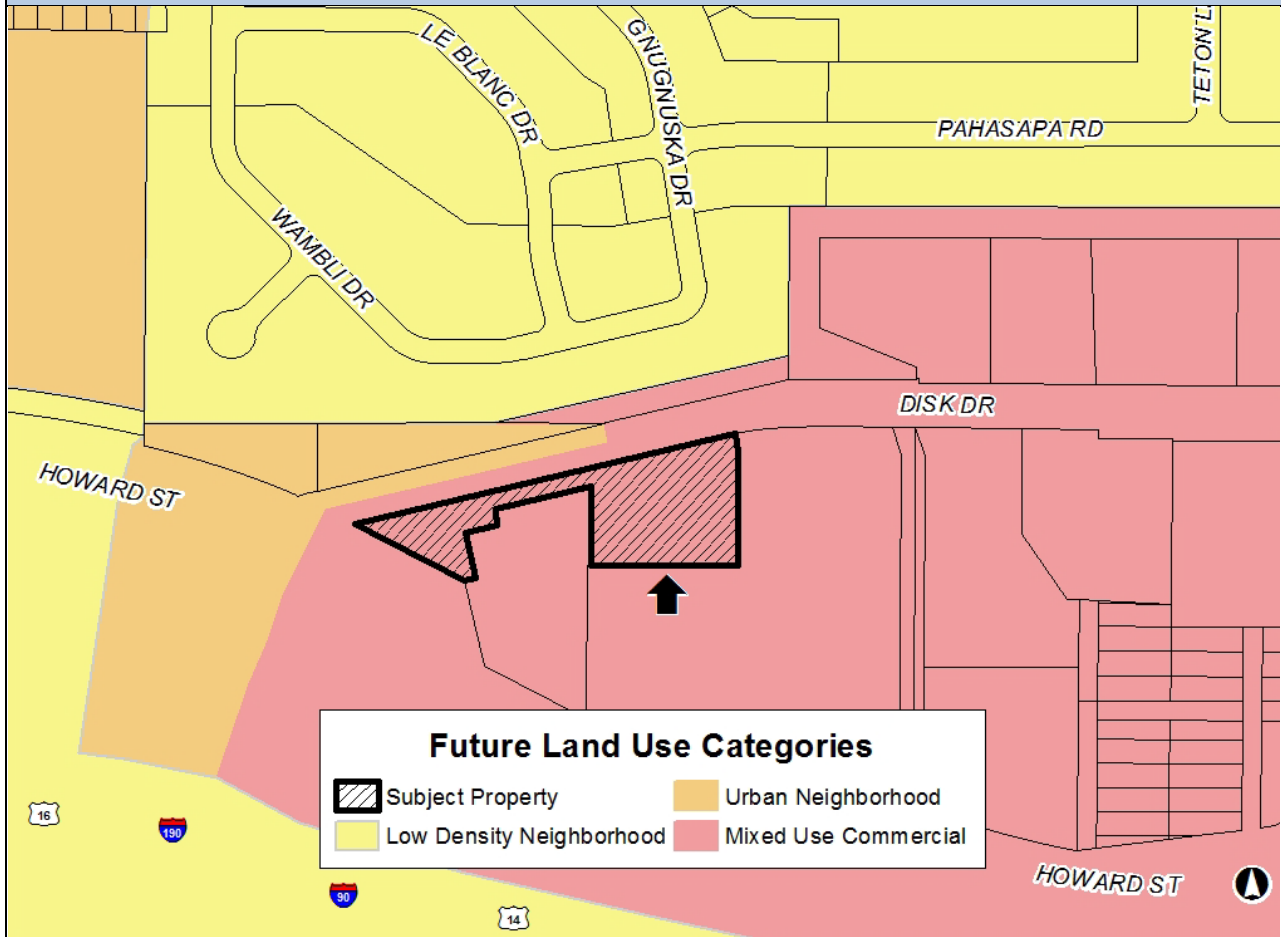
Zoning Map



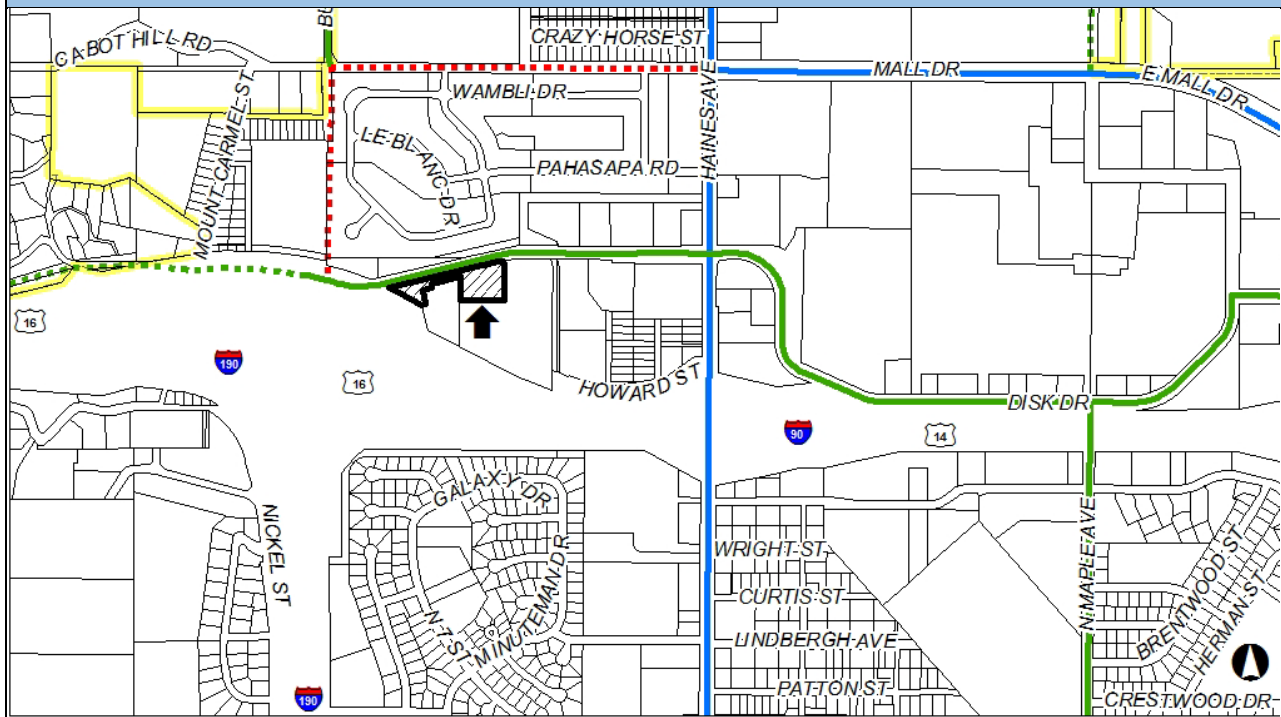
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

- Subject Property
- Collector
- Proposed collector
- Rapid City Limits
- Principal arterial
- Proposed minor arterial








Relevant Case History			
Case/File#	Date	Request	Action
16UR017	07/21/2016	Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant	PC approved with stipulations
Relevant Zoning District Regulations			
General Commercial District		Required	Proposed
Lot Area		N/A	2.43 acres
Lot Frontage		N/A	Approximately 810 feet
Maximum Building Heights		4 stories or 45 feet	One story
Maximum Density		75%	19.6%
Minimum Building Setback:			
• Front		25 feet	35 feet
• Rear		0 feet	105 feet
• Side		0 feet	20 feet
• Street Side		25 feet	25 feet
Minimum Landscape Requirements:			
• # of landscape points		85,738	131,210
• # of landscape islands		2	2
Minimum Parking Requirements:			
• # of parking spaces		115	116
• # of ADA spaces		5	4
Signage		Two square feet per linear foot of frontage	New wall sign proposed
Fencing		N/A	No fencing 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 or schools within a five hundred foot radius of the subject property. The property is located in a concentrated commercial corridor northwest of the intersection of Interstate 90 and Haines Avenue. It does not appear that the Conditional Use Permit to allow an on-sale liquor establishment will have an adverse effect on any places of worship, schools, parks, playgrounds or similar uses if operated in conjunction with a recreational facility.
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 located approximately 130 feet to the north on the north side of Disk Drive. Disk Drive is identified as a Collector Street on the City’s Major Street Plan. There is no access to the residential neighborhood from Disk Drive. The proposed on-sale use appears to be sufficiently buffered from residential districts.
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.”	Located approximately 1,100 feet to the southeast are “Applebee’s” and “Chili’s”. These two restaurants are located along Haines Avenue which is identified as a Principal Arterial Street on the City’s Major Street and is an established commercial corridor. The proposed on-sale liquor use will not create an undue concentration.
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 811 Disk Drive. "Axe It Out" is located within a strip mall located on the property. The suite is approximately 2,334 square feet in size.
2. The location, character and design of adjacent buildings:	Lakota Homes is located to the north. "Kohl's" is located on the property to the south. The property to the east is developed with parking for "Kohl's". The property to the west is the location of "Petsmart".
3. Proposed fencing, screening and landscaping:	The applicant is not proposing to expand the structure and is not required to provide any additional landscaping or screening.
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 and vehicular access is from Disk Drive. There are 116 parking spaces with four ADA accessible spaces located on the property. The applicant should be aware that five ADA accessible parking spaces are required for 116 parking spaces. This is an existing parking lot and the applicant is not proposing to expand the structure or the use on the property. As such, the applicant should be aware that an additional ADA parking space will be required prior to issuance of a Certificate of Occupancy.
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 recreational facility will generate additional traffic. The axe-throwing has already been issued a Building Permit for the recreational use.
7. Proposed signs and lighting:	The applicant is proposing to install wall signage consisting of a target and the words "Axe It Out". Lighting is existing in the parking lot.
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:	The General Commercial District is intended to be used for the general retail business of the City. The applicant is proposing to allow beer and wine sales in conjunction with and axe-throwing business. The proposed on-sale liquor use is a conditional use in the General Commercial District.
10. The overall density, yard, height and other requirements of the zone in which it is located:	As noted above, the parking is short one handicap accessible parking space. This is an existing condition. Otherwise, the existing structure is in compliance with the requirements of the Zoning Ordinance. The applicant is not proposing to expand the 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:	It does not appear that the proposed on-sale liquor use will have a negative effect on noise, odor, smoke, dust, air, and water pollution if operated in conjunction with a recreational facility.
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 recreational facility. Any expansion to the use will require a Major Amendment to the Conditional Use Permit.

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-5.1A	Varied Activity Centers: The property is located in an established commercial corridor west of Rushmore Mall which is identified as a Regional Activity Center.
	A Safe, Healthy, Inclusive, and Skilled Community
SHIS-3.1B	Indoor and Outdoor Recreation: The Comprehensive Plan encourages a variety of recreational facilities across the community. Staff does have concern that the mix of the proposed on-sale liquor use and axe-throwing may be dangerous. However, other communities including Sioux Falls and Denver have allowed these uses provided that safety concerns are addressed. There will be four throwing lanes where individuals will throw axes at targets separated by walls from each other and from spectators. The applicant has indicated that the adopted safety plan will comply with World Axe Throwing League regulations. To address concerns where axes have bounced back at throwers, the applicant has stated that no rubber handles will be used and the target areas will have kinetic dampening materials. In addition, only one alcoholic beverage per hour will be allowed for participants. The submitted operational plan identifies the safety procedures including staff training and limiting entry to customers over 21 years of age.
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: The property is located on the south side of Disk Drive which is identified as a Collector Street on the City's Major Street Plan.
	Economic Stability and Growth
EC-3.1C	Other Employment Areas: The proposed Major Amendment to a Conditional Use Permit supports the growth of an existing business located in an established commercial corridor.
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Major Amendment to a Conditional Use Permit requires that public notice be advertised in the newspaper and that mailings are sent to property owners within 250 feet of the planned development boundary. The requested Major Amendment to a Conditional Use Permit application 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-MU7	Rehabilitation of Existing Activity Centers and Corridors: “Axe It Out” has recently moved into the existing retail strip mall located on the subject property. The proposed use supports the Comprehensive Plan goal to promote investment in local businesses within an existing commercial corridor.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Deadwood Avenue Neighborhood Area
Neighborhood Goal/Policy:	
DA-NA1.1E	Entrance Corridors: The property is accessed from Disk Drive which intersects with Haines Avenue to the east. Haines Avenue is identified as an Entrance Corridor. The proposed on-sale liquor use in conjunction with a recreational facility supports the development of the corridor.

Findings	
<p>Staff has reviewed the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a recreational facility pursuant to Chapter 17.18, Chapter 17.54.030(E), and Chapter 17.50.185 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The property is located within an existing commercial corridor on the periphery of the Rushmore Mall Regional Activity Center. Haines Avenue is also identified as an Entrance Corridor. The proposed on-sale liquor use is adequately buffered from adjacent residential to the north. The proposed on-sale liquor use in conjunction with a recreational facility supports the growth and reinvestment in the area.</p>	

Staff recommends that the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a recreational facility be approved with the following stipulation:	
1.	Prior to issuance of a Certificate of Occupancy, five ADA parking spaces shall be striped with one being “van accessible”;
2.	All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment. The addition of electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for any new signs; and,
3.	The Major Amendment to a Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a recreational facility operated in compliance with the applicant’s operations / security plan. The operations / security plan shall be in place at all times. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.



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.*

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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 provisions of the General Commercial District shall continually be met;
3.	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,
4.	All applicable provisions of the adopted International Fire Code shall continually be met.