ITEM 6

No. 19DU001 - Request for a Determination of Use to allow an in-door dog park as a Conditional Use in the Community Shopping Center-2 District as per Chapter 17.32.020.B.7 of the Rapid City Municipal Code

GENERAL INFORMATION:

PETITIONER 2200 North Maple Avenue-10071280L (Rushmore Mall) for Jared Batman

REQUEST No. 19DU001 - Request for a Determination of Use to allow an in-door dog park as a Conditional Use in the Community Shopping Center-2 District as per Chapter 17.32.020.B.7 of the Rapid City Municipal Code

DATE OF APPLICATION 9/24/19

REVIEWED BY Vicki L. Fisher

RECOMMENDATION:

Staff recommends approval of the request for a Determination of Use to allow an in-door dog park as a Conditional Use in the Community Shopping Center-2 District for this specific request only.

GENERAL COMMENTS: A Determination of Use request has been submitted for review and approval to allow an in-door dog park as a Conditional Use in the Community Shopping Center-2 District. In particular, the General Manager of the Rushmore Mall has submitted a request on behalf of Jared Batman to allow an in-door dog park within a 4,253 square foot area of the mall previously occupied by Payless Shoes. The in-door dog park will include a beer and wine bar and an “off-leash” area for the dogs. The operational plan for the dog park is as follows:

- A maximum of 30 dogs will be allowed at any one time.
- A minimum of 2 to 3 employees will be on site at all times.
- The hours of operation will be Tuesday through Friday from 10:00 a.m. to 9 p.m., Saturday from 10:00 a.m. to 9:00 p.m. and Sunday from 11:00 a.m. to 3:00 p.m.
- Cleaning stations for dog waste will be provided.
- “No Barking Allowed” policy will be enforced.
- Sound proofed interior walls will be provided.
- All dogs must enter/exit through the door directly off the parking lot. The two store entrances into the mall will be fenced to preclude the dogs from entering the main portion of the mall.
- A check-in area will be provided at the entrance off the parking lot.
- Dog(s) must be accompanied by their owners at all times. No kenneling of dogs will be offered or allowed.

The Rushmore Mall property is zoned Community Shopping Center-2 District. The district does not allow an in-door dog park as a permitted or a Conditional Use. Section 17.32.020.B.7 of the Rapid City Municipal Code states that other uses similar in character to those listed in this section and in conformity with the general description of the district and which in the opinion of the City Council will not be injurious to the district may be allowed in
No. 19DU001 - Request for a Determination of Use to allow an indoor dog park as a Conditional Use in the Community Shopping Center-2 District as per Chapter 17.32.020.B.7 of the Rapid City Municipal Code

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the Community Shopping Center-2 District. As such, this Determination of Use request has been submitted for consideration by the Planning Commission and the City Council.

STAFF REVIEW: Staff has reviewed the request based on the requirements of the Rapid City Municipal Code and has noted the following comments:

The Community Shopping Center-2 District is established to provide areas to “serve as a unified grouping of retail shops and stores to provide goods and services for people within a thirty minute drive of the shopping center. It is intended that the community shopping center development shall consist of a harmonious selection of uses and grouping of buildings, services, off-street parking, circulation and open spaces, planned and designed as an integrated unit, with appropriate landscaping and screening materials.” Typical uses within a mall include retail, recreational and food and beverage services. The in-door dog park will provide a recreational area for dog owners. Restaurants and bars (lounges) are currently permitted and conditional uses, respectively, within the Community Shopping Center-2 District. Requiring the review and approval of a Conditional Use Permit for the in-door dog park will establish criteria for review that must be met pursuant to Chapter 17.54.030 (Conditional Use Permits) of the Rapid City Municipal Code to address, noise, odor, fencing, parking, compatibility of use, etc. In addition, other recreational uses currently exist in the mall, such as an arcade, theater, fitness center and in-door play area for children. The in-door dog park is similar and harmonious in nature to these uses. The General Manager of Rushmore Mall has also indicated that the proposed use fits with the mall’s Master Plan and that the goal going forward is to reinvent the shopping experience at the mall to attract more users, which brings the community together.

In the past, when a Determination of Use has been approved by the Planning Commission and/or the City Council, staff has followed with an Ordinance Amendment to allow the use within the district. However, this use is unique. As such, staff is recommending that the Determination of Use to allow an in-door dog park as a Conditional Use in the Community Shopping Center-2 District be allowed for this specific request only. If another in-door dog park is proposed in the future, the impacts of this park can be reviewed and an Ordinance Amendment can be brought forward at that time if the use is determined to be compatible and appropriate in the zoning district. The applicant should be aware that since the property is located within a Planned Development Overlay, a Major Amendment to the Planned Development will be required for the in-door dog park and to allow the proposed on-sale beer and wine bar. This will meet the requirement to secure a Conditional Use Permit for both the in-door dog park and the on-sale liquor use.

Recommendation:
Staff recommends approval of the request for a Determination of Use to allow an in-door dog park as a Conditional Use in the Community Shopping Center-2 District for this specific request only.