



Rapid City Planning Commission

Conditional Use Permit Project Report

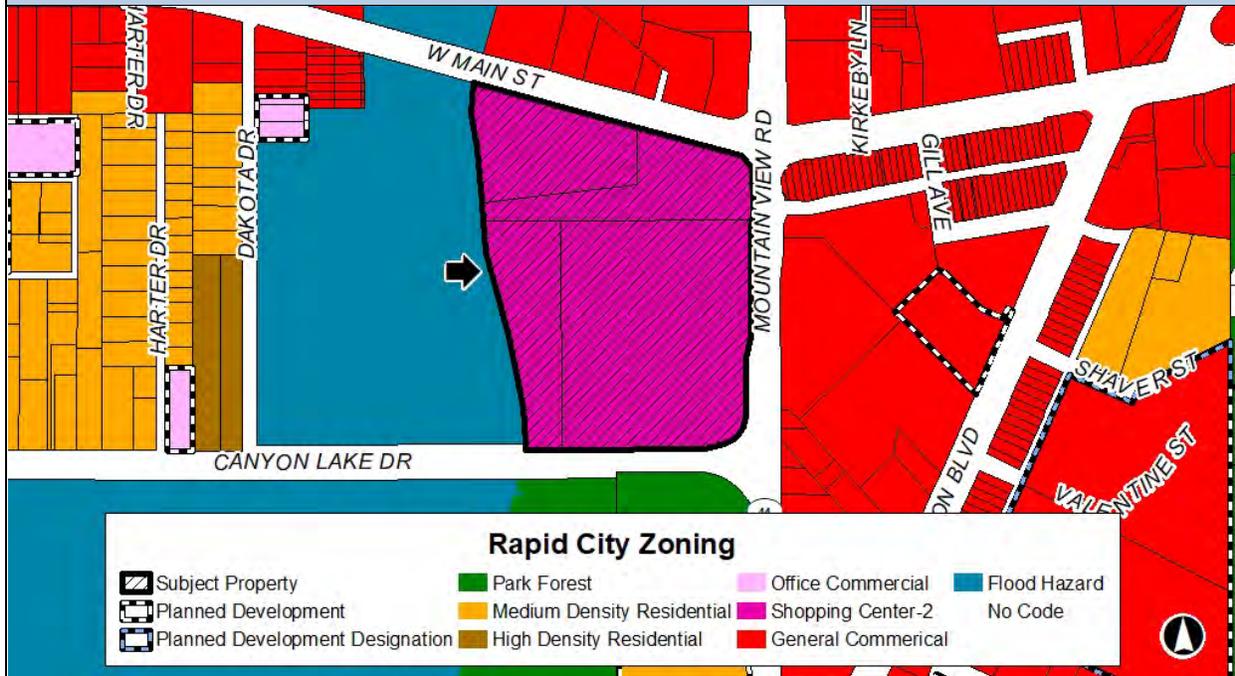
March 5, 2020

Item #9	
Applicant Request(s)	
Case #20UR004 - Conditional Use Permit to allow on-sale liquor use in conjunction with an entertainment venue	
Companion Case(s) #: N/A	
Development Review Team Recommendation(s)	
Staff recommends approval of the Conditional Use Permit to allow on-sale liquor use in conjunction with an entertainment venue with the stipulations noted below.	
Project Summary Brief	
<p>The applicant is requesting this Conditional Use Permit to allow on-sale liquor use in conjunction with an entertainment venue on the property located at 2001 West Main Street known as “Baken Park”. Specifically, the applicant intends to construct a 35,110 square-foot entertainment venue to include a casino, dance club, restaurant, reception space, and banquet area. Additionally, as part of the construction of the entertainment venue, the applicant intends to renovate the exterior of the building by removing approximately 8,400 square feet of the building, creating a pedestrian pathway and sidewalk patio seating that connects the western parking area on the property to the eastern parking area. The proposed outdoor pedestrian and seating area will include fencing for all areas serving alcohol. The hours of operation for the entertainment center will be as follows:</p> <ul style="list-style-type: none"> • Bar and Restaurant: 11:00 AM to 2:00 AM (4-12 Employees) • Dining Banquet area: 5:00 PM to 10:00 PM (2-4 Employees) • Night Club: 7:00 PM to 2:00 AM (2-4 Employees) • Casino: 7:00 AM to 2:00 AM (1-2 Employees) <p>The subject property is 15.19 acres in size and is zoned Community Shopping Center-2 District and the City’s Future Land Use plan identifies it as Mixed Use Commercial. An entertainment venue with on-sale liquor use is a Conditional Use in the Community Shopping Center-2 District.</p>	
Applicant Information	Development Review Team Contacts
Applicant: M.G. Oil Company	Planner: John Green
Property Owner: M.G. Oil Company	Engineer: Todd Peckosh
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Todd Peckosh
Other: Kennedy Design Group, Inc.	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	2001 West Main Avenue
Neighborhood	West Rapid Neighborhood Area
Subdivision	Northern Heights Subdivision
Land Area	15.19 acres or 661,676 square feet
Existing Buildings	217,199 square-foot commercial buildings
Topography	Level
Access	West Main Street/Mountain View Road/Canyon Lake Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	100 Year Flood Plain
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	SC-2	MUC	Mixed Use Retail
Adjacent North	GC	MUC	Mixed Use Retail
Adjacent South	PF	FC	Medical Facility
Adjacent East	GC	MUC	Mixed Use Retail
Adjacent West	FH	PG	Vacant

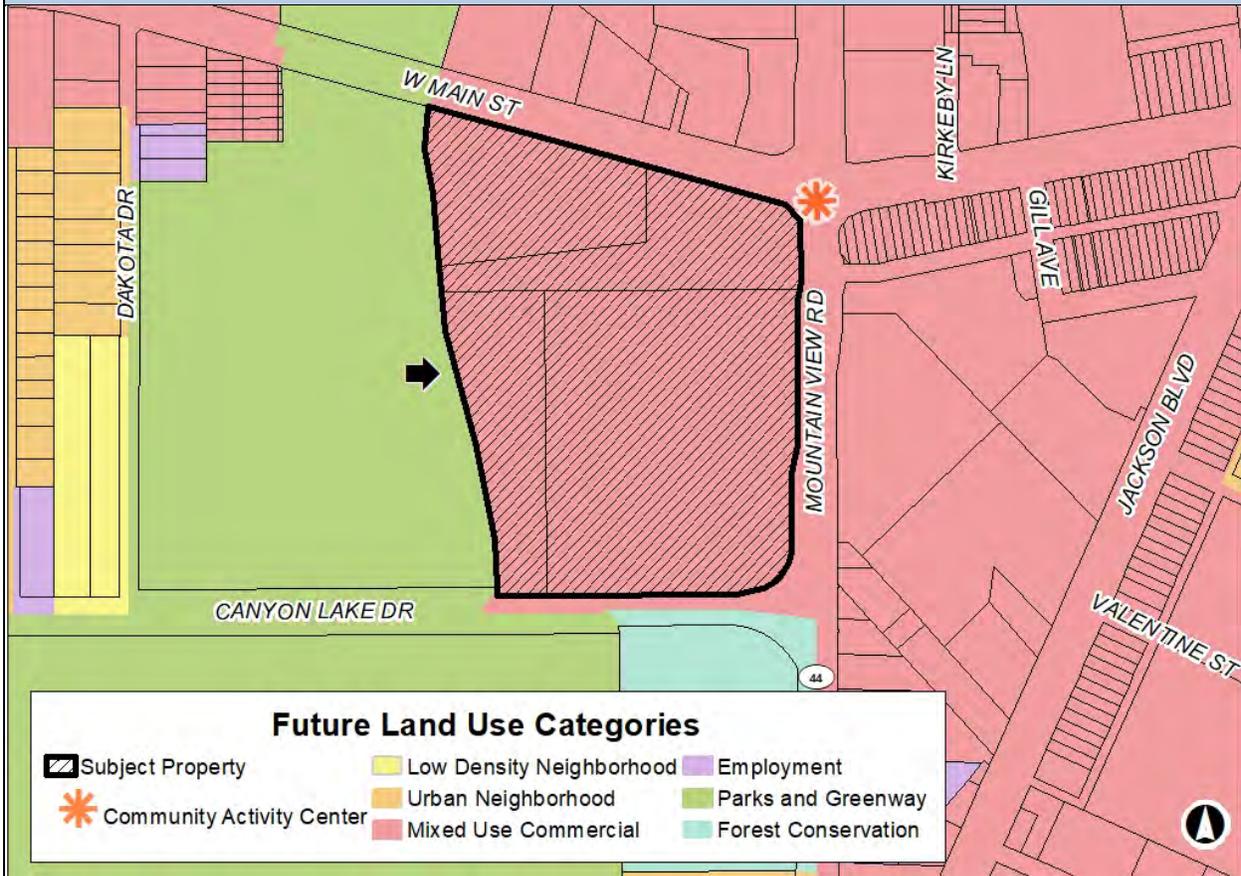
Zoning Map



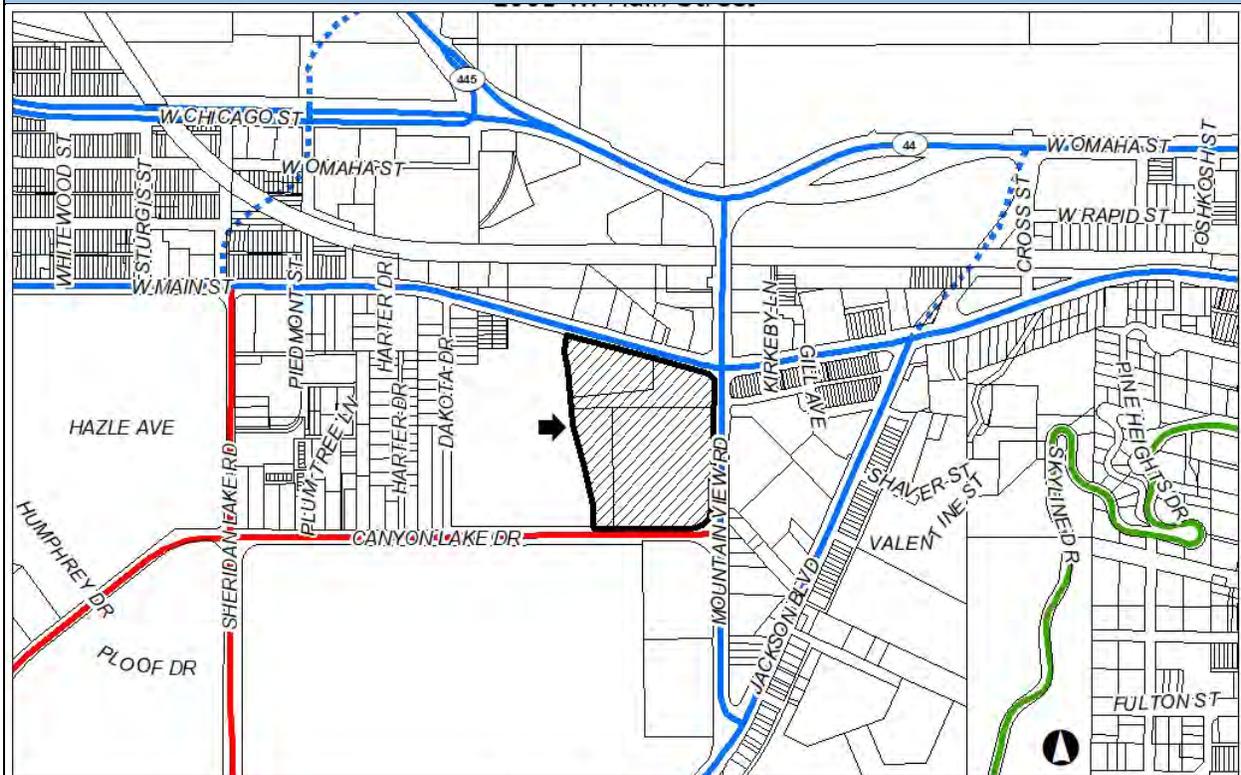
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

- Subject Property
- Collector
- Minor arterial
- Principal arterial
- Proposed principal arterial

Relevant Case History			
Case/File#	Date	Request	Action
01UR024	5/4/01	Conditional Use Permit to allow an on-sale liquor establishment	PC approved 6/7/01 CC approved 6/18/01
09UR018	6/12/09	Conditional Use Permit to allow an on-sale liquor establishment	PC approved 7/23/09

Relevant Zoning District Regulations		
Community Shopping Center-2 District	Required	Proposed
Lot Area	N/A	15.19 acres or 661,676 square feet
Lot Frontage	N/A	Approximately 2,250 feet
Maximum Building Heights	45 feet	1 story
Maximum Density	25%	32.8% (Legal Nonconforming)
Minimum Building Setback:		
• Front	25 feet	40 feet
• Rear	30 feet	46 feet
• Side	25 feet	0 feet (Legal Nonconforming)
• Street Side	25 feet	48 feet
Minimum Landscape Requirements:		
• # of landscape points	N/A	N/A
• # of landscape islands	17	13
Minimum Parking Requirements:		
• # of parking spaces	988 spaces	852 spaces (Legal Nonconforming)
• # of ADA spaces	20 ADA (3 "Van Accessible")	22 ADA (7 "Van Accessible")
Signage	Per RCMC	Wall signage in compliance with RCMC
Fencing	Per RCMC	None proposed

Planning Commission Criteria and Findings for Approval or Denial	
<p>Pursuant to Section 17.52.030.E of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Major Amendment to a Conditional Use Permit:</p>	
	Findings
1. The location, character, and natural features of the property;	The subject property is 15.19 acres in size and is zoned Community Shopping Center-2 District. The property is surrounded by mixed use retail and medical uses on three sides, while a City park is located directly west of the property.
2. The location, character, and design of adjacent buildings;	The subject property is bordered on the north and east by properties zoned General Commercial District. The properties to the south and west are zoned Park Forest District and Flood Hazard District, respectively. Retail or commercial buildings exist on the east and north sides of the subject property, while a medical facility and park border the property on the south and west, respectively.
3. Proposed fencing, screening, and landscaping;	Screening is not required for the development of the proposed entertainment venue. Additionally, the only landscape requirement for the district requires that all

	<p>areas not set aside for parking, unloading, access, or circulation for the property be shown with landscaping. The property is entirely developed as either a shopping center or parking area, but the applicant has proposed to add additional landscape islands and borders in select areas of the eastern parking area.</p>
4. Proposed vegetation, topography, and natural drainage;	<p>No additional vegetation or alterations to the topography or natural drainage is proposed as a part of this development.</p>
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;	<p>Access to the property is via multiple approaches onto West Main Street on the north, Mountain View Road on the east, and Canyon Lake Drive on the south. The applicant's site plan identifies 852 off-street parking spaces on the property, including 22 ADA spaces. With the reduction of the building size to accommodate the pedestrian pathway, a minimum of 951 off-street parking spaces (including 20 ADA spaces) are required for the development based on the existing parking requirement for the Community Shopping Center-2 District at a ratio of 4.5 spaces per 1,000 square feet of floor area. However, the existing 852 spaces are legal non-conforming. Since the project does not expand the footprint of the building, no additional parking is required.</p>
6. Existing traffic and traffic to be generated by the proposed use;	<p>West Main Street and Mountain View Road are classified as Principal Arterial Streets on the City's Major Street Plan, while Canyon Lake Drive is identified as a Minor Arterial Street. Transportation staff has noted that the proposed use will not adversely impact traffic in the surrounding area.</p>
7. Proposed signs and lighting;	<p>The applicant is proposing additional wall signage with this application in compliance with the Rapid City Sign Code. All signage must comply with the Rapid City Municipal Code Section 17.50.100.</p>
8. The availability of public utilities and services;	<p>The site is serviced by Rapid City water and sewer. Public Works has not noted any issues with the utility capacity or service for the site.</p>
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;	<p>The Rapid City Comprehensive Plan shows the property as appropriate for Mixed Use Commercial development. The proposed use of the facility as an entertainment venue with on-sale liquor use is in compliance with activity generating uses identified in the Mixed Use Commercial designation and is appropriate for a Regional Activity Center.</p>
10. The overall density, yard, height, and other requirements of the zone in which it is located;	<p>The proposed expansion is internal to the existing structure and does not trigger compliance with density, yard, height, or other area requirements of the Community Shopping Center-2 District.</p>
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;	<p>The proposed entertainment venue and on-sale liquor use are located in the center of the shopping complex and are not adjacent to any other sensitive land uses. It does not appear that the request will create excessive noise, odor, smoke, dust, air, or water pollution.</p>
12. The degree to which conditions imposed will mitigate any probable adverse impacts of	<p>The stipulations of approval of this Conditional Use Permit will serve as the tool to ensure that the proposed on-sale liquor use does not have an adverse impact on adjacent uses.</p>

the proposed use on existing adjacent uses.	
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:	The subject property is not in the immediate vicinity of any school, City park, playground, or place of religious worship and does not appear to cause an adverse impact on the surrounding neighborhood.
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 in close proximity to a property zoned Park Forest District with an existing medical use on the property. It does not appear that the proposed entertainment venue and on-sale liquor use will cause any adverse impacts on surrounding land uses.
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 multiple other businesses operating with on-sale liquor within 500 feet of the subject property and it does not appear that the proposed use will adversely impact surrounding land uses. Within the same shopping center, "Buffalo Wild Wings" operates with on-sale while "Jambonz Deux" and the "Sun Inn Lounge" also operate with on-sale liquor use liquor approximately 200 to 400 feet east of the subject property. Additionally, Kelly's Sports Lounge" is located 450 feet southeast of the subject property while the "Millstone Restaurant" is located 300 feet north of the subject property. The approval of the expansion of on-sale liquor use does not appear to cause any undue concentration of similar uses or blight on the surrounding neighborhood.
4. The proposed use complies with the standards of Chapters 5.12 and 17.54.030 of the Rapid City Municipal Code:	As noted above, the requested Conditional Use Permit complies with the standards of Chapter 5.12 and Chapter 17.54.030 of the Rapid City Municipal Code.
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	N/A
 A Vibrant, Livable Community	
LC-4.1B	Diverse Mix of Uses: The proposed Conditional Use Permit will create an activity-generating use adjacent to three arterial streets and will update an aging shopping center with increased pedestrian traffic.
 A Safe, Healthy, Inclusive, and Skilled Community	
N/A	N/A
 Efficient Transportation and Infrastructure Systems	

TI-2.1A	Major Street Plan Integration: The subject property is accessed via West Main Street on the north, Mountain View Road east, and Canyon Lake Drive on the south. Mountain View Road and West Main Street are listed as a Principal Arterial Streets on the City’s Major Street Plan while Canyon Lake Drive is identified as a Minor Arterial Street.
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	Economic Stability and Growth
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N/A	
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	Outstanding Recreational and Cultural Opportunities
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N/A	N/A
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	Responsive, Accessible, and Effective Governance
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GOV-2.1A	Public Input Opportunities: The Conditional Use Permit requires notification of surrounding property owners within 250 feet of the subject 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 proposed on-sale liquor establishment.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
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Future Land Use Plan Designation(s):	Mixed Use Commercial / Regional Activity Center
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Design Standards:	
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GDP-MU1	Relationship of Uses: The proposed on-sale liquor use is an activity generating use adjacent to three arterial streets. The proposed structural alteration will increase pedestrian foot traffic and the proposed entertainment venue will promote a diverse mix of uses within the Regional Activity Center.
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Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
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Neighborhood:	West Rapid Neighborhood Area
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Neighborhood Goal/Policy:	
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WR-NA1.1D	Mixed Use Development: The proposed development will promote activity-generating uses within the shopping center and will complement the existing mixed use retail and dining uses in the immediate neighborhood.
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Findings	
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Staff has reviewed the Conditional Use Permit to allow on-sale liquor use in conjunction with an entertainment venue pursuant to 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 subject property is located in the Community Shopping Center-2 District and does not appear to cause any adverse impacts on surrounding land uses. The proposed on-sale liquor use operated in conjunction with an entertainment venue does not appear to cause any adverse impacts on surrounding land uses. It does not appear that the proposed use will create an undue concentration of similar uses, so as to cause blight, deterioration, or substantially diminish or impair property values.

Staff recommends approval of the requested Conditional Use Permit to allow on-sale liquor use in conjunction with an entertainment venue with the following stipulations:	
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| 1. | Prior to issuance of any Certificate of Occupancy for the space, the applicant shall coordinate with the Building Services Division to finish all outstanding electrical code requirements within the space, pursuant to all previous violation letters issued by the Department of Community Development; |
| 2. | Prior to issuance of a Building Permit, the subject property shall be platted to create a single lot for the proposed structure or a Developmental Lot Agreement shall be entered into and recorded; |
| 3. | All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Major Amendment. The inclusion of any LED message centers shall require |

	a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign; and,
4.	The requested Conditional Use Permit shall allow on-sale liquor use in conjunction with an entertainment venue on the property operated in compliance with the submitted operations plan. All requirements of the Community Shopping Center-2 District shall be continually maintained. Any permitted use in the Community Shopping Center-2 District shall be allowed with a Building Permit. Conditional uses in the Community Shopping Center-2 District or any expansion of the on-sale liquor use on the property shall require a Major Amendment to the Conditional Use Permit.

Rapid City Department of Community Development

Development Review Advisories

<i>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.</i>	
	Applicant Request(s)
Case # 20UR004	Conditional Use Permit to allow on-sale liquor use in conjunction with an entertainment venue
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 Conditional Use Permit 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. No electronic signs are being approved as a part of this Conditional Use Permit. 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 Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Major Amendment to the Conditional Use Permit. Any proposed electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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.