



Rapid City Planning Commission

Conditional Use Permit Project Report

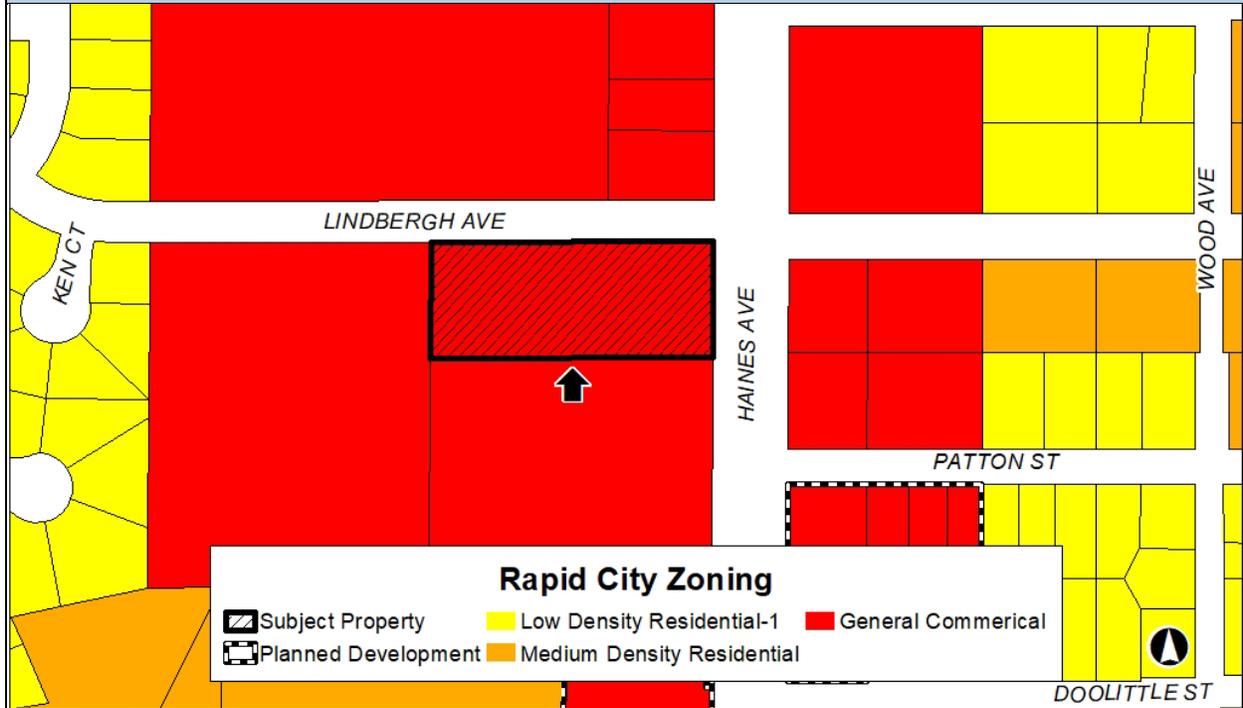
March 5, 2020

Item #10	
Applicant Request(s)	
Case #20UR005 - Major Amendment to the Conditional Use Permit to allow on-sale liquor use in conjunction with a casino	
Companion Case(s) #: N/A	
Development Review Team Recommendation(s)	
Staff recommends approval of the Major Amendment to the Conditional Use Permit with the stipulations noted below.	
Project Summary Brief	
<p>The applicant is requesting this Major Amendment to the Conditional Use Permit to allow on-sale liquor use in conjunction with a casino on the property located at 1565 Haines Avenue. Specifically, the applicant intends to expand the existing “Chances Casino” into an adjacent suite, adding approximately 2,500 square feet of area to the existing facility. The hours of operation for the facility will be 7:00 AM to 2:00 AM, seven days per week.</p> <p>The subject property is 1.59 acres in size and is zoned General Commercial District and the City’s Future Land Use plan is identified as Mixed Use Commercial. A casino with on-sale liquor use is a Conditional Use in the General Commercial District</p>	
Applicant Information	Development Review Team Contacts
Applicant: M.G. Oil Company	Planner: John Green
Property Owner: B and T Investments	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: Kennedy Design Group, Inc.	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	1565 Haines Avenue
Neighborhood	North Rapid Neighborhood Area
Subdivision	Northern Heights Subdivision
Land Area	1.59 acres or 69,260 square feet
Existing Buildings	10,655 square-foot commercial building
Topography	Level
Access	Lindbergh Avenue / Haines Avenue
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	Casino/Restaurant
Adjacent North	GC	MUC	Mobile Home Park
Adjacent South	GC	MUC	Retail
Adjacent East	GC	MUC	Retail
Adjacent West	GC	MUC	Retail

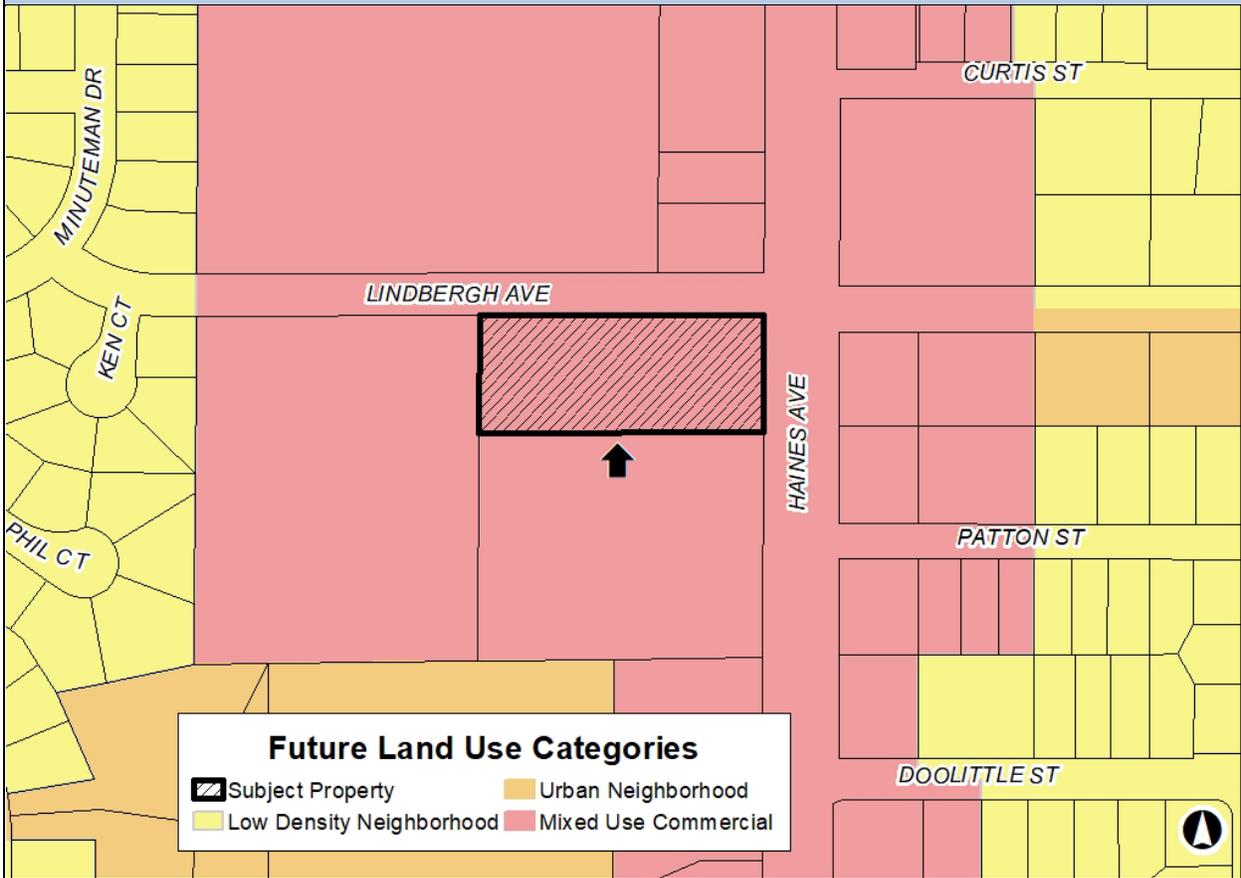
Zoning Map



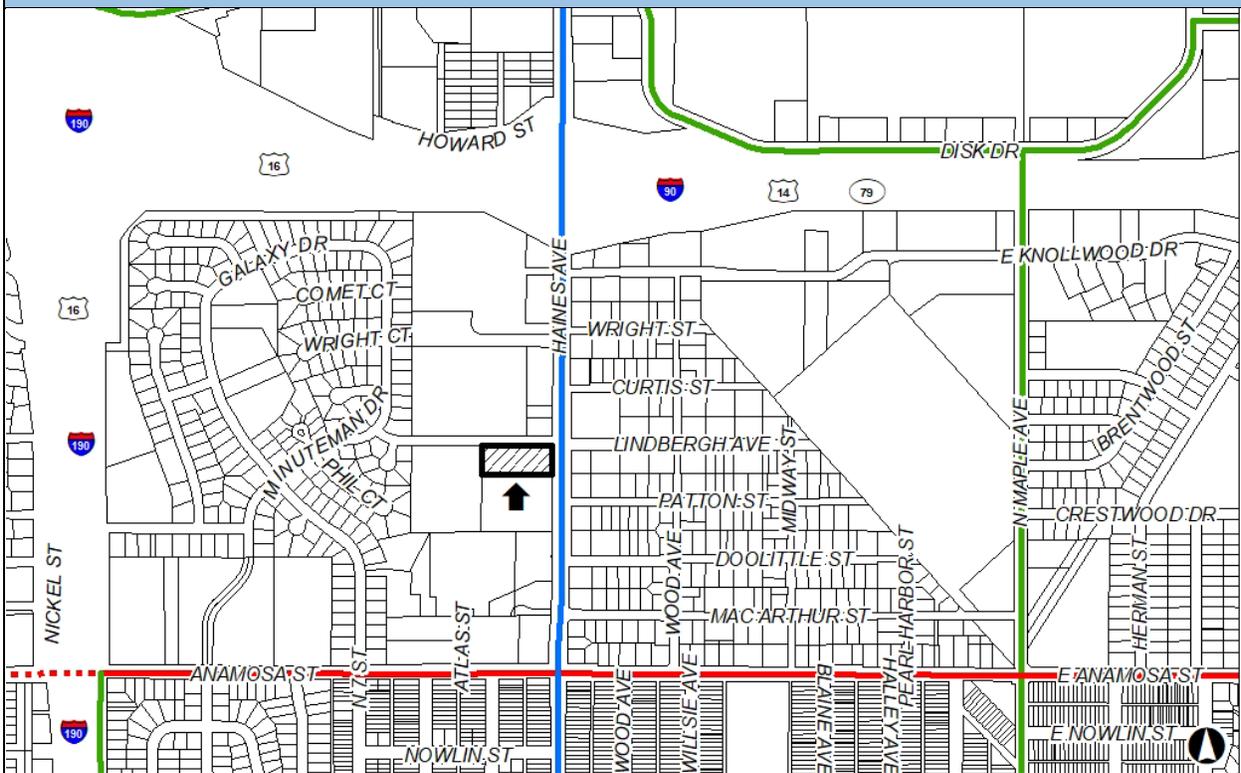
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
09UR019	6/26/09	Conditional Use Permit to allow an on-sale liquor establishment	PC approved 7/23/09 CC denied 9/8/09 (Court overturned CC decision)
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	1.59 acres or 69,260 square feet	
Lot Frontage	N/A	Approximately 578 feet	
Maximum Building Heights	45 feet	1 story	
Maximum Density	75%	15.3%	
Minimum Building Setback:			
• Front	25 feet	146 feet	
• Rear	0 feet	182 feet	
• Side	0 feet	14 feet	
• Street Side	25 feet	26 feet	
Minimum Landscape Requirements:			
• # of landscape points	59,152 points	N/A	
• # of landscape islands	1	N/A	
Minimum Parking Requirements:			
• # of parking spaces	99 spaces	N/A	
• # of ADA spaces	4 ADA (1 "Van Accessible")	4 ADA (2 "van Accessible")	
Signage	Per RCMC	None proposed	
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 1.59 acres in size and is zoned General Commercial District. The property is surrounded by mixed use retail and commercial land uses on three sides, while a mobile home park is located north of the property, across Lindbergh Avenue on property zoned General Commercial District and is deemed a legal non-conforming use.
2. The location, character, and design of adjacent buildings;	The subject property is surrounded by General Commercial zoned properties. Retail or commercial buildings exist on the east, west, and south sides of the subject property, while a mobile home park is located north of the subject property, across Lindbergh Avenue on property zoned General Commercial District and is deemed a legal non-conforming use.
3. Proposed fencing, screening, and landscaping;	Due to the property's location adjacent to General Commercial District on all sides, screening is not required. While landscaping is required in the General Commercial District, the proposed expansion of use does not include any physical expansion of the existing structure and

	therefore does not require that the applicant provide a proposed landscape plan.
4. Proposed vegetation, topography, and natural drainage;	No additional vegetation or alterations to the topography or natural drainage is proposed as a part of this development.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;	Access to the property is via two separate approaches onto Lindbergh Avenue and an existing shared access easement onto Haines Avenue. The applicant's site plan identifies 91 off-street parking spaces on the property, including four ADA spaces. A minimum of 99 off-street parking spaces (including four ADA spaces) are required for the development based on the expansion of the casino and on-sale liquor use into adjacent suites. Prior to issuance of a Building Permit, the site plan must be revised to show a minimum of 99 off-street parking spaces, or an Exception must be obtained.
6. Existing traffic and traffic to be generated by the proposed use;	Haines Avenue is classified as a Principal Arterial street on the City's Major Street Plan, while Lindbergh Avenue is classified as a Local Street. Transportation staff has noted that the proposed use will not adversely impact traffic in the surrounding area.
7. Proposed signs and lighting;	The applicant is not proposing any additional signage with this application. All signage must comply with the Rapid City Municipal Code Section 17.50.100.
8. The availability of public utilities and services;	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.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;	The Rapid City Comprehensive Plan shows the property as appropriate for Mixed Use Commercial development. The proposed use of the facility as a casino with on-sale liquor is in compliance with activity generating uses identified in the Mixed Use Commercial designation.
10. The overall density, yard, height, and other requirements of the zone in which it is located;	The proposed expansion is internal to the existing structure. The existing development complies with all density, setback, and height requirements of the General Commercial District.
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 on-sale liquor use in conjunction with a casino are located entirely on the inside of the suite. No outdoor seating is being proposed. It does not appear that the request will create excessive noise, odor, smoke, dust, air, or 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 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.
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, park, playground, or 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:	There are residentially zoned properties approximately 450 feet west of the subject property. The mobile home park located north of the subject property is zoned General Commercial District and is deemed a legal non-conforming use. Since the expansion of use will be internal to the existing structure and will be an addition to an existing casino, the application does not appear to 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:	The proposed use is the only on-sale liquor establishment within 500 feet in any direction 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 Major Amendment to the 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 Major Amendment will create an activity-generating use adjacent to a Principal Arterial Street.
 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 Lindbergh Avenue on the north and Haines Avenue on the east. Haines Avenue is listed as a Principal Arterial Street on the City’s Major Street Plan while Lindbergh Avenue is classified as a Local Street.
 Economic Stability and Growth	
N/A	
 Outstanding Recreational and Cultural Opportunities	
N/A	N/A
 Responsive, Accessible, and Effective Governance	
GOV-2.1A	Public Input Opportunities: The Major Amendment to a 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.
Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed Use Commercial
Design Standards:	
GDP-MU1	Relationship of Uses: The proposed on-sale liquor use is an activity generating use adjacent to a Principal Arterial Street.
Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	North Rapid Neighborhood Area
Neighborhood Goal/Policy:	
N/A	N/A
Findings	
Staff has reviewed the Major Amendment to a Conditional Use Permit to allow on-sale liquor use in conjunction with a casino 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 General Commercial District and does not appear to cause any adverse impacts on surrounding land uses. The proposed expansion of on-sale liquor use into the adjacent suite 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 Major Amendment to the Conditional Use Permit to allow on-sale liquor use in conjunction with a casino with the following stipulations:	
1.	Prior to issuance of a Building permit, the site plan shall be revised to show a minimum of 99 off-street parking spaces and four ADA compliant spaces, including at least one “Van Accessible” space;
2.	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,
3.	The requested Major Amendment to the Conditional Use Permit shall allow on-sale liquor use in conjunction with a casino on the property operated in compliance with the submitted operations plan. All requirements of the General Commercial District shall be continually maintained. Any permitted use in the General Commercial District shall be allowed with a Building Permit. Conditional uses in the General Commercial 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 # 20UR005	Major Amendment to a Conditional Use Permit to allow on-sale liquor use 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 Major Amendment to a 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 Major Amendment to a 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.