



Rapid City Planning Commission

Conditional Use Permit Project Report

May 7, 2020

Item #8
Applicant Request(s)
Case #20UR006 - Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino
Companion Case(s) #: N/A

Development Review Team Recommendation(s)
Staff recommends approval of the Conditional Use Permit with the stipulations noted below.

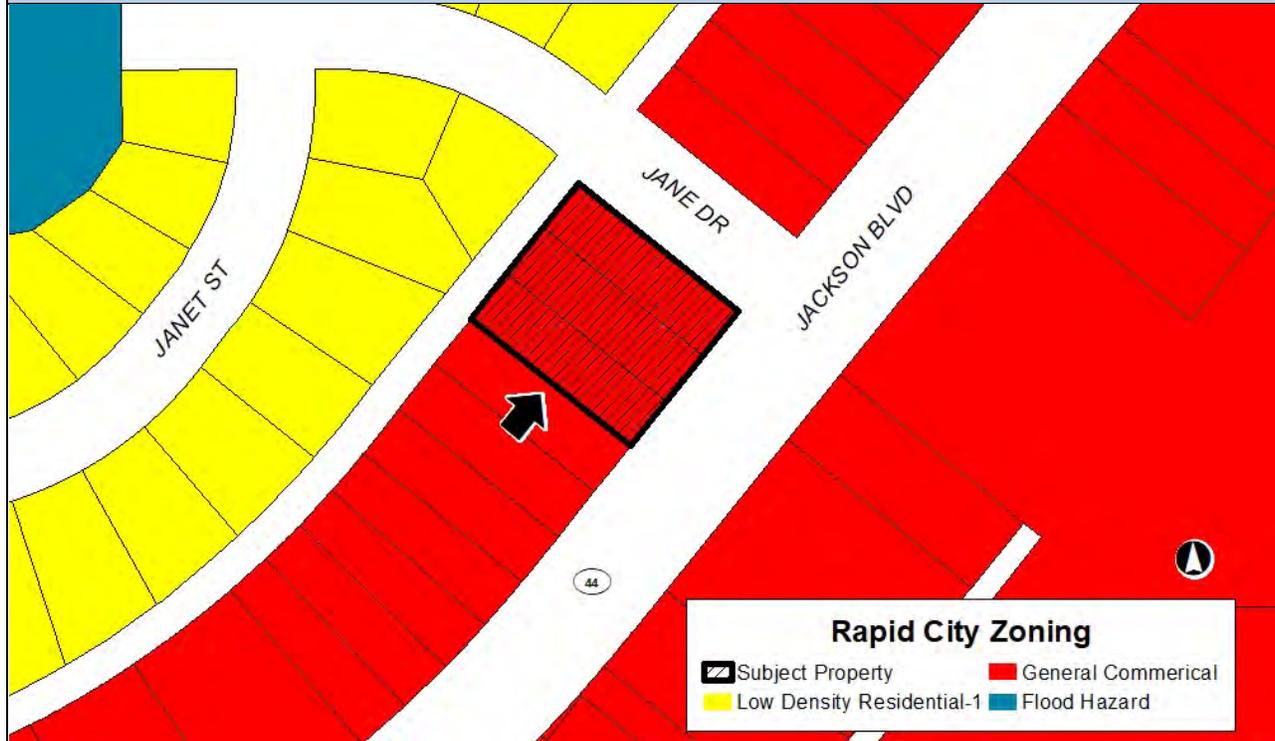
Project Summary Brief	
<p>The applicant is requesting this Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino. In particular, the applicant is proposing to expand an existing legal non-conforming on-sale liquor establishment in conjunction with a casino located at 2110 Jackson Boulevard. “Uncle Sam’s Casino” pre-dates the requirement for a Conditional Use Permit. The applicant is proposing to expand into the adjacent suite which is approximately 731 square feet in size. The proposed expansion will allow an on-sale liquor establishment within the existing structure measuring a total of 2,742 square feet. No structural expansion is proposed. The hours of operation are 7:00 a.m. to 2:00 a.m. seven days a week.</p>	
Applicant Information	Development Review Team Contacts
Applicant: MG Oil Co.	Planner: Fletcher Lacock
Property Owner: MG Oil Co.	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	2110 Jackson Boulevard
Neighborhood	West Rapid Neighborhood Area
Subdivision	Grandview Tract
Land Area	26,250 square feet
Existing Buildings	2,742 square feet
Topography	Level
Access	Jackson Boulevard and Jane Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	Northwest property line – Federally Designated 500-year Floodplain
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Casino
Adjacent North	LDR	LDN	Single-family development
Adjacent South	GC	MUC	Commercial development
Adjacent East	GC	MUC	Oil change
Adjacent West	GC	MUC	Urgent Care

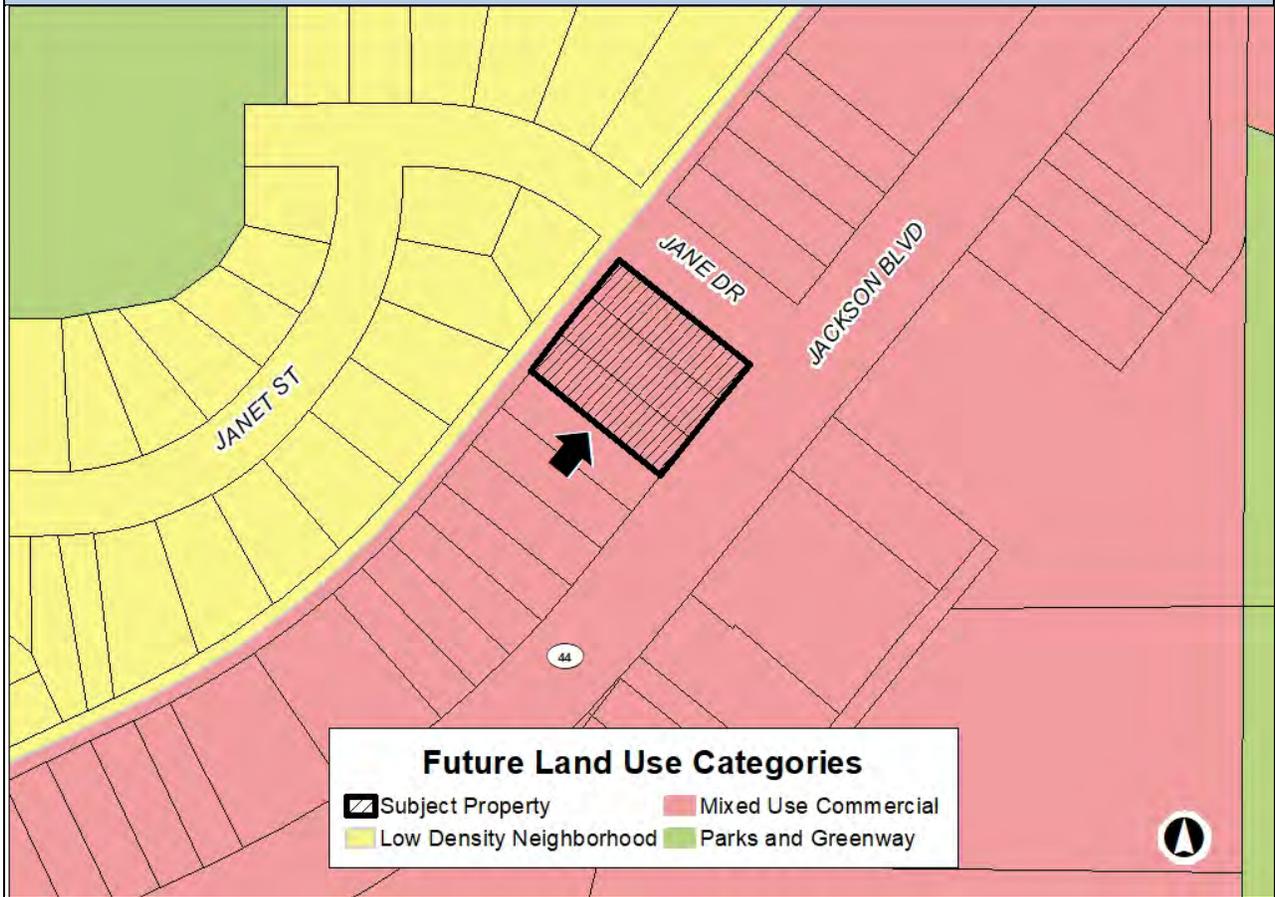
Zoning Map



Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	No minimum required	26,250 square feet	
Lot Frontage	No minimum required	150 feet	
Maximum Building Heights	4 story / 45 feet	1 story	
Maximum Density	75%	10.4%	
Minimum Building Setback:			
• Front	25 ft (Jackson Blvd)	35 ft	
• Rear	0 ft (north alleyway)	54 ft	
• Side	0 ft (west property line)	46 ft	
• Street Side	25 ft (Jane Dr)	64 ft	
Minimum Landscape Requirements:			
• # of landscape points	23,508	64,993	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	22	26	
• # of ADA spaces	1	2	
Signage	Per RCMC	No new signage proposed / existing wall sign and pole sign	
Fencing	Per RCMC	None proposed	

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:	Sioux Park is located approximately 400 feet to the north and west. In addition, the Skyline Wilderness Park is located on the east side Jackson Boulevard. The proposed on-sale liquor establishment in conjunction with a casino is an expansion of an existing use. There are no other schools, parks, playgrounds, or other similar uses within a 500-foot radius of the property.
2. The requested use is sufficiently buffered with regard to residential areas so as not to adversely affect the areas:	Properties located north of subject property are zoned Low Density Residential District and are developed with single-family dwellings. As noted above, the applicant is proposing to expand an existing legal non-conforming use into an adjacent suite. The proposed expansion does not include any structural expansion.
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:	As noted above, the proposed Conditional use Permit is to allow the expansion of an existing legal non-conforming on-sale liquor establishment in conjunction with a casino. It does not appear that the proposed expansion will cause blight, deterioration or diminish property values as it is an existing use on the property.
4. The proposed use complies with the standards of Chapters 5.12 and 17.54.030 of the Rapid City Municipal Code:	See below.

Planning Commission Criteria and Findings for Approval or Denial

Pursuant to Section 17.54.030.E of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Conditional Use Permit:

	Findings
1. The location, character, and natural features of the property;	The property is comprised of 0.6 acres of land located in a fully developed commercial corridor abutting Jackson Boulevard. The property is developed with a commercial structure approximately 2,742 square feet in size. The existing on-sale liquor establishment in conjunction with a casino is proposing to expand into the adjacent suite.
2. The location, character, and design of adjacent buildings;	Properties to the east south and west are zoned General Commercial District and located in a commercial corridor abutting Jackson Boulevard. Properties to the north and west are zoned Low Density Residential District and are developed with single-family dwellings.
3. Proposed fencing, screening, and landscaping;	There is an alley to the north and a thick hedge of established trees and shrubs located along the north property line. The alley and vegetation provide a buffer from the residential development to the north.
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;	Sidewalk is located along Jackson Boulevard. Vehicular access to the subject property is from Jackson Boulevard and Jane Drive.
6. Existing traffic and traffic to be generated by the proposed use;	Jackson Boulevard is classified as an Principal Arterial Street on the City's Major Street Plan, suitable for accommodating the higher traffic volumes associated with commercial development.
7. Proposed signs and lighting;	The applicant has submitted elevations showing existing wall signage and a pole sign on the property. No new signage is proposed.
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 applicant is proposing to expand an existing legal non-conforming on-sale liquor establishment in conjunction with a casino which requires the approval of a Conditional Use Permit.
10. The overall density, yard, height, and other requirements of the zone in which it is located;	The subject property appears to comply with all land area regulations 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 is 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 property is located in an established commercial corridor adjacent to Jackson Boulevard which is identified as a Principal Arterial Street on the City's Major Street Plan. The applicant is proposing to expand an existing legal non-conforming use which requires the review and approval of a Conditional Use Permit. The existing vegetation and alley on the north side of the property

	provide a buffer from the established residential neighborhood to the north.
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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
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N/A	N/A
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	A Vibrant, Livable Community
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LC-3.1C	Compatible Infill and Redevelopment: The subject property is currently developed with a commercial structure comprised of two suites. The existing legal non-conforming on-sale liquor establishment in conjunction with a casino is proposing to expand to occupy both suites.
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	A Safe, Healthy, Inclusive, and Skilled Community
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	N/A
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	Efficient Transportation and Infrastructure Systems
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TI-2.1A	Major Street Plan Integration: Jackson Boulevard is identified as a Principal Arterial Street on the City’s Major Street Plan. Access to the property is from Jackson Boulevard and Jane Drive.
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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
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	Responsive, Accessible, and Effective Governance
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GOV-2.1A	Public Input Opportunities: The proposed 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 proposed development. The requested Conditional Use Permit is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Mixed-Use Commercial
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Design Standards:

N/A	As noted above, the property is currently developed with a commercial structure comprised of two suites. The existing on-sale liquor establishment in conjunction with a casino is a legal non-conforming use. The applicant is proposing to expand into the adjacent suite which requires the review and approval of a Conditional Use Permit.
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Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	West Rapid Neighborhood Area
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Neighborhood Goal/Policy:

N/A	As noted above, the property is located in an established commercial corridor abutting Jackson Boulevard which is identified as a Principal Arterial Street on
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	the City's Major Street Plan.
Findings	
<p>Staff has reviewed the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino pursuant to Chapter 17.54.030(E), and Chapter 17.18 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The applicant is proposing to expand an existing legal non-conforming on-sale liquor establishment in conjunction with a casino into the adjacent suite. The proposed expansion requires the review and approval of a Conditional Use Permit. The property is located in an established commercial corridor abutting Jackson Boulevard. There is an un-improved alley and established vegetation along the north property line which provides a physical buffer from adjacent residential development. As noted above, the applicant is not proposing to expand the existing structure.</p>	
<p>Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino be approved with the following stipulations:</p>	
1.	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 Conditional Use Permit. 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,
2.	The requested Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a casino to be located on the property and operated in compliance with the submitted operations plan. Any change in operation of the business shall require a Major Amendment to the Conditional Use Permit. All requirements of the General Commercial District shall be continually maintained. Any permitted in the General Commercial District in compliance with the parking regulations 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>	
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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 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.	ADA accessibility shall be provided throughout the structure and site as necessary;
5.	All provisions of the underlying zoning districts shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development or a subsequent Final Planned Development Overlay;
6.	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,
7.	All applicable provisions of the adopted International Fire Code shall continually be met.