



# Rapid City Planning Commission

## Planned Development Overlay Project Report

July 9, 2020

<b>Item #4</b>
<b>Applicant Request(s)</b>
Case #20PD024 – Major Amendment to a Planned Development Overlay to allow a microbrewery and an on-sale liquor establishment
Companion Case(s) N/A

<b>Development Review Team Recommendation(s)</b>
Staff recommends approval of the Major Amendment to a Planned Development Overlay with the stipulations as noted below.

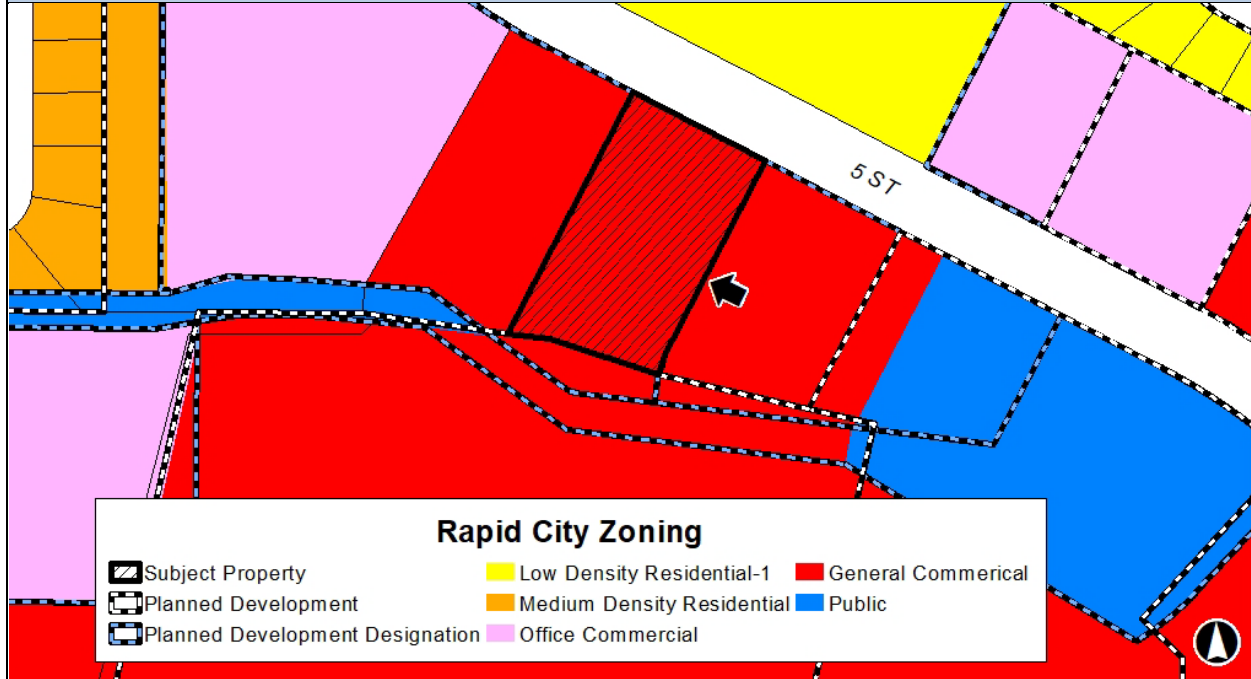
<b>Project Summary Brief</b>	
<p>The applicant has submitted a Major Amendment to a Planned Development Overlay to allow a micro-brewery and an associated on-sale liquor establishment on the property located at 4905 5<sup>th</sup> Street. The property is 1.74 acres in size and is zoned General Commercial District with a Planned Development Overlay. The subject property is developed with a strip mall measuring 7,922 square feet in size. The proposed micro-brewery will use two suites measuring 3,959 square feet in size. The brewery area will be 2,436 square feet in size. The seating area will be 1,523 square feet in size. The applicant is also proposing to allow an outdoor seating area on the north side of the building measuring 240 square feet in size. The patio will be fenced off from the parking lot and accessed from the interior of the building. The applicant has indicated that the micro-brewery will use the drive-through lane for off-sale malt beverage sales. The proposed micro-brewery will not include a restaurant. The proposed hours of operation are: Monday, Tuesday and Wednesday from 3:00 p.m. to 7:00 p.m.; Friday and Saturday from 12:00 p.m. to 9:00 p.m.; and Sunday from 12:00 p.m. to 6:00 p.m.</p>	
Applicant Information	Development Review Team Contacts
Applicant: J.M. Kingsbury Family Brewing Co.	Planner: Fletcher Lacock
Property Owner: K and W LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	4905 5 <sup>th</sup> Street
Neighborhood	South Robbinsdale Neighborhood Area
Subdivision	Fifth Street Office Plaza
Land Area	1.74 acres, 75,794 square feet
Existing Buildings	7,922 square feet
Topography	Rises 20 feet from northeast to southwest
Access	5 <sup>th</sup> Street
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills power/MDU
Floodplain	N/A

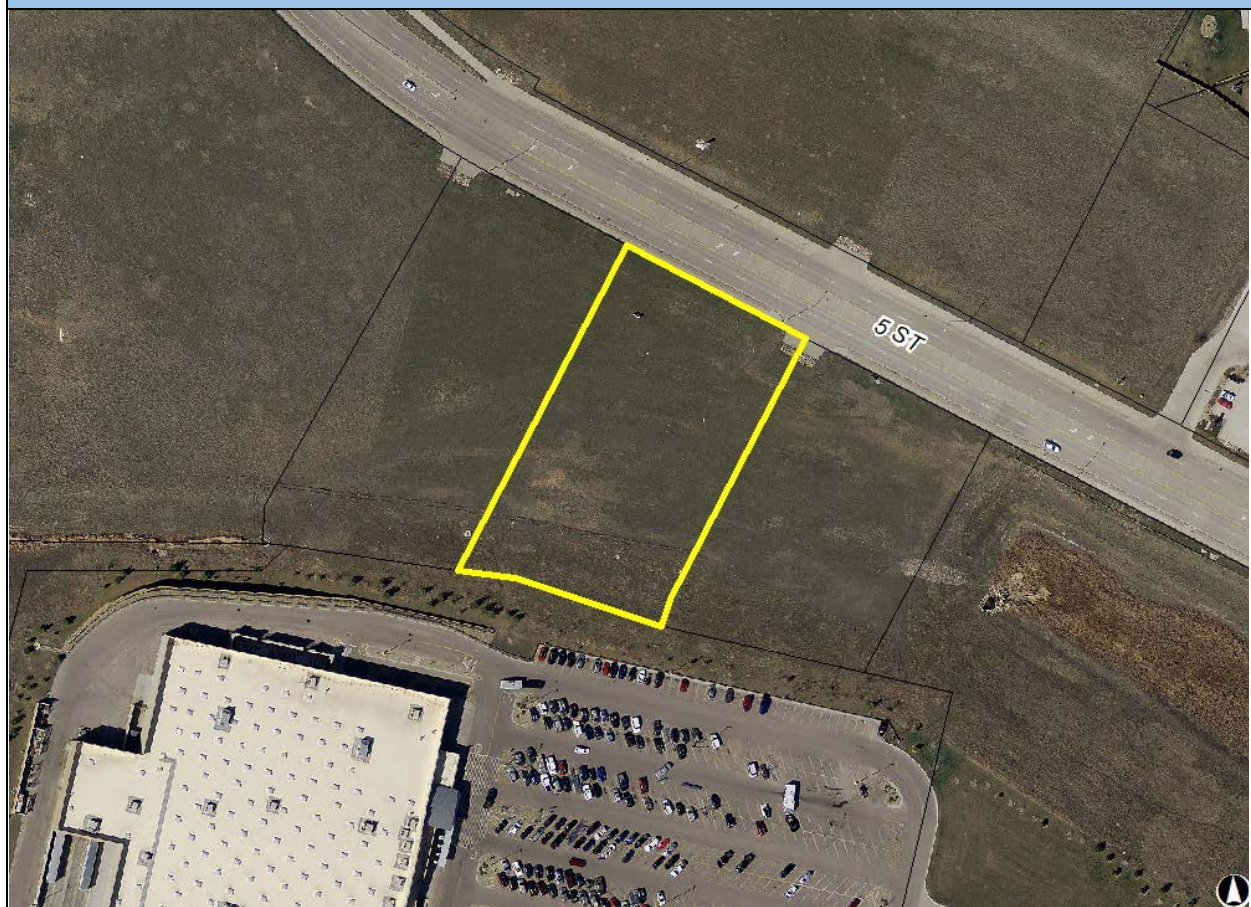
**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC - PD	MUC	Strip mall
Adjacent North	LDR	EC	Vacant
Adjacent South	GC - PD	MUC	Walmart
Adjacent East	GC - PD	MUC	Vacant
Adjacent West	GC	MUC	Vacant

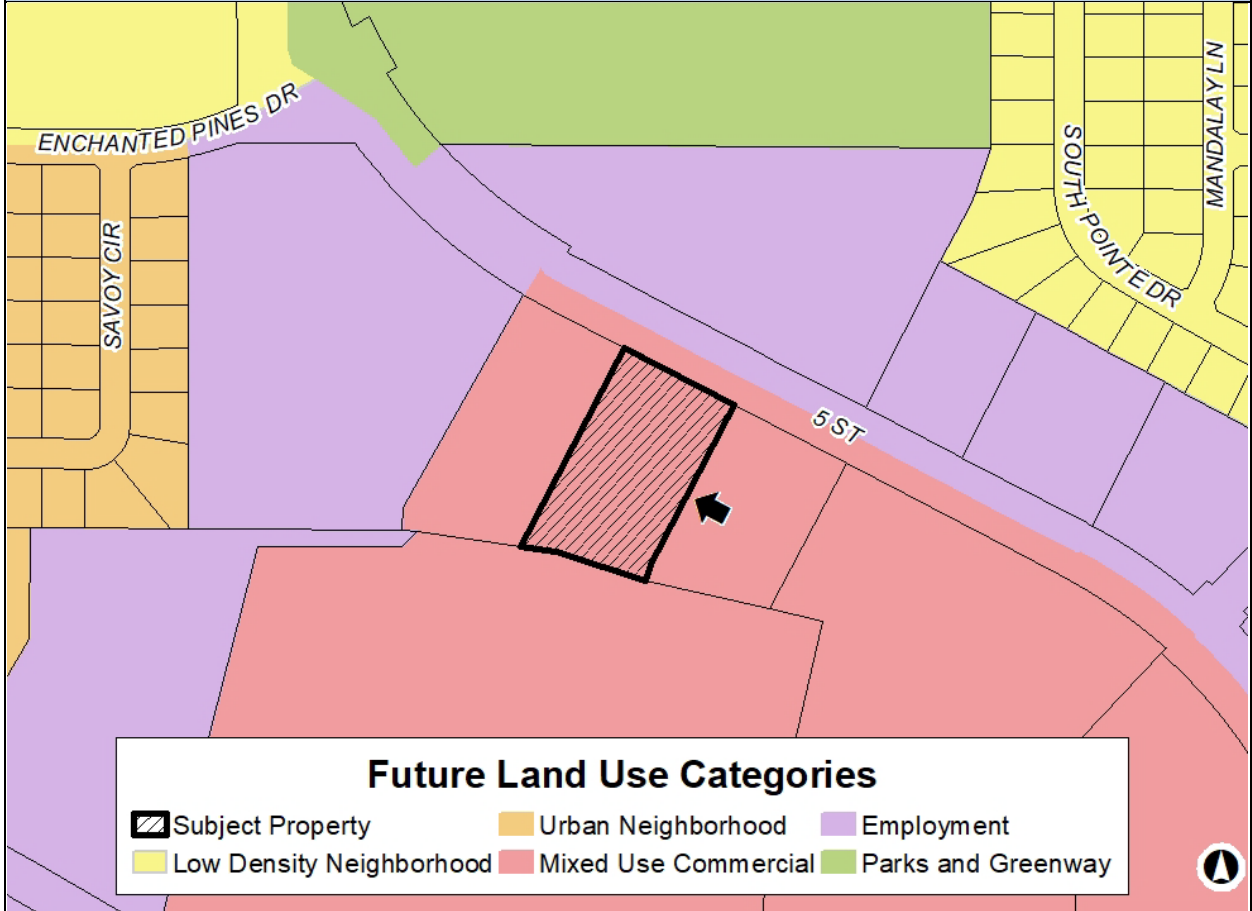
**Zoning Map**



**Existing Land Uses**



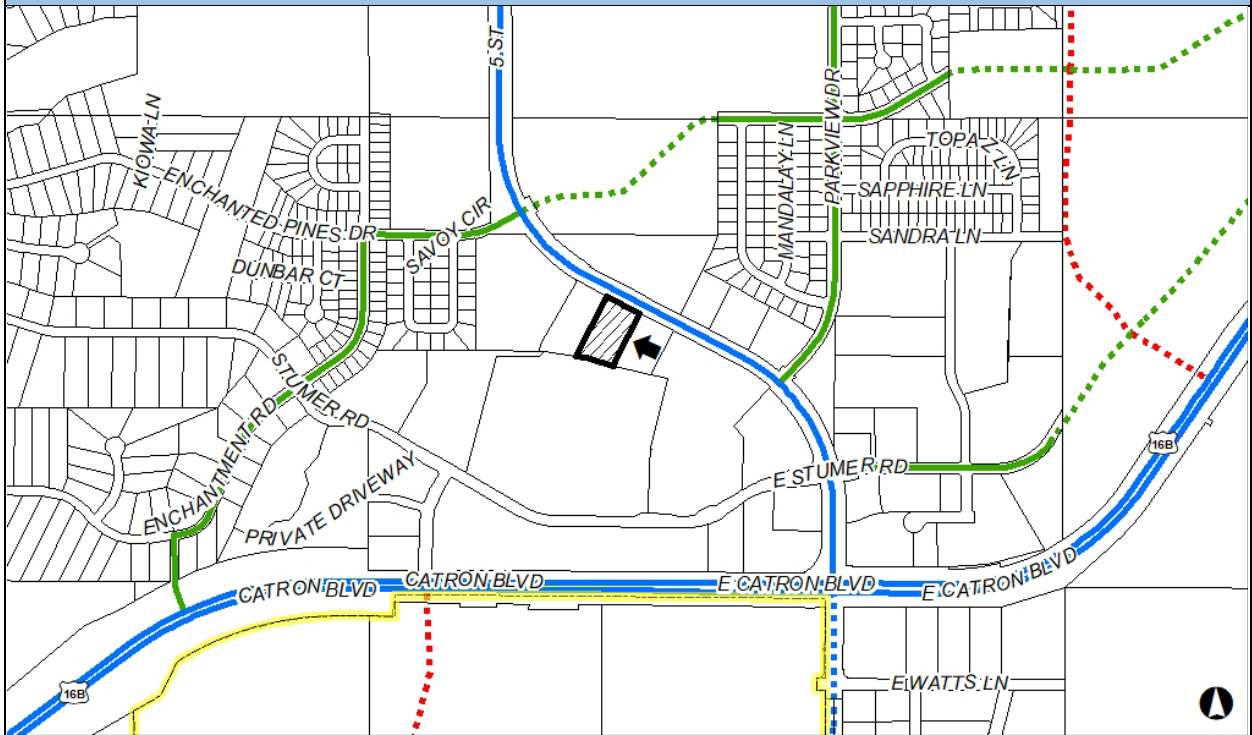
## Comprehensive Plan Future Land Use



## Future Land Use Categories

- Subject Property
- Urban Neighborhood
- Employment
- Low Density Neighborhood
- Mixed Use Commercial
- Parks and Greenway

## Parks or Transportation Plan



## Major Street Plan

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

Relevant Case History			
Case/File#	Date	Request	Action
19PD031	08/08/2019	Final Planned Development Overlay to allow a commercial development	PC approved with stipulations
12RZ002	02/08/2012	Rezoning Request from Office Commercial District to General Commercial District	City Council approved
04PD066	09/12/2002	Planned Development Designation	Staff approved
04RZ048	11/12/2004	Rezoning request from General Agricultural District to Office Commercial District	City Council approved

Relevant Zoning District Regulations		
General Commercial District	Required	Proposed
Lot Area	N/A	1.74 acres, 75,794 square feet
Lot Width	N/A	212 feet
Maximum Building Heights	4 stories or 45 feet	1 story – 17.6 feet
Maximum Density	75%	10.5 %
Minimum Building Setback:		
• Front	25 feet	154 feet
• Rear	0 feet	121 feet
• Side	0 feet	56 / 48 feet
• Street Side	25 feet	N/A
Minimum Landscape Requirements:		
• # of landscape points	67,758 points	68,000 points
• # of landscape islands	1 per 50 spaces	4
Minimum Parking Requirements:		
• # of parking spaces	64	68
• # of ADA spaces	4 (1 Van Accessible)	4 (1 Van)
Signage	As per RCMC 17.50.100	Proposing one 10-foot high pole sign and one wall sign
Fencing	As per RCMC 17.50.340	None 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.	Property located approximately 340 feet to the north is zoned Public District and is owned by the Rapid City School District. The 72-acre parcel is not developed on the 5 <sup>th</sup> Street side. The northeast side of the property is developed with a waterpark, playground, tennis courts and softball fields which are accessed from Parkview Drive. It does not appear that the proposed on-sale liquor establishment will have a negative impact as the development is located 1,600 feet to the north.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	Properties located approximately 650 feet to the west of the subject property are developed with single-family dwellings. In addition, the property located on the north side of 5 <sup>th</sup> Street is zoned Low Density Residential District and is void of any structural development. 5 <sup>th</sup> Street is an established commercial corridor and the area is located within an identified Community Activity Center in the City’s Future Land Use Plan. 5 <sup>th</sup> Street serves as a buffer between the proposed micro-brewery and future development to the

	north. The applicant's operations plan and hours of operation will limit the impact on adjacent residential development. For these reasons, it appears that the proposed micro-brewery will be sufficiently buffered and will not adversely affect the area.
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 no other on-sale liquor establishments located within 500 feet of the subject property. The proposed micro-brewery 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 4905 5 <sup>th</sup> Street and is developed with a 7,922 square foot mixed-use commercial strip mall.
2. The location, character and design of adjacent buildings:	Properties to the east and west are zoned General Commercial District and are void of any structural development. Property to the south is zoned General Commercial District with a Planned Development and is developed with a Wal-Mart. The property located on the north side of 5 <sup>th</sup> Street is zoned Low Density Residential District and is void of any structural development.
3. Proposed fencing, screening and landscaping:	The proposed outdoor patio area will be fenced and access will be from the interior of the building. The subject property was developed in a Planned Development and the existing landscaping is in compliance with the Zoning Ordinance.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing to expand the structure and will not impact vegetation, topography, or natural drainage.
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 5 <sup>th</sup> Street. The parking is in compliance with the Zoning Ordinance including stacking for the drive-through.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed micro-brewery will generate 45 peak hour trips which does not require a Traffic Impact Study.
7. Proposed signs and lighting:	The applicant has indicated that wall signage will be provided on the north elevation of the existing structure. No electronic reader board signs are being proposed.
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 property is zoned General Commercial District and a micro-brewery and an on-sale liquor establishment are identified as a conditional use.
10. The overall density, yard, height and other requirements of the zone in which it is located:	No Exceptions have been requested.
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 micro-brewery will have a negative impact on noise, odor, dust, air or water.

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 will ensure that the on-sale liquor establishment will operate in compliance with the applicant's operations plan. Any expansion of the on-sale liquor use will require a Major Amendment to the Planned Development.
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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:**

<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
BPG-3.1A	Balanced Uses: The proposed micro-brewery supports a balanced mix of uses adjacent to a Community Activity Center.
	<b>A Vibrant, Livable Community</b>
LC-5.1B	Diverse Mix of Uses: The proposed micro-brewery supports the Comprehensive Plan goal of mixed-use development to promote variety and economic resiliency in a Community Activity Center.
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
T1-2.1A	Major Street Plan Integration: On the City's Major Street Plan, 5 <sup>th</sup> Street is identified as a Principal Arterial street. Access to the property is from 5 <sup>th</sup> Street.
	<b>Economic Stability and Growth</b>
	Housing Stock: N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	Public Input Opportunities: The proposed Major Amendment to a Planned Development Overlay 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 Major Amendment to a Planned Development is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	Mixed-Use Commercial
<b>Design Standards:</b>	
GDP-MU2	Integrated Housing: The Comprehensive Plan supports a diverse mix of uses adjacent to Community Activity Centers to provide opportunities for residents to walk

	to shops, services, and jobs. As such, the proposed micro-brewery provides a service to the area residents.
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**Comprehensive Plan Conformance – Neighborhood Area Policies Chapter**

<b>Neighborhood:</b>	South Robbinsdale Neighborhood Area
<b>Neighborhood Goal/Policy:</b>	
SR-NA1.1C	Employment Activities: The proposed micro-brewery supports the expansion of services in the 5 <sup>th</sup> Street corridor adjacent to a Community Activity Center.

**Findings**

Staff has reviewed the Major Amendment to a Planned Development Overlay to allow a microbrewery and an on-sale liquor establishment pursuant to Chapter 17.50.050(F)5 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The proposed micro-brewery supports the expansion of commercial activity in the 5<sup>th</sup> Street corridor adjacent to a Community Activity Center. The Comprehensive Plan supports mixed-use development

**Planning Commission Recommendation and Stipulations of Approval**

Staff recommends that the Major Amendment to a Planned Development Overlay be approved with the following stipulations:	
1.	Prior to submittal of a building permit application, the owner shall contact City Water Reclamation Division for pretreatment and sewer discharge industrial monitoring requirements. In addition, utility or plumbing plans shall be provided to Public Works if additional infrastructure is required for compliance;
2.	All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a Planned Development Overlay. 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 Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. 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; and,
3.	The Major Amendment to a Planned Development shall allow a micro-brewery and an associated on-sale liquor establishment with a fenced outdoor patio area. No on-sale liquor sales shall be allowed from the drive-through. All requirements of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Major Amendment to a Planned Development Overlay or a subsequent Major Amendment to the Planned Development. All uses permitted in the General Commercial District which do not increase parking requirements shall be permitted contingent upon an approved Building Permit. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.



# Rapid City Department of Community Development

## 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.*

<b>Applicant Request(s)</b>	
<b>Case # 20PD024</b>	Major Amendment to a Planned Development Overlay to allow a microbrewery and an on-sale liquor establishment
<b>Companion Case(s)</b>	N/A
<b>ADVISORIES: Please read carefully!</b>	
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 district shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development Overlay or a subsequent Major Amendment;
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.