



Rapid City Planning Commission

Planned Development Overlay Project Report

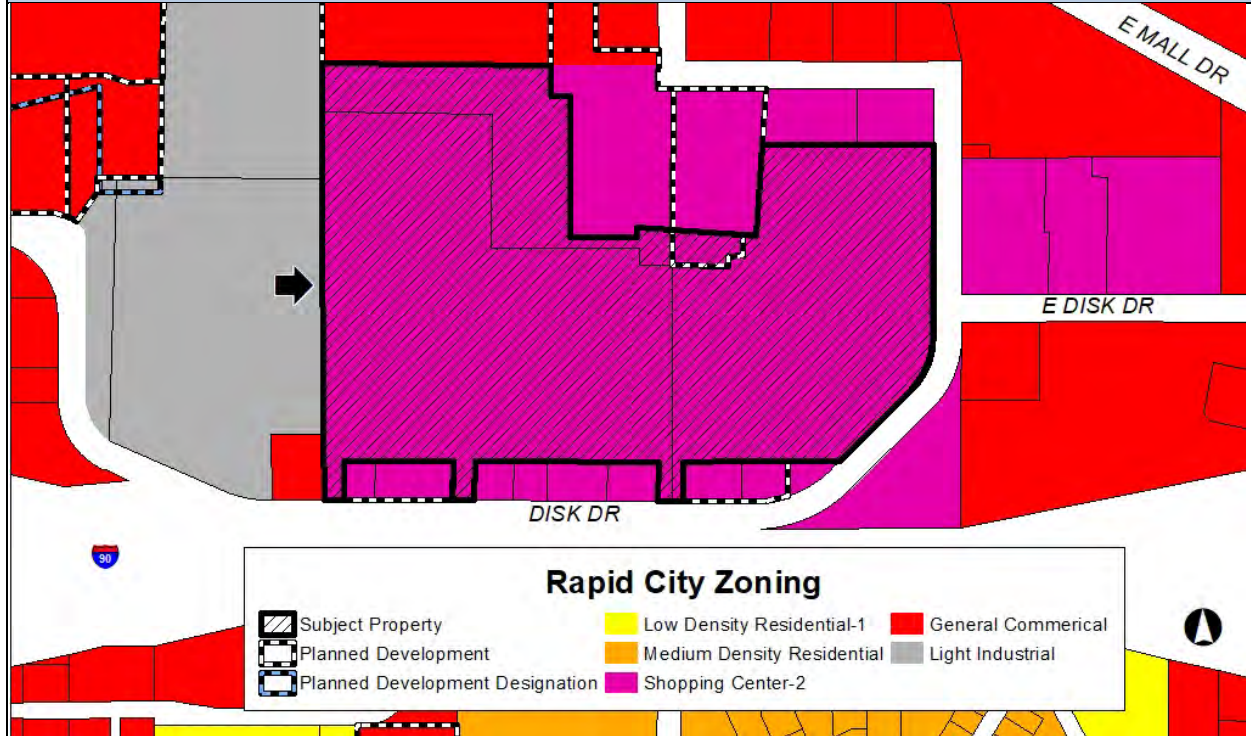
March 4, 2021

Item #5	
Applicant Request(s)	
Case #21PD003 – Major Amendment to a Planned Development Overlay to allow an indoor dog park with on-sale liquor	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends approval of the Major Amendment to the Planned Development Overlay to relocate an indoor dog park with on-sale liquor, with stipulations as noted below.	
Project Summary Brief	
<p>The applicant has submitted a Major Amendment to a Planned Development Overlay to allow an indoor dog park with on-sale liquor use in the Rushmore Mall. Specifically, the applicant intends to operate the business in Suite 309, located in the eastern end of the Mall. The business, known as “Bar K-9”, will provide an indoor off-leash area for dogs, leashed recreational areas, and a bar serving beer and wine. The subject property is zoned Community Shopping Center-2 District, which lists on-sale liquor use as a Conditional Use within the district. On November 4, 2019, a Determination of Use application to allow an indoor dog park within the Community Shopping Center-2 District was approved by the City Council. The applicant is proposing to relocate the previously approved dog park to an alternate location in the mall. The applicant’s operational plan includes the following details for the business:</p> <ul style="list-style-type: none"> • 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 1 p.m. to 8 p.m., Saturday from 1 p.m. to 6 p.m., and Sunday from 11:00 a.m. to 4:00 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. • A check-in area and vaccination check station will be provided at the entrance off the parking lot. • No kenneling of dogs will be offered or allowed. 	
Applicant Information	
Development Review Team Contacts	
Applicant: Jared Batman	Planner: Marty Gillies
Property Owner: 2200 North Maple Avenue – 10071280 L	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: N/A	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	2200 North Maple Avenue, Suite 309
Neighborhood	Northeast Neighborhood Area
Subdivision	Rushmore Mall Subdivision
Land Area	56.73 acres or 2,472,465.6 square feet
Existing Buildings	815,333.6 square-foot commercial complex
Topography	Relatively flat
Access	North Maple Avenue
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills Power/MDU
Floodplain	N/A

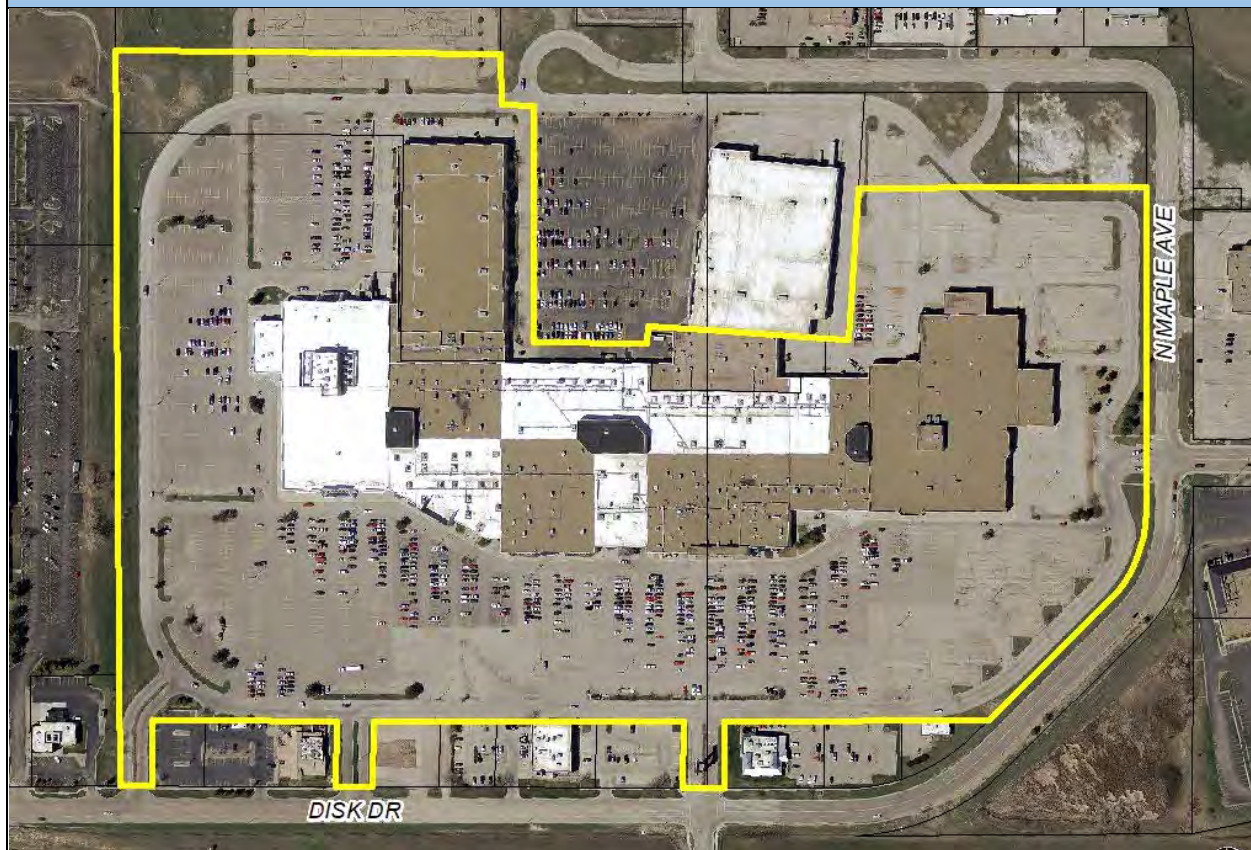
Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	SC-2 - PD	MUC	Rushmore Mall
Adjacent North	GC - PD	MUC	Vacant
Adjacent South	SC-2 - PD	MUC	Rushmore Mall
Adjacent East	SC-2	MUC	Movie Theatre
Adjacent West	LI-PD	MUC	Industrial Structure

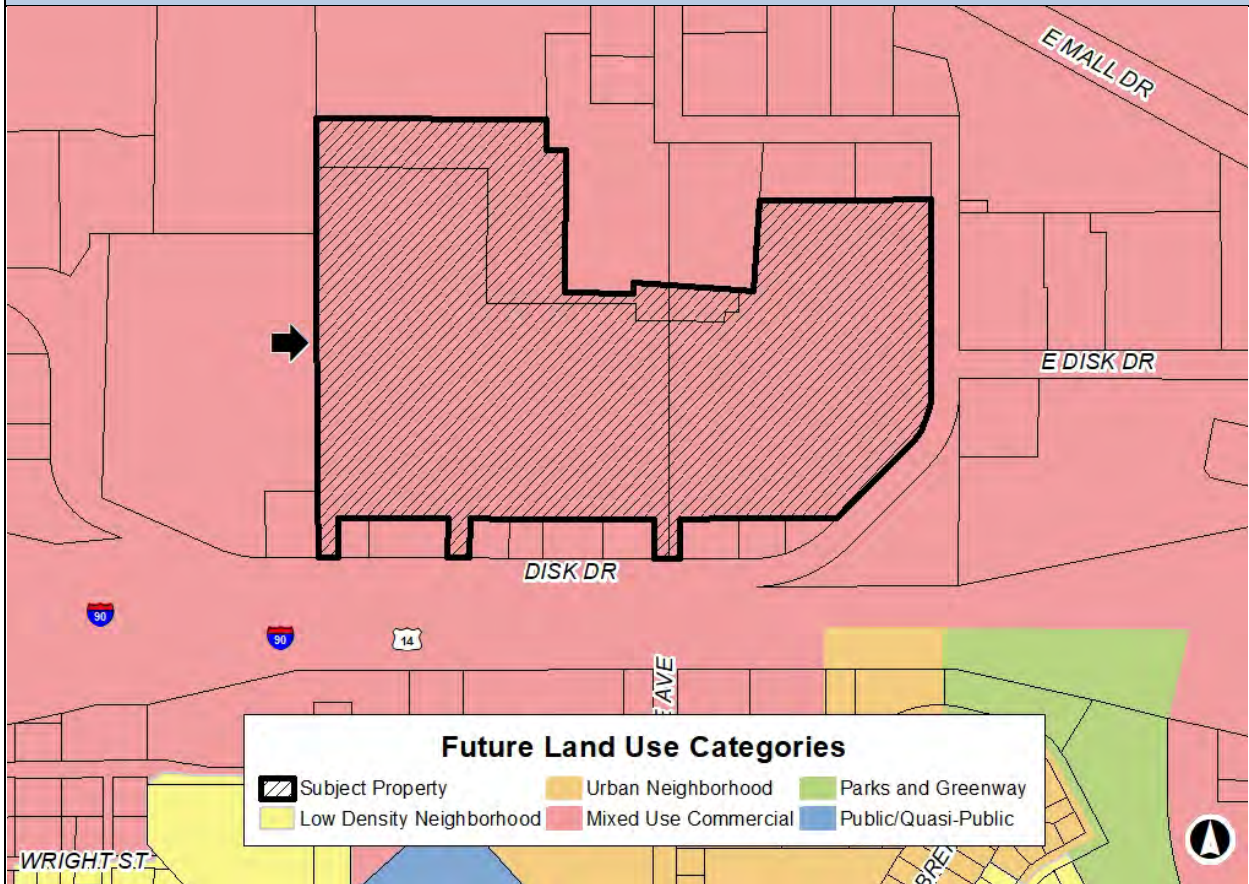
Zoning Map



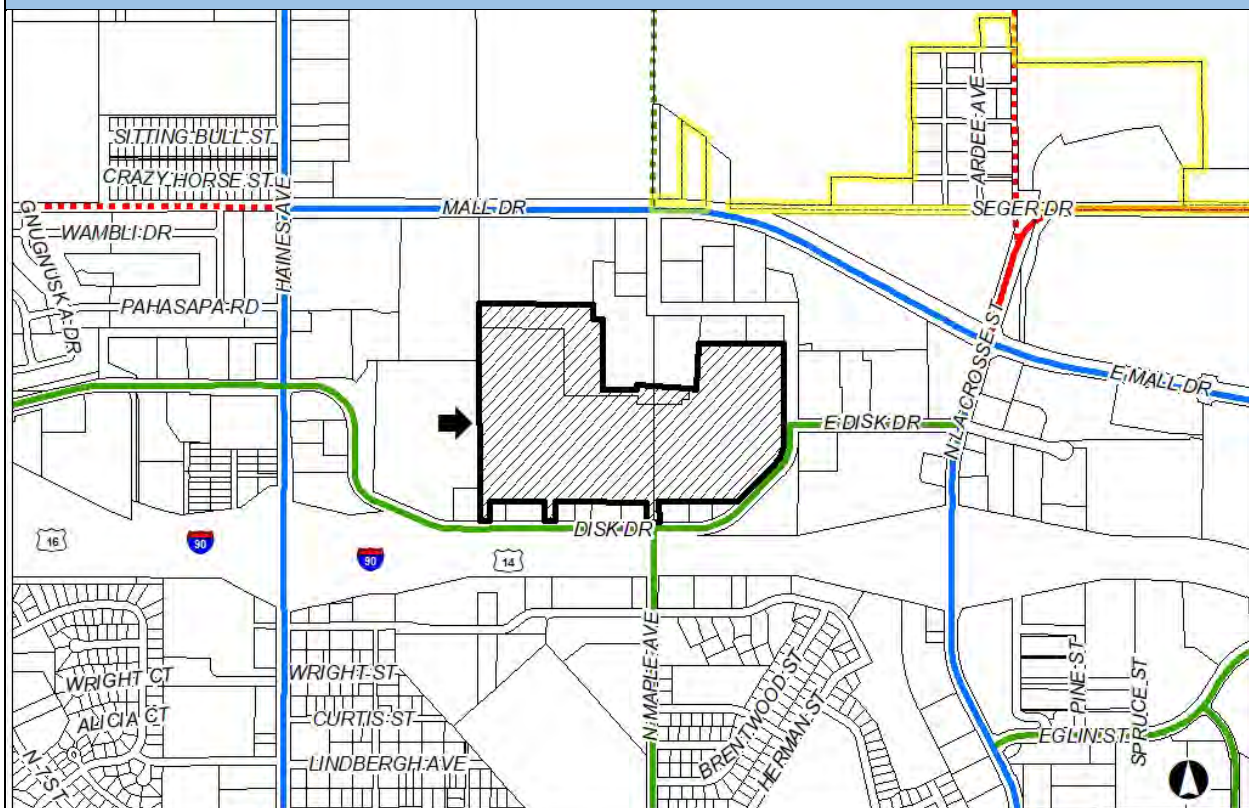
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

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

Relevant Case History			
Case/File#	Date	Request	Action
19DU001	9/24/19	Determination of Use to allow an indoor dog park in the Community Shopping Center-2 District	PC approved 10/24/19; CC approved 11/4/19
Relevant Zoning District Regulations			
Community Shopping Center – 2 District	Required	Proposed	
Lot Area	4 acres or 174,240 square feet	56.73 acres or 2,472,465.6 square feet	
Lot Width	100 feet	505 feet	
Maximum Building Heights	2 ½ stories or 35 feet	One story	
Maximum Density	25%	<25%	
Minimum Building Setback:			
• Front	25 feet from street lines	629 feet	
• Rear	25 feet from street lines	39 feet	
• Side	25 feet from street lines	576 feet / 1545 feet	
• Street Side	25 feet from street lines	730 feet	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	4.5 spaces per 1000 square feet	4.5 spaces per 1000 square feet	
• # of ADA spaces	N/A	N/A	
Signage	As per RCMC 17.50.100	32 square-foot wall sign	
Fencing	As per RCMC 17.50.340	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
<p>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:</p>	
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.	There are no places of religious worship, schools, parks, playgrounds, or other similar uses within 500 feet of the subject property. It appears the proposed on-sale use will not adversely affect area places of religious worship, schools, parks, playgrounds, or other similar uses if operated in conjunction with an indoor dog park.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	The subject property is located approximately 685 feet north of the nearest residential district, on the south side of Interstate-90. The proposed use is sufficiently buffered so as to not adversely impact any residential areas.
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.”	Other similar on-sale liquor uses have been previously approved within the Rushmore Mall itself. Specifically, “Dakota’s Best Wine and Gift” was approved for on-sale liquor use in 2015, while “Kaktus Kim’s Grill and Bar” was approved for on-sale liquor in 2011. Additionally, “Texas Roadhouse”, “Olive Garden”, and “Red Lobster” all





	operate with on-sale liquor south of the subject property, adjacent to Disk Drive. It does not appear that the proposed use will cause any undue concentration of similar uses to cause blight or impair property values.
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 2200 North Maple Avenue and is zoned Community Shopping Center-2 District. The proposed indoor dog park will be operated in an existing suite located in the eastern end of the Rushmore Mall. The suite can be accessed via an exterior entry way and an interior entrance to the mall corridor, but dog owners will only be allowed to enter and exit through the exterior entry way.
2. The location, character and design of adjacent buildings:	The properties to the south and east are zoned Community Shopping Center-2 District, while the property to the west is zoned Light Industrial District. The property north of the subject property is zoned General Commercial District.
3. Proposed fencing, screening and landscaping:	The proposed change in use does not require the review and approval of updated landscaping, fencing, or screening elements for the subject property.
4. Proposed vegetation, topography and natural drainage:	The proposed use will occupy an existing suite within the Rushmore Mall which does not require revisions to existing landscape, vegetation, or drainage.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	The proposed indoor dog park can be accessed via an exterior entry way on the outside of the building located adjacent to the Rushmore Mall parking lot. The suite can also be accessed via an interior entrance to the mall corridor, but dog owners will only be allowed to enter and exit through the exterior entry way.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed use should not have any transportation impacts if operated in conjunction with the submitted operations plan.
7. Proposed signs and lighting:	The applicant is proposing a 32 square foot non-illuminated wall sign displaying the name of the business. The proposed signage is in compliance with the Sign Code.
8. The availability of public utilities and services:	The property is currently served by Rapid City water and sewer.
9. The objectives of the adopted comprehensive plan and the	The Community Shopping Center-2 District is intended to serve as a centralized district for all manner of commercial and retail activity. The applicant is proposing




purpose of the ordinance codified herein:	to allow on-sale liquor use in order to operate a full service bar in conjunction with an indoor dog park. The business, known as “Bar K-9”, is intended to provide a pet friendly atmosphere for patrons of the mall while offering a full service bar serving wine and beer. The proposed use is intended to complement the surrounding retail uses in the mall and provide an indoor activity center for pet owners in the community.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The applicant is not proposing any expansion of the existing structure.
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:	As part of the operations plan, the applicant has included a waste removal plan that appears to sufficiently reduce the impact of odor within the suite. Additionally, the applicant has indicated that soundproofing will be installed within the proposed suite to mitigate the impact of noise on the surrounding uses. Upon submittal of a Building Permit, the site plan shall be revised to show installation plans for soundproofing materials in the suite to mitigate the impact of noise to surrounding businesses.
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 use is only operated pursuant to the applicant’s operational plan and that any expansion of the use will require a Major Amendment to the Conditional Use Permit.

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a Major Amendment to a Planned Development Overlay:	
Criteria	Findings
1. There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:	The subject property is 56.73 acres in size and is zoned Community Shopping Center-2 District. The proposed indoor dog park will operate within a 3,798 square-foot suite located at the eastern end of the Rushmore Mall. The dog park will only allow dogs to enter via the exterior entry way and will screen dogs prior to entry to test behavior and check for vaccination records. Pursuant to the applicant’s operational plan, a maximum of 30 dogs will be allowed within the suite at any given time.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	On November 4, 2019, a Determination of Use application to allow an indoor dog park within the Community Shopping Center-2 District was approved by the City Council. Relocating the dog park requires review and approval of a Major Amendment to the Planned Development Overlay. Additionally, on-sale liquor use requires the review and approval of a Major Amendment to the Planned Development Overlay. The applicant’s operational plan includes the following details for the business: <ul style="list-style-type: none"> • 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 1 p.m. to 8 p.m., Saturday from 1 p.m. to 6 p.m., and Sunday from 11:00 a.m. to 4:00 p.m.

	<ul style="list-style-type: none"> • 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. • A check-in area and vaccination check station will be provided at the entrance off the parking lot. • No kenneling of dogs will be offered or allowed.
3. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:	The applicant has not requested any Exceptions as part of this application.
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:	On-sale liquor use is listed as a Conditional Use within the Community Shopping Center-2 District. On November 4, 2019, a Determination of Use to allow the indoor dog park within the Community Shopping Center-2 District was approved by the City Council for this specific business. Relocating the dog park requires review and approval of a Major Amendment to the Planned Development Overlay.
5. Any adverse impacts will be reasonably mitigated:	The stipulations of approval of the Major Amendment to the Planned Development Overlay will serve to reasonably mitigate any adverse impacts.
6. The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:	The applicant has not requested any Exceptions as part of this application.

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
	A Vibrant, Livable Community
LC-2.1E	Neighborhood Serving Uses: The proposed indoor dog park will provide an interior space for dog owners to exercise their pets while shopping at the Rushmore Mall, or during cold weather that discourages usage of outdoor dog parks.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems

T1-2.1A	Major Street Plan Integration: The property will be accessed North Maple Avenue, which is identified as a Collector Street on the City’s Major Street Plan. This street is built to such standards that it will be able to accommodate commercial traffic generated by this use.
	Economic Stability and Growth
	N/A
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Major Amendment to the 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 the Planned Development Overlay is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

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 development creates a mix of recreational, retail, and restaurant uses within the Rushmore Mall.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Northeast Neighborhood Area
Neighborhood Goal/Policy:	
NE-NA1.1B	Mixed-Use Development: The proposed indoor dog park adds a recreational space to the eastern end of the Rushmore Mall and compliments the existing retail uses in the Mall by creating a pet friendly atmosphere for patrons shopping in the area. The use will also serve as a space for dog owners to bring their pets when weather conditions discourage usage of outdoor dog parks.

Findings

Staff has reviewed the Major Amendment to the Planned Development Overlay to relocate an indoor dog park with on-sale liquor 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 indoor dog park is intended to provide an off-leash indoor play area for dogs and owners to utilize in the eastern end of the Rushmore Mall. The proposed use will include a full service bar offering wine and beer to pet owners, in addition to extra space for leashed walking inside the suite. The proposed development adds a mixed recreational use into the exciting retail climate of the Rushmore Mall and does not appear to cause any adverse impacts on adjacent land uses. As such, staff recommends approval of the Major Amendment to the Planned Development Overlay.

Planning Commission Recommendation and Stipulations of Approval

Staff recommends approval of the Major Amendment to the Planned Development Overlay to allow an indoor dog park with on-sale liquor with the following stipulations:	
1.	Upon submittal of a Building Permit, the site plan shall be revised to show installation plans for sound-attenuating or soundproofing panels to mitigate the impact of noise to surrounding businesses. These panels shall be constructed of a fire-resistant, non-

	combustible material which is approved to be used within an assembly occupancy;
2.	Upon submittal of a Building Permit, the site plan shall be revised to ensure that all gating and fencing maintains conformance with fire and building code criteria and does not restrict egress from the suite;
3.	All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the 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 Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final 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,
4.	The Major Amendment to the Planned Development Overlay shall allow for an indoor dog park with on-sale liquor operated in compliance with the applicant's operational plan. Any change in use or expansion of use that is permitted in the Community Shopping Center-2 District shall require review and approval of a Minimal Amendment to the Planned Development Overlay. Any change in use or expansion of use that is a Conditional Use in the Community Shopping Center-2 District shall require review and approval of a Major Amendment to the Final Planned Development Overlay.



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.*

Applicant Request(s)	
Case # 19PD045	Major Amendment to a Planned Development Overlay to allow an indoor dog park with on-sale liquor
Companion Case(s)	
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 currently adopted Building Code shall be met;
3.	ADA accessibility shall be provided throughout the structure and site as necessary;
4.	All provisions of the underlying zoning district shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development Overlay;
5.	An Air Quality Permit shall be obtained prior to disturbing an acre or more of soil;
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;
7.	All provisions of Section 17.50.300, the Landscape Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
8.	All applicable provisions of the adopted International Fire Code shall continually be met;
9.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met; and,
10.	A Right-of-way Permit shall be obtained prior to any work within the right-of-way, including grading.

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