



# Rapid City Planning Commission

## Planned Development Overlay Project Report

April 8, 2021

Item #6
<b>Applicant Request(s)</b>
Case # 21PD010, a Major Amendment to the Planned Development Overlay to allow a proposed on-sale liquor establishment in conjunction with a casino and package liquor store
Companion Case(s): File #16PD002; File #16PD054

<b>Development Review Team Recommendation(s)</b>
The Development Review Team recommends that the Major Amendment to the Planned Development Overlay to allow a proposed on-sale liquor establishment in conjunction with a casino and package liquor store be approved with the stipulations noted below.

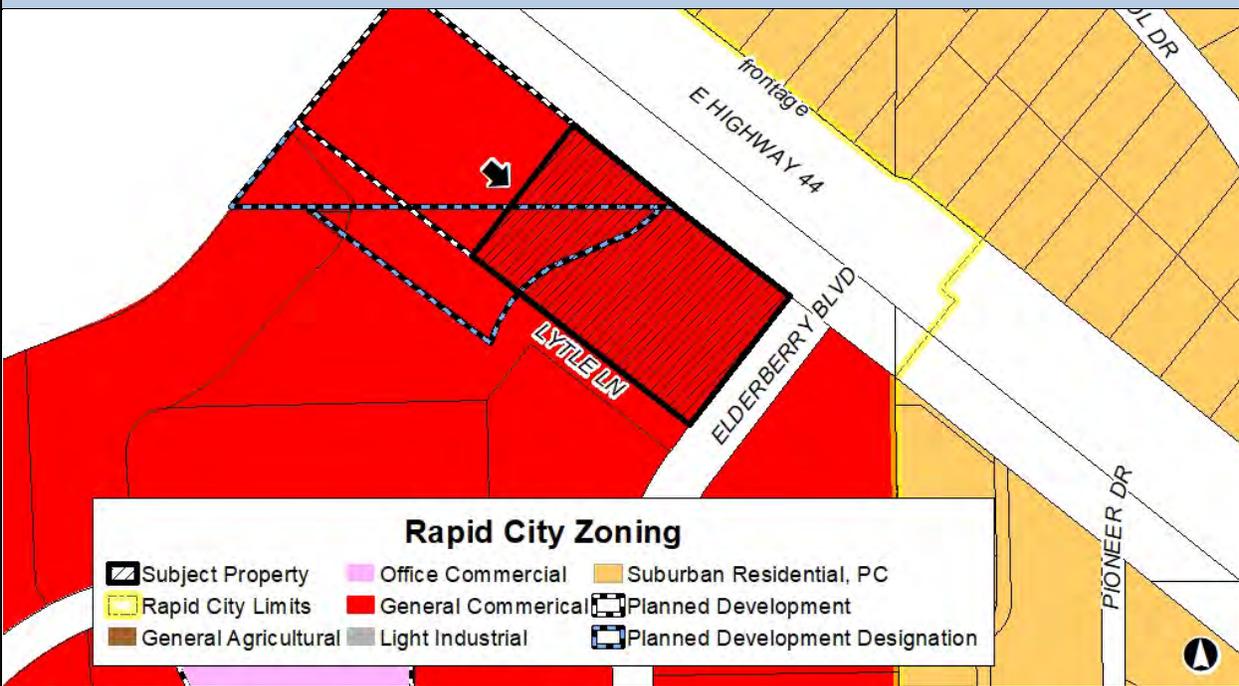
<b>Project Summary Brief</b>
The applicant has submitted this Major Amendment to the Planned Development Overlay to allow a proposed on-sale liquor establishment in conjunction with a casino and package liquor store as an expansion to a commercial center including an existing convenience store, car wash, and a full-service restaurant with an on-sale liquor use. Specifically, the applicant intends to build a 4,760 square-foot expansion on the western end of the complex which presently contains “Common Cents Convenience Store” and “Inferno”. This expansion will house a liquor store in conjunction with an on-sale liquor use so that liquor store customers can sample different beers and wines, and a casino, which will serve malt beverages to customers as per the casino’s video lottery license. On February 25, 2016, the Planning Commission approved a Final Planned Development Overlay (File #16PD002) to allow the convenience store with a car wash and an on-sale liquor use in conjunction with a full-service restaurant.

<b>Development Review Team Contacts</b>	
Applicant: Moyle Petroleum Company	Planner: Marty Gillies
Property Owner: Moyle Petroleum Company	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: KTM Design Solutions, Inc.	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	Southwest of the intersection of East S.D. Highway 44 and Elderberry Boulevard
Neighborhood	Southeast Connector Neighborhood
Subdivision	Orchard Meadows
Land Area	3.43 acres or approximately 149,410 square feet
Existing Buildings	approximately 17,540 square feet
Topography	Level
Access	Elderberry Boulevard, Lytle Lane
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC/PDD	MUC, Gateway corridor	Existing convenience store, carwash, on-sale liquor establishment
Adjacent North	SRD-Pennington County	LDN, Gateway, Entrance Corridor	Mixed residential development
Adjacent South	GC	MUC	No structural development
Adjacent East	GC	MUC, Gateway, Entrance Corridor	No structural development
Adjacent West	GC/PDD	MUC, Gateway, Entrance Corridor	No structural development

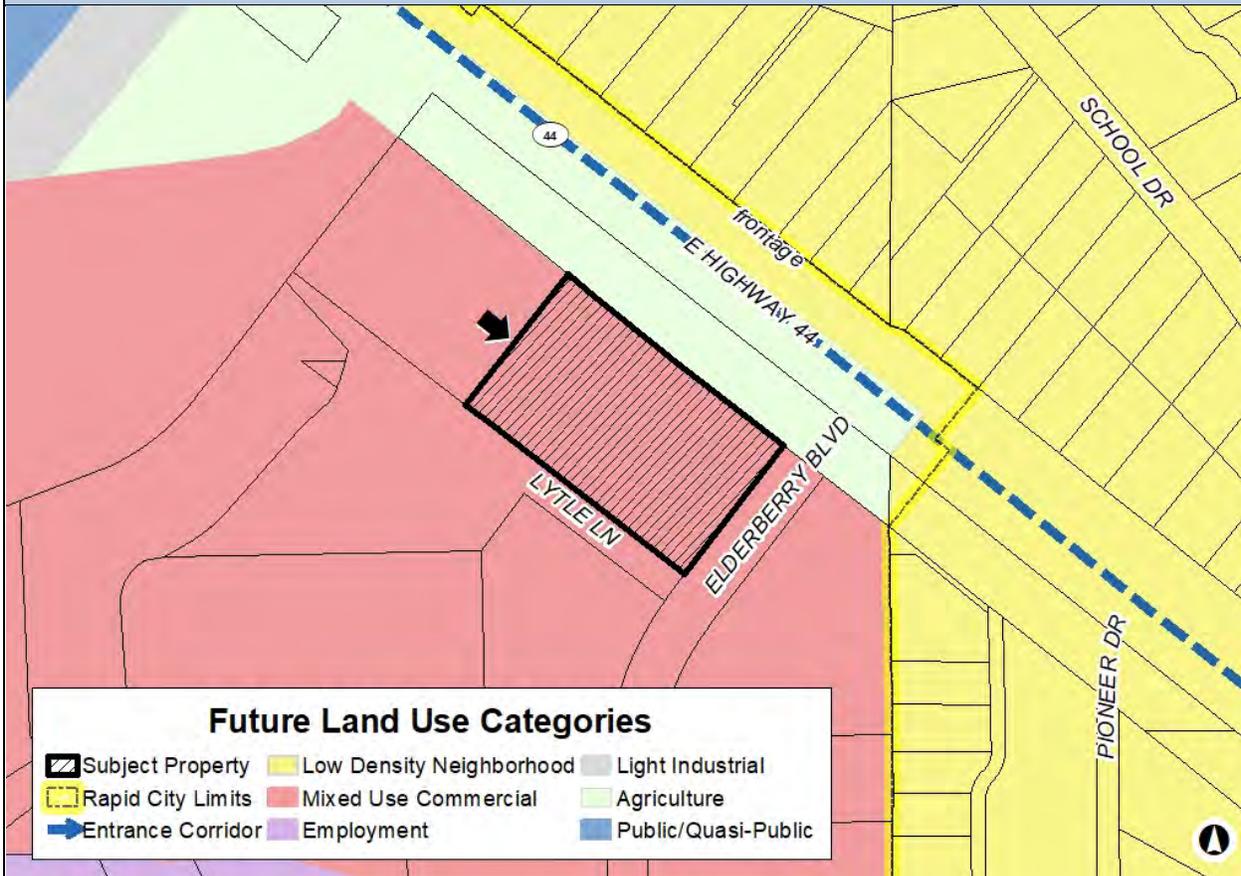
**Zoning Map**



**Existing Land Uses**



## Comprehensive Plan Future Land Use



## Parks or Transportation Plan



## Major Street Plan



<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
16PD002	2/25/2016	Final Planned Development Overlay to allow a convenience store, car wash, and on-sale liquor establishment	PC approved 2/25/2016
16PD054	11/23/2016	Major Amendment to a Planned Development Overlay to allow an LED message center	PC approved 11/23/2016
<b>Relevant Zoning District Regulations</b>			
<b>General Commercial District</b>		<b>Required</b>	<b>Proposed/Existing</b>
Lot Area		N/A	3.43 acres or approximately 149,410 square feet
Lot Frontage		N/A	Approximately 1,300 feet
Maximum Building Heights		4 stories, 45 feet	1 story
Maximum Density		75%	10.2%
Minimum Building Setback:			
• Front		25 feet	67 feet
• Rear		N/A	N/A
• Side		N/A	N/A
• Street Side		25 feet	164 feet
Minimum Landscape Requirements:			
• # of landscape points		Approximately 125,000	110,270 proposed
• # of landscape islands		3 islands	0 proposed
Minimum Parking Requirements:			
• # of parking spaces		161 spaces	155 spaces
• # of ADA spaces		6 spaces	6 spaces
Signage		Per RCMC	Per RCMC, including one existing LED Message Center measuring 26 sq ft per side.
Fencing		Per RCMC	None proposed

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>Pursuant to Section 17.50.050.F.5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Planned Development Overlay:</b>	
	<b>Findings</b>
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 a 3.43 acre lot Boulevard in a Planned Development Overlay and is located south of East S.D. Highway 44 and west of Elderberry Boulevard. The subject property is developed with a commercial complex that includes a convenience store and a full-service restaurant. There are no conditions on the site due to its size, shape, or topography.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;	The property is located within an existing Planned Development Overlay. Based on the applicant's request to allow an on-sale liquor establishment in conjunction with a casino on the site, an amendment to the Planned Development Overlay is required. The application of the Zoning Ordinance to this particular piece of property does not create practical difficulties or undue hardship.
3. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the	The applicant is requesting an Exception to reduce the required amount of parking approved for the property in order to reflect the existing conditions on the site. Submitted plans show that based on current uses, a

<p>purposes and intent of these regulations;</p>	<p>minimum of 144 parking spaces are required for the site. The proposed expansion of uses will result in an increase in required parking on the property from 144 to 161. The applicant has requested an Exception to reduce the required amount of off-street parking provided on the site from 161 to 155, a reduction of 3.7%. The applicant has noted that based on the diverse operations of the businesses on the site, the 155 parking spaces existing today will continue to serve parking needs for the property. The different businesses will likely attract peak business at different hours, which balances the parking demand for the site. To date there have been no identified issues with the parking on the site. It does not appear that the requested Exception will create hardship to the public good or impair the intent of the Zoning Ordinance.</p>
<p>4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;</p>	<p>The applicant has requested a Major Amendment to the Planned Development Overlay to allow a proposed on-sale liquor establishment in conjunction with a casino and package liquor store. The property was previously developed through the Planned Development Overlay process and, as such, requires a Major Amendment to the Planned Development Overlay to request an expansion of the use. A literal interpretation of the Zoning Ordinance does not deprive that applicant of rights that others in the same district are allowed.</p>
<p>5. Any adverse impacts will be reasonably mitigated;</p>	<p>The applicant is proposing to construct a 4,760 square-foot expansion onto the northwest side of the existing commercial complex to include a proposed liquor store, casino, and associated storage space. Beyond this construction, all conditions on the site are remaining the same as part of this request. The requested reduction in parking does not appear to have an adverse impact on the neighborhood today, and will allow the existing parking lot to continue to service the businesses on the site today. Potential adverse impacts of the requested Major Amendment are being mitigated to the greatest extent possible.</p>
<p>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.</p>	<p>The applicant is proposing a Major Amendment to the Planned Development Overlay to allow a proposed on-sale liquor establishment in conjunction with a casino and package liquor store. The applicant has demonstrated that the existing parking capacity (155 spaces) will be able to accommodate the increase in parking demand that will result from this expansion of the existing commercial complex. Because the different uses operating at this location will have different peak hours, the existing parking will be sufficient for the purposes of this Major Amendment. As such, the requested Exception is an alternative and/or innovative practice that will reasonably achieve the objectives of the Zoning Ordinance.</p>
<p><b>On-Sale Liquor Establishment: Planning Commission Criteria and Findings for Approval or Denial</b></p>	
<p><b>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:</b></p>	
	<p><b>Findings</b></p>

<p>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:</p>	<p>East S.D. Highway 44 is a major commercial corridor and identified principal arterial street on the City’s Major Street Plan. The existing restaurant “Inferno” operates with an on-sale liquor use and is located within the same strip mall, approximately 250 feet to the south of the proposed casino, is located within 500 feet of the subject property. There are no places of worship, schools, parks, playgrounds or other similar uses within 500 feet of this proposed use. The General Commercial District is viewed as the appropriate zoning district for on-sale liquor uses.</p>
<p>2. The requested use is sufficiently buffered with regard to residential areas so as not to adversely affect the areas:</p>	<p>The subject property is located within a Planned Development Overlay on the south side of East S.D. Highway 44. The subject property does not abut any residential uses or districts, but is within 500 feet of residential neighborhoods located in Pennington County - one located on the north side of East S.D. Highway 44 and another one approximately 300 feet to the east, taking access from Pioneer Drive. The existing screening fence along the east side of Orchard Meadows and the right-of-way dedicated to East S.D. Highway 44 provide sufficient separation between the proposed use and the identified residential areas. As such, the proposed casino should have minimal impact on any nearby residential neighborhoods.</p>
<p>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:</p>	<p>The existing restaurant “Inferno” operates with an on-sale liquor use and is located within the same strip mall. The General Commercial District is generally viewed as the appropriate location for an on-sale liquor establishment, especially when operating in conjunction with another primary use.</p>
<p>4. The proposed use complies with the standards of Chapters 5.12 and 17.54.030 of the Rapid City Municipal Code:</p>	<p>The proposed on-sale liquor establishment generally complies with the standards for a conditional use, with the exception of the requested Exceptions identified as a part of the Major Amendment to the Planned Development Overlay. The first of these Exceptions is to waive the planter island requirement for the off-street parking area. The 155-space parking lot requires the provision of three planter islands, but the configuration of the existing parking lot does not support the creation of islands. As such, this requirement is waived, contingent upon the provision of a landscaping plan that provides trees along the property’s north lot line and a total of at least 125,000 landscape points. The second Exception is to reduce the parking requirement from 161 spaces to 155 spaces, as previously noted.</p>

**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>	
	<p align="center"><b>A Balanced Pattern of Growth</b></p>
<p>N/A</p>	<p>N/A</p>

	<b>A Vibrant, Livable Community</b>
LC-1.3	<b>Gateway and Entrance Corridor Standards:</b> This property is located along East S.D. Highway 44, an identified Entrance Corridor in the Comprehensive Plan. This road has been designed to accommodate commercial traffic.
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
N/A	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
N/A	N/A
	<b>Economic Stability and Growth</b>
N/A	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
N/A	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> 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 planned development boundary. The requested Major Amendment to a Planned Development Overlay application 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-MU1	<b>Relationship of Uses:</b> The expansion of this existing commercial center, which presently includes a convenience store and a full service restaurant, serves to concentrate activity-generating uses. The location of this concentration, along a Principal Arterial street and in close proximity to the junction of East S.D. Highway 44 and Elk Vale Road, successfully concentrates these uses at a key intersection, as per this goal of the Comprehensive Plan.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	Southeast Connector Neighborhood
<b>Neighborhood Goal/Policy:</b>	
SEC-NA1.1D	<b>Mixed-Use Development:</b> The proposed casino generally complies with the reinvestment and redevelopment goals of the neighborhood, particularly the goal to encourage mixed-use and infill development along Elk Vale Road and East S.D. Highway 44.

<b>Findings</b>	
Staff has reviewed the Major Amendment to the Planned Development Overlay to allow a proposed on-sale liquor establishment in conjunction with a casino and package liquor store 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 applicant has submitted a Major Amendment to the Planned Development Overlay to allow an expansion of the existing commercial center to	

allow a liquor store and casino, each served by an on-sale liquor use. The proposed development will not negatively affect any nearby residential or otherwise sensitive uses and will meet the Comprehensive Plan goal of encouraging mixed-use infill development along East S.D. Highway 44, an identified Entrance Corridor.

**Staff recommends that the requested Major Amendment to the Planned Development Overlay be approved with the following stipulations:**

1.	The requested Exception to reduce the required amount of off-street parking on the property from 161 spaces to 155 spaces is hereby granted;
2.	The requested Exception to waive the requirement to provide three planter islands in the off-street parking area is hereby granted, contingent upon the provision of a landscaping plan including at least 125,000 landscape points and the planting of trees along the property's north lot line, in proximity to East S.D. Highway 44;
3.	All signage shall comply with the requirements of the Rapid City Sign Code. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers on the property shall require a Major Amendment to the Planned Development Overlay. A sign permit shall be obtained for each sign; and,
4.	This Major Amendment to the Planned Development Overlay shall allow for the expansion of an existing on-sale liquor establishment in conjunction with a casino. All uses permitted within the General Commercial District shall be permitted contingent upon issuance of a building permit and provision of sufficient parking. All conditional uses in the General Commercial District or any uses which result in an increase in the required amount of parking shall require a Major Amendment to the Planned Development Overlay. All requirements of the General Commercial District shall be continually met unless specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment to the Planned Development Overlay.



## Rapid City Community Planning & Development Services

### 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)	
<b>Case #21PD010</b>	Major Amendment to the Planned Development Overlay to allow a proposed on-sale liquor establishment in conjunction with a casino and package liquor store
<b>Companion Case(s)</b>	N/A
ADVISORIES: Please read carefully!	
1.	A building permit shall be obtained prior to any construction. A certificate of completion shall be obtained prior to use;
2.	All construction plans shall be signed and sealed by a registered professional pursuant to SDCL 36-18A;
3.	All requirements of the currently adopted Building Code shall be met;
4.	All requirements of the International Fire Code shall be met;
5.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
6.	All erosion and sediment control measures shall be installed and continually maintained as necessary;
7.	ADA accessibility shall be maintained throughout the site as necessary;
8.	All lighting shall be designed to preclude shining on adjacent properties and rights-of-ways, so as not to create a nuisance to neighboring properties and traffic.