



Rapid City Planning Commission

Conditional Use Permit Project Report

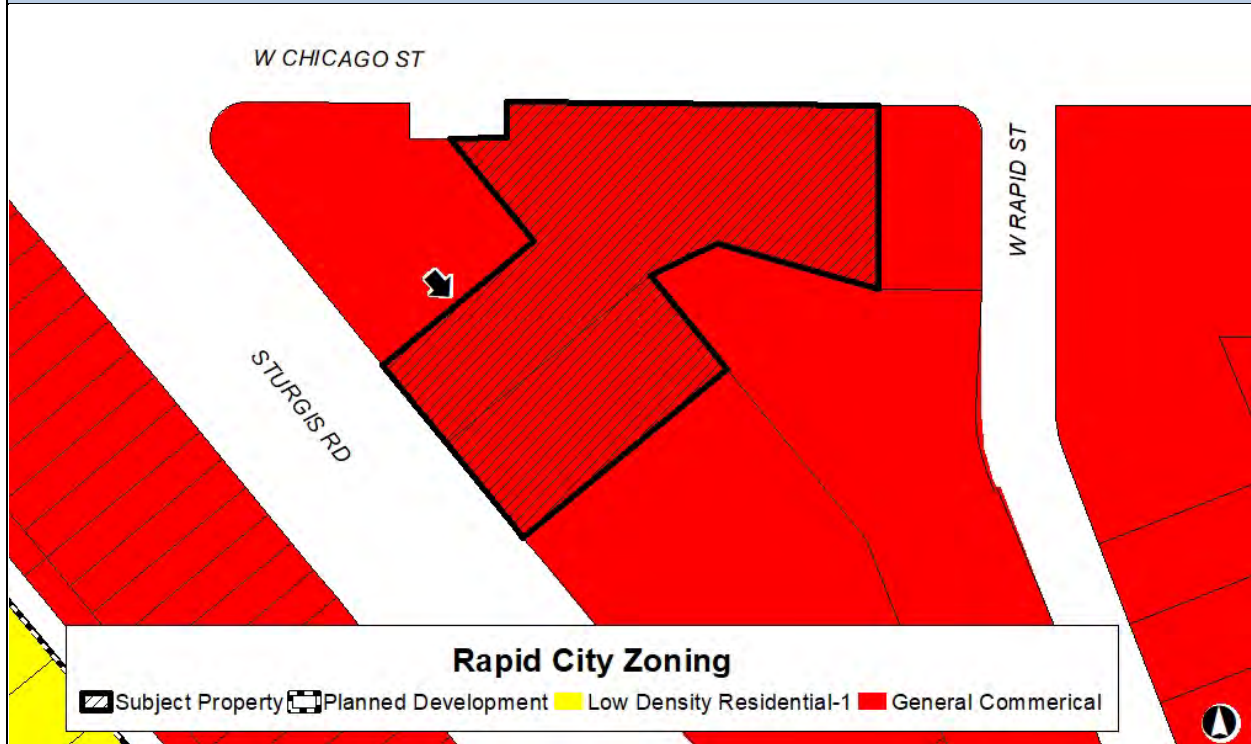
April 8, 2021

Item #8	
Applicant Request(s)	
Case #21UR004 - Major Amendment to a Conditional Use Permit to expand on-sale liquor establishment	
Companion Case(s): File #20UR021	
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 expand an existing on-sale liquor establishment on the property located at 3468 Sturgis Road. Specifically, the applicant intends to expand the existing “The Iron PHNX” via the construction of 1,700 square feet of outdoor dining area, an additional 3,000 square feet of indoor dining area, and an approximately 300 square-foot free-standing food kiosk. These additions will expand the existing on-sale liquor establishment by approximately 5,000 square feet. The Iron PHNX will serve breakfast, lunch, and dinner, include ten video lottery machines, and will offer beer, wine, and liquor to customers. The updated hours of operation for the expanded 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: Robert Heckel	Planner: Marty Gillies
Property Owner: Robert Heckel	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: FMG Engineering	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	3468 Sturgis Road
Neighborhood	Deadwood Avenue Neighborhood Area
Subdivision	Mann Subdivision No. 2
Land Area	1.35 acres or approximately 58,806 square feet
Existing Buildings	1,300 square-foot commercial building
Topography	Rise in elevation from south to north of approximately 20 feet
Access	Sturgis Road
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 – Community Activity Center	Bar/Restaurant
Adjacent North	GC	MUC	Bank
Adjacent South	GC	MUC	Proposed strip mall
Adjacent East	GC	MUC	Parking lot
Adjacent West	GC	MUC	Commercial development

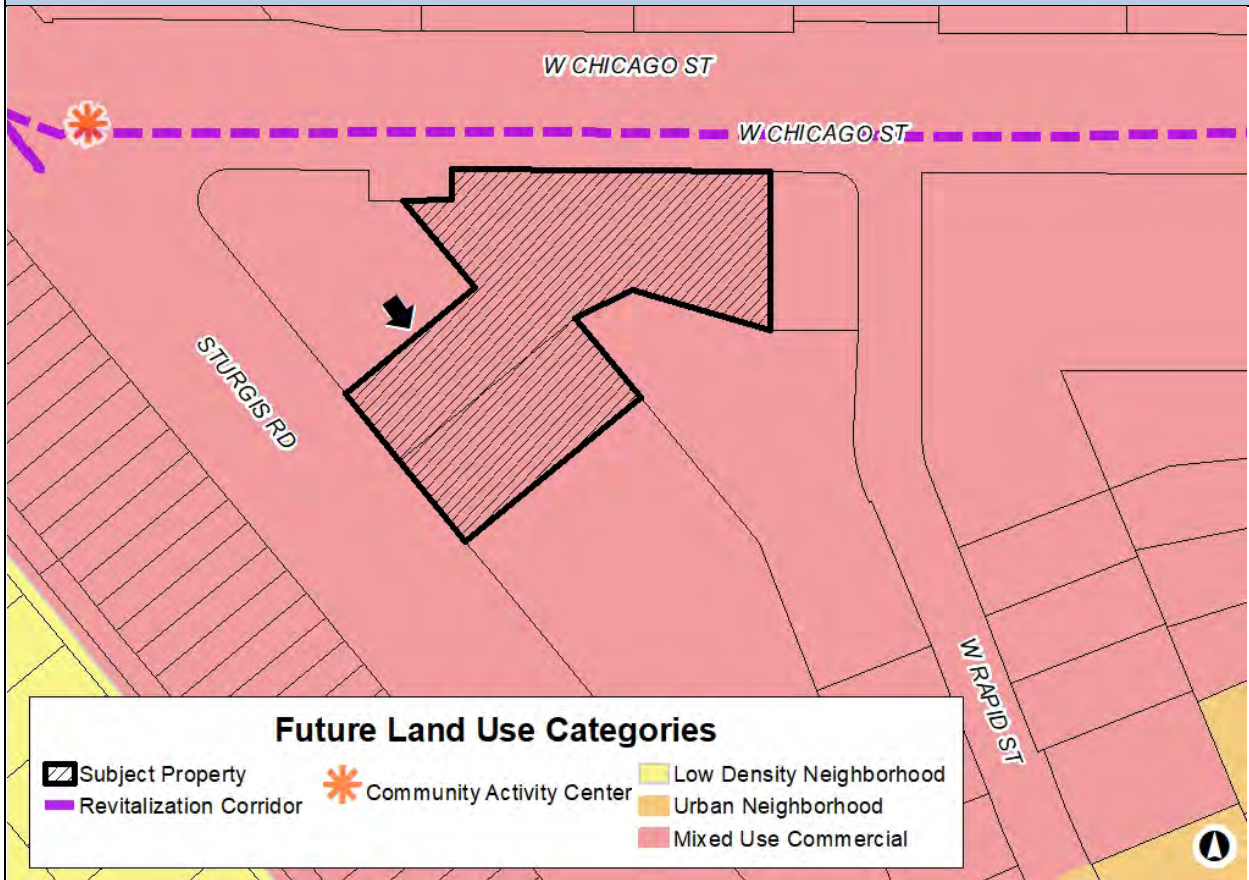
Zoning Map



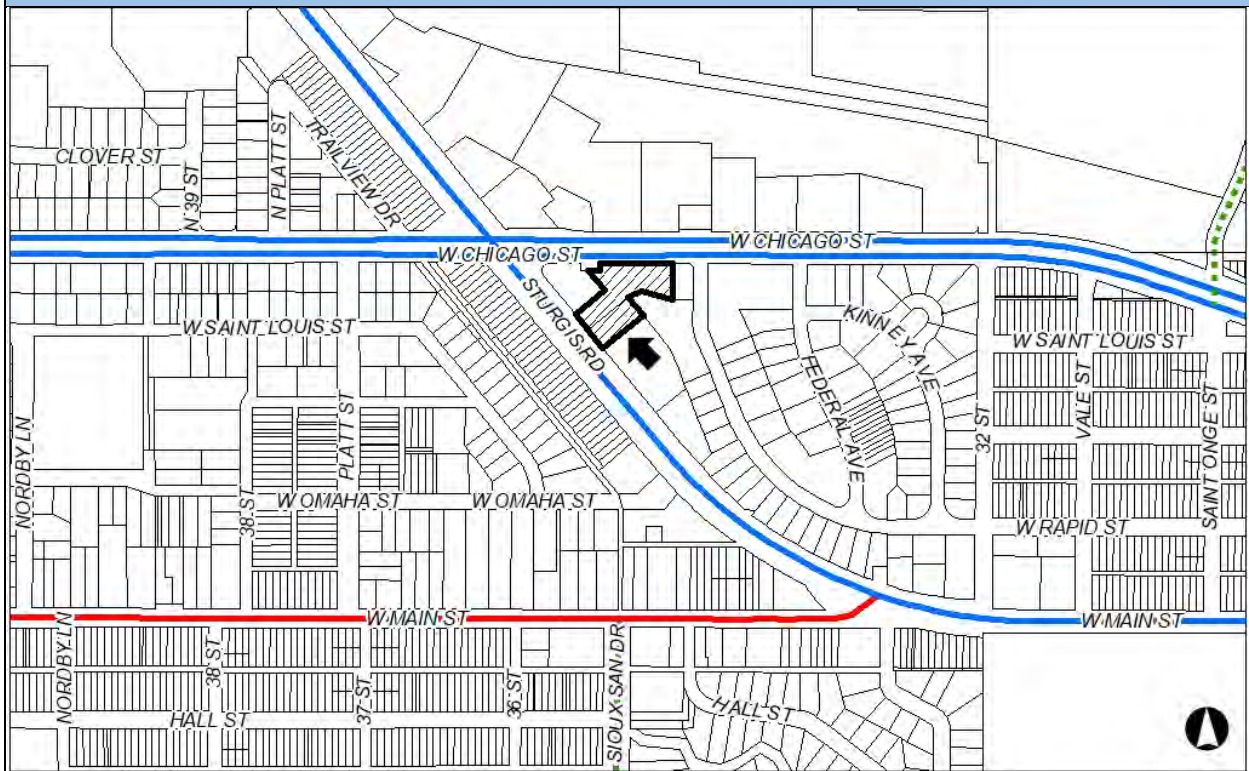
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

- Subject Property (Black outline with hatching)
- Collector (Green line)
- Minor arterial (Red line)
- Principal arterial (Blue line)
- Proposed collector (Dashed green line)

Relevant Case History			
Case/File#	Date	Request	Action
20UR021	9/25/2020	Conditional Use Permit to allow an on-sale liquor establishment	PC approved 11/5/2020
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	1.35 acres or approximately 58,806 square feet	
Lot Frontage	N/A	Approximately 160 feet	
Maximum Building Heights	45 feet	2 stories	
Maximum Density	75%	10.7%	
Minimum Building Setback:			
• Front	25 feet	64 feet	
• Rear	0 feet	37 feet	
• Side	0 feet	16 feet	
• Street Side	25 feet	N/A	
Minimum Landscape Requirements:			
• # of landscape points	54,279 points	55,050	
• # of landscape islands	0	N/A	
Minimum Parking Requirements:			
• # of parking spaces	61	61	
• # of ADA spaces	3	3	
Signage	Per RCMC	None proposed	
Fencing	Per RCMC	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
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:	
	Findings
1. The location, character, and natural features of the property;	The subject property is 1.35 acres in size and is zoned General Commercial District. The subject property is developed with a 1,300 square-foot on-sale liquor establishment known as “The Iron PHNX” and is surrounded by mixed use retail and commercial land uses on all four sides.
2. The location, character, and design of adjacent buildings;	Properties to the north, south, east, and west are also zoned General Commercial District. The property to the south has recently been demolished and a new strip-mall is being constructed. Property to the east is developed with a parking lot. Properties to the north and west are developed with commercial uses. The intersection of Sturgis Road and West Chicago Street is identified as a Community Activity Center on the Future Land Use Plan.
3. Proposed fencing, screening, and landscaping;	Due to the property’s location adjacent to General Commercial District on all sides, screening is not required. The applicant should be aware that the proposed expansion of the on-sale liquor establishment is an expansion of use and requires that landscaping be brought into compliance with the Zoning Ordinance. In particular, this site requires that a minimum of 54,279 landscape points be provided. The submitted landscaping plan provides 55,050 points.
4. Proposed vegetation, topography, and natural drainage;	As noted above, the expansion of use requires that landscaping be brought into compliance. The submitted

	landscaping plan provides more than the minimum number of required landscaping points for this site.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;	Vehicular access to the property is from Sturgis Road. The minimum required parking for the proposed expansion of the bar is 61 parking spaces with three being ADA van accessible. Any further change in use which increases the minimum required parking will require review of an amendment to the Conditional Use Permit.
6. Existing traffic and traffic to be generated by the proposed use;	The proposed neighborhood will generate approximately 62 peak hour trips. A Traffic Impact Study (TIS) is not required as this is below the TIS threshold of 100 peak hour trips.
7. Proposed signs and lighting;	No electronic signage is being approved as a part of the Conditional Use Permit application. Wall signage is proposed in compliance with the Rapid City Municipal Code.
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 neighborhood bar and restaurant operating in conjunction with an on-sale liquor permit is in compliance with activity generating uses identified in the Mixed Use Commercial designation. There are residential uses and a church located in proximity to "The Iron PHNX", and in order to mitigate the effect of noise originating from this establishment, all live music hosted at this establishment must be performed in an indoor dining area and must not be performed outdoors.
10. The overall density, yard, height, and other requirements of the zone in which it is located;	The existing development and proposed expansion comply 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 establishment will be located in an established commercial corridor along Sturgis Road. All live music hosted at this establishment must not occur in the outdoor seating area. It does not appear that the requested on-sale liquor establishment will create effects of 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 will ensure that the proposed on-sale liquor establishment is operated in compliance with the submitted operations plan and that any further expansion of use will require a Major Amendment to the Conditional Use Permit.
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:	South Canyon Baptist Church of Rapid City is located east of the subject property. The applicant has submitted pictures which demonstrate that the proposed on-sale liquor establishment is significantly buffered from the church by change in elevation to the east and West Rapid Street. Based on these reasons, it does not appear that the proposed on-sale use will have an adverse effect on the church. 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:	There are residential properties located within 500 feet to the southeast and west of the subject property. However, the residential uses are buffered by streets and elevation from the subject property. The intent of the proposed on-sale liquor use is to provide a neighborhood bar. This use will host live music, but must not host the live music in the outdoor seating area in order to mitigate noise. It does not appear that the proposed on-sale liquor use or traffic will impact surrounding residential properties.
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 a 500-foot radius of the subject property. The property abuts a developed commercial corridor where these types of uses are preferred. It does not appear that the proposed Conditional Use Permit will create an undue concentration of similar uses.
4. The proposed use complies with the standards of Chapter 17.54.030(E) of the Rapid City Municipal Code:	As noted above, the requested Major Amendment to the Conditional Use Permit complies with the standards of Chapter 17.54.030(E) 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

BPG-1.2B

Priority Activity Centers for Reinvestment: The existing on-sale liquor establishment and the proposed expansion support reinvestment in the FTC Express Activity Center. The old FTC Center located directly to the south of the subject property is also currently being reconstructed as a new strip mall.



A Vibrant, Livable Community

LC-4.1B

Diverse Mix of Uses: The existing on-sale liquor establishment and the proposed expansion provide a service to the surrounding neighborhoods. In conjunction with other redevelopment in the area, there will be more neighborhood serving uses in the FTC Activity Center.



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 abuts Sturgis Road which is identified as a Principal Arterial Street on the City’s Major Street Plan. Sturgis Road is a developed commercial corridor with the potential for reinvestment of properties along the corridor.




Economic Stability and Growth

N/A



Outstanding Recreational and Cultural Opportunities

EC-1.3A	Local Business Support: The proposed on-sale liquor establishment supports revitalization in a Community Activity Center. The applicant has indicated that the intent of the development is to provide a neighborhood bar for the local community.
	
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-MU7	Rehabilitation of Existing Activity Centers and Corridors: The proposed Conditional Use Permit to allow an on-sale liquor establishment will provide a service in the area and promotes the Comprehensive Plan goal of investing in existing Activity Centers
Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	West Rapid Neighborhood Area
Neighborhood Goal/Policy:	
WR-NA1.1B	Reinvestment Corridor: Sturgis Road north of the intersection with West Chicago Street is identified as a Revitalization Corridor. The intersection is also identified as a Community Activity Center. The proposed Major Amendment to a Conditional Use Permit supports reinvestment in an aging commercial corridor and provides a neighborhood serving use.
Findings	
<p>Staff has reviewed the Major Amendment to a Conditional Use to expand an on-sale liquor establishment 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 on-sale liquor establishment appears to be sufficiently buffered from adjacent residential uses and a nearby church. The proposed Major Amendment to a Conditional Use Permit will support the growth of a local business and promote redevelopment at the core of a Community Activity Center in the West Rapid Neighborhood Area. 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.</p>	
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.	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 shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;
2.	The proposed on-sale liquor establishment may host live music but, in the interest of mitigating noise, shall not allow these live music events to perform in the outdoor seating area. All live music shall be performed indoors;
3.	Prior to issuance of a Building Permit, the applicant shall enter into a Developmental Lot Agreement;
4.	The proposed on-sale liquor establishment shall operate in compliance with the submitted operations plan and all approved plans. Changes in the operator or

	operation of this facility shall require a Major Amendment to the Conditional Use Permit; and,
5.	The Conditional Use Permit shall allow the expansion of an existing on-sale liquor establishment on the first floor of "The Iron PHNX", storage on the second floor, a 1,700 square-foot outdoor seating area, and a 254 square-foot food kiosk. Any further expansion of the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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.



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 # 21UR004	Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment
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.