



Rapid City Planning Commission

Planned Development Project Report

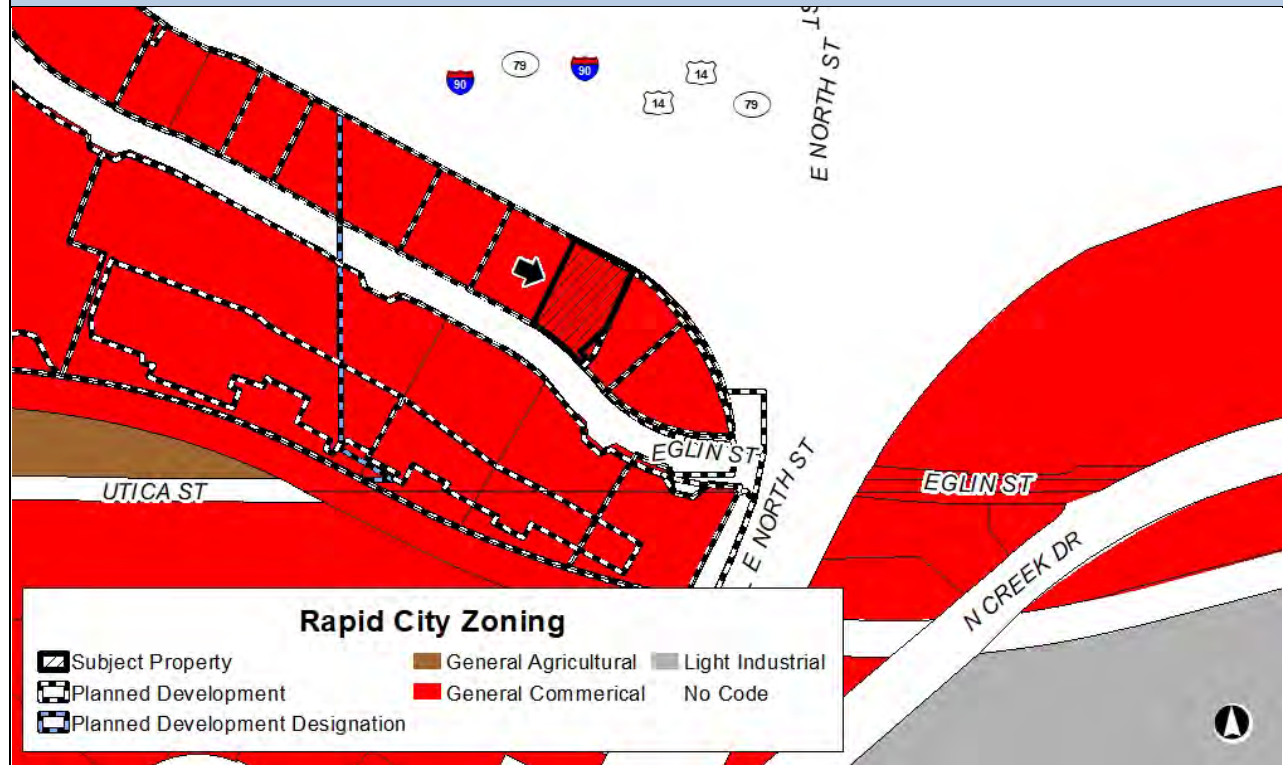
May 27, 2021

Item #11
Applicant Request(s)
Case #21PD018, Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant
Companion Case(s) #: N/A
Development Review Team Recommendation(s)
Staff recommends approval with the stipulations noted below.

Project Summary Brief	
<p>The applicant has submitted a Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant with a patio. The restaurant is called "Storming Crab" and is located at 1756 Eglin Street. The proposed hours of operation are Monday through Sunday from 11:00 a.m. to 10:00 p.m. The applicant has indicated that there will be 20-25 full-time employees. The proposed restaurant measures 5,408 square foot with a 605 square foot patio. No Exceptions are being requested.</p>	
Development Review Team Contacts	
Applicant: Storming Crab	Planner: Fletcher Lacock
Property Owner: ID Properties LLC	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	1756 Eglin Street
Neighborhood	North Rapid Neighborhood Area
Subdivision	Rushmore Crossing
Land Area	1.14 acres
Existing Buildings	5,408 square feet
Topography	Level
Access	Eglin Street
Water Provider	Rapid City water
Sewer Provider	Rapid City sewer
Electric/Gas Provider	Black Hills Power/Montana Dakota Utilities
Floodplain	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC-PD	MUC	Restaurant
Adjacent North	GC	MUC	U.S. Interstate 90
Adjacent South	GC-PD	MUC	Mall
Adjacent East	GC-PD	MUC	Restaurant
Adjacent West	GC-PD	MUC	Mixed-use commercial

Zoning Map



Existing Land Uses



This map, titled "Comprehensive Plan Future Land Use", shows the subject property highlighted with a black outline and diagonal hatching. The property is located at the intersection of Eglin St and Utica St. The surrounding area is designated as "Mixed Use Commercial" (pink), while the area to the east is "Light Industrial" (gray). The map includes major roads like E North St, Eglin St, Utica St, and N Creek Dr, as well as highways 90 and 14. A legend at the bottom identifies the land use categories and the subject property.

Future Land Use Categories

- Subject Property (Hatched)
- Mixed Use Commercial (Pink)
- Light Industrial (Gray)

Parks or Transportation Plan	
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Major Street Plan

■ Subject Property ■ Minor arterial ■ Proposed collector
■ Collector ■ Principal arterial ■ Proposed minor arterial




Relevant Case History			
Case/File#	Date	Request	Action
15PD005	04/09/2015	Final Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant	Approved
Relevant Zoning District Regulations			
General Commercial District		Required	Proposed/Existing
Lot Area		No minimum required	1.14 acres, approximately 49,658 sq ft
Lot Frontage		No minimum required	Approximately 172 feet
Maximum Building Heights		4 stories, 45 ft	1-story
Maximum Density		75%	Approximately 13.3%
Minimum Building Setback:			
• Front		25 feet	138 feet
• Rear		0 feet	50 feet
• Side		0 feet	8 feet
• Street Side		25 feet	N/A
Minimum Landscape Requirements:			
• # of landscape points		43,681	45,740
• # of landscape islands		1	1
Minimum Parking Requirements:			
• # of parking spaces		60	68
• # of ADA spaces		3	3
Signage		Per RCMC	Per RCMC
Fencing		Per RCMC	None proposed





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 in a request for a Planned Development:	
	Findings
1. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;	There are no special conditions existing on this lot due to 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 currently zoned General Commercial District. A restaurant is identified as a permitted use within the General Commercial District. An on-sale liquor establishment is identified as a conditional use.
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;	No Exceptions are being requested.
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;	The proposed on-sale liquor establishment in conjunction with a restaurant is identified as a conditional use. The applicant should be aware that an expansion of the restaurant or any conditional uses will require a Major Amendment to the Planned Development.
5. Any adverse impacts will be reasonably mitigated;	The previous restaurant closed and the Final Planned Development for the on-sale liquor use expired after two-years. As such, the applicant is required to submit a Major Amendment to the Planned Development to allow

	an on-sale liquor establishment in conjunction with a restaurant.
6. The requested exception(s) 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.	As noted above, no Exceptions are being requested.

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.	There are no schools, playgrounds or places of worship located within a 500-foot radius of the subject property. The property is located in a commercial corridor that abuts Eglin Street. The City’s Major Street Plan identifies Eglin Street as a Collector Street. The request is not anticipated to have any “adverse affect” on any place used for religious worship, school, park or playground.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	Eglin Street is identified as a Collector Street on the City’s Major Street Plan. The property is located in the “Rushmore Crossing” commercial corridor. The closest residential property is the “Meadowlark Mobile Home Park” located approximately 3,000 feet to the southwest. It appears the requested use is sufficiently buffered with respect to 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.”	There are five on-sale liquor establishments located within 500 feet of the property. Located on the property to the south are: “HuHot Mongolian Grill”, “Qdoba Mexican Grill”, “A Perfect 10 Nail and Beauty Bar”, and “Fuji Japanese Steakhouse”. Eglin Street is a commercial corridor and is identified as a Collector Street on the City’s Major Street Plan. It does not appear that the proposed on-sale liquor establishment in conjunction with a restaurant will 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 1765 Eglin Street and is developed with a 5,408 square foot restaurant.
2. The location, character and design of adjacent buildings:	U.S. Interstate 90 is located along the north side of the property. A gas station is located to the east of the property on the northwest corner of the intersection of Eglin Street and East North Street. The property to the west is developed with a strip commercial building. The property to the south is also a commercial structure with a variety of uses. The property is located in the “Rushmore Crossing” commercial corridor.
3. Proposed fencing, screening and landscaping:	A minimum of 43,681 landscaping points must be provided for the proposed development. The applicant has submitted a landscape plan showing a total of 45,740

	landscape points. The proposed landscape plan is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code.
4. Proposed vegetation, topography and natural drainage:	The site is currently developed with a restaurant structure. Vegetation and drainage have been designed and constructed.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	The site plan shows sidewalk along Eglin Street providing pedestrian access. The proposed 6,013 square foot restaurant with an on-sale liquor establishment requires that a minimum of 60 parking spaces be provided. The site plan identifies 68 parking spaces with three of the parking spaces being handicap accessible. The parking plan is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed restaurant use was addressed in the existing Traffic Impact Study for Rushmore Crossing.
7. Proposed signs and lighting:	The applicant is proposing to change the existing sign faces to read "Storming Crab."
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 an on-sale liquor establishment is identified as a conditional use.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The existing development complies with all land area regulations.
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 on-sale liquor use will have a negative effect on the surrounding area by causing 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 on-sale liquor establishment will operate in compliance with the applicant's operations plan. An expansion of the on-sale liquor use will require a Major Amendment to the Planned Development.
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-3.1A	Balanced Uses: The proposed restaurant is a good re-use of an existing structure in the Rushmore Crossing mall.
 A Vibrant, Livable Community	
	N/A
 A Safe, Healthy, Inclusive, and Skilled Community	
	N/A

 Efficient Transportation and Infrastructure Systems	
T1-2.1A	Major Street Plan Integration: Eglin Street is identified as a Collector Street on the City's Major Street Plan. The proposed restaurant was accounted for in the Traffic Impact Study for Rushmore Crossing.
 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 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.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed-Use Commercial
Design Standards:	
N/A	The proposed on-sale liquor establishment in conjunction with a restaurant requires a Major Amendment to the Planned Development as the original on-sale use expired two years after the previous restaurant closed.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	North Rapid Neighborhood Area
Neighborhood Goal/Policy:	
NR-NA1.1A	Regional Activity Center: The proposed restaurant supports the continued success of the Rushmore Crossing Regional Activity Center.

Findings	
Staff has reviewed the Major Amendment to the Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant 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 on-sale liquor establishment in conjunction with a restaurant supports the goal of creating a diverse and attractive Rushmore Crossing Regional Activity Center.	

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.	All signage shall comply with the requirements of the Rapid City Municipal Code. Electronic or Light Emitting Diode (LED) message centers are not permitted as a part of this request. The addition of LED message centers in the future shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;
2.	This Major Amendment to a Planned Development shall allow for an on-sale liquor establishment in conjunction with a restaurant and patio on the property. The on-sale liquor use shall be operated in compliance with the submitted operations plan. Any expansion of the on-sale liquor use or patio area shall require a Major Amendment to the

	Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon an approved Building Permit and provision of sufficient parking. All conditional uses or any use that results in an increase in parking shall require a Major Amendment to the Planned Development.
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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)	
Case #20PD018	Major Amendment to a Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a restaurant
Companion Case(s)	N/A
ADVISORIES: Please read carefully!	
1.	A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to use;
2.	An air quality permit shall be obtained for disturbances of earth greater than one acre;
3.	All construction plans shall be signed and sealed by a registered professional pursuant to SDCL 36-18A;
4.	All requirements of the currently adopted Building Code shall be met;
5.	All requirements of the International Fire Code shall be met;
6.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
7.	All erosion and sediment control measures shall be installed and continually maintained as necessary;
8.	ADA accessibility shall be maintained as necessary; and,
9.	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.