



Rapid City Planning Commission

Conditional Use Permit Project Report

July 8, 2021

Item #3
Applicant Request(s)
Case #21UR009 – Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino
Companion Case(s) # N/A

Development Review Team Recommendation(s)
Staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with a casino, with stipulations as noted below.

Project Summary Brief
The applicant has requested a Conditional Use Permit to allow on-sale liquor in conjunction with a new casino at property located at 840 Timmons Boulevard. The subject property is zoned General Commercial District and is approximately 0.8 acres in size. The new casino will be 2,000 square feet, located within a new 8,000 square-foot strip mall and will operate between the hours of 7:00 AM and 11:00 PM, Monday through Saturday, and 10:00 AM through 9:00 PM on Sundays. The applicant anticipates having three employees and 20 gaming machines. The subject property is currently void of any structural development.

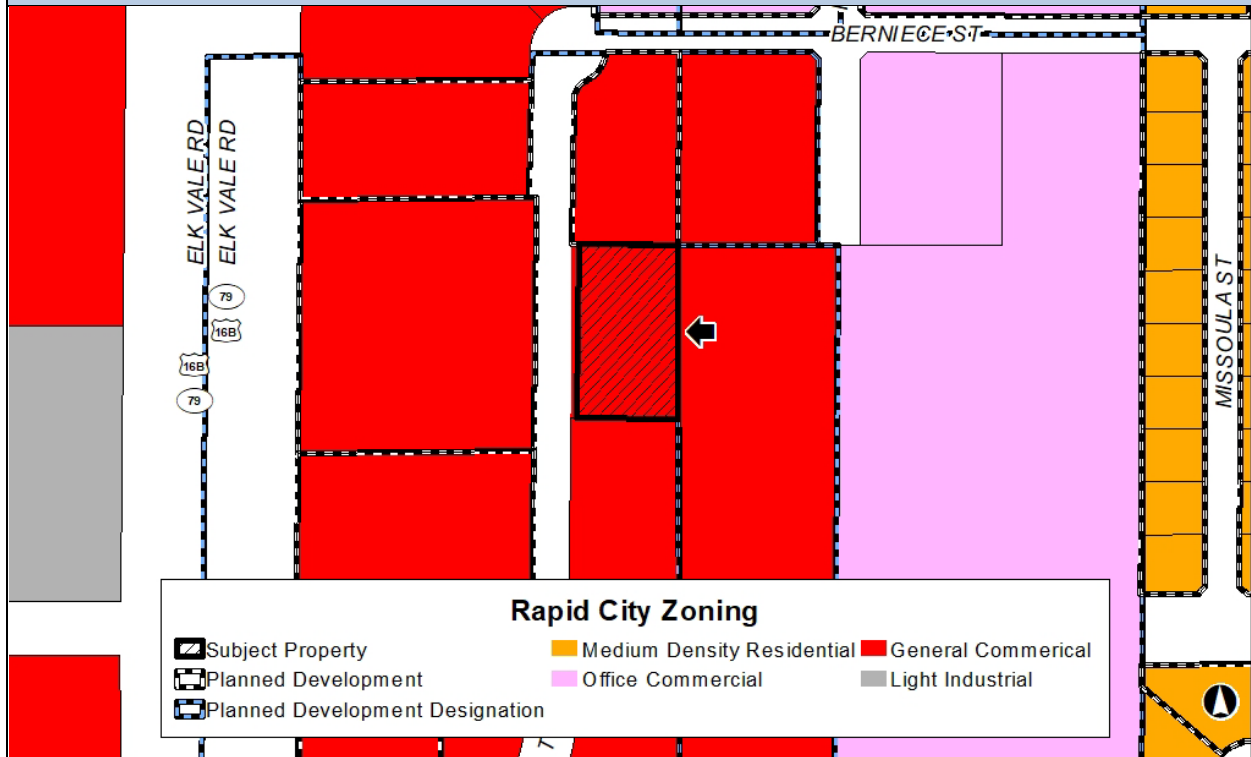
Applicant Information	Development Review Team Contacts
Applicant: Steve Wynia of Wyngard Pot-O-Gold Casino Inc.	Planner: Karl Bauer
Property Owner: Dakota Heartland, Inc.	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	840 Timmons Boulevard
Neighborhood	Elk Vale Road Neighborhood Area
Subdivision	Big Sky Business Park
Land Area	34,848 square feet
Existing Buildings	Void of structural development
Topography	Rises in elevation approximately 10 feet from southeast to north
Access	Timmons Boulevard
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	West River Electric Association / 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	Void of structural development
Adjacent North	GC – PD, PDD	MUC	Car wash
Adjacent South	GC-PDD	MUC	Void of structural development
Adjacent East	GC-PDD	MUC	Void of structural development
Adjacent West	GC-PD, PDD	MUC	Grocery store with fueling pumps, credit union

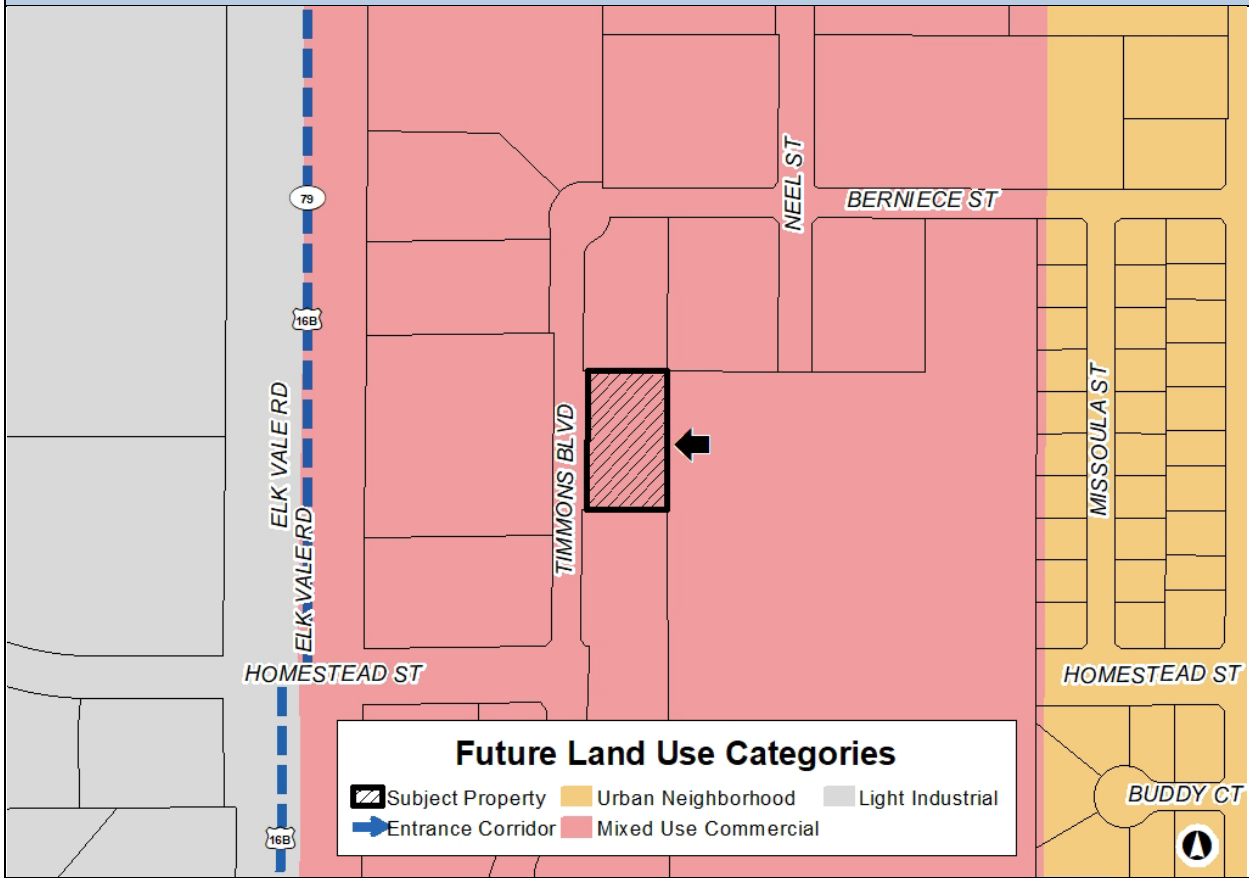
Zoning Map



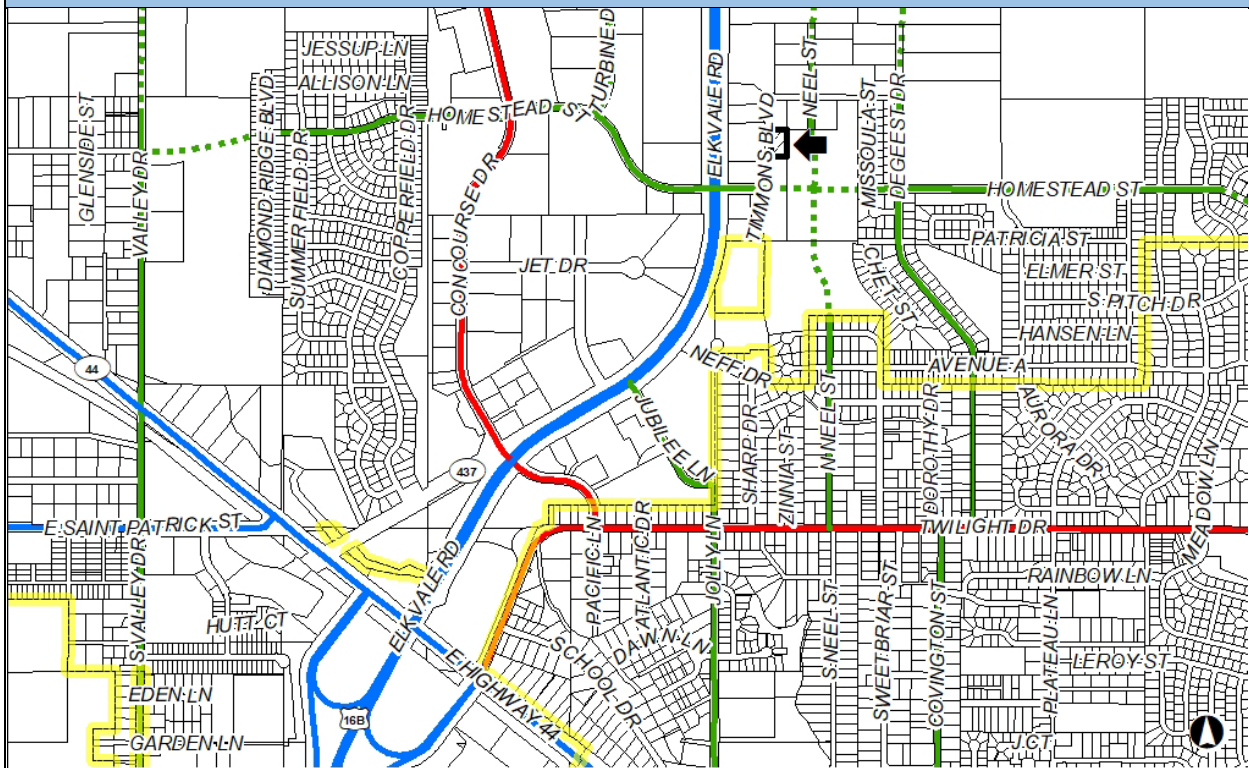
Existing Land Uses



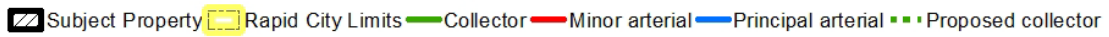
Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
20PD022	6-25-20	Revocation of a Planned Development Designation	PC Approved with Stipulations
Relevant Zoning District Regulations			
General Commercial District		Required	Proposed
Lot Area		N/A	34,848 square feet
Lot Frontage		N/A	~238 feet
Maximum Building Heights		4 stories, 45 feet	25 feet
Maximum Density		75%	~23%
Minimum Building Setback:			
Front		25 feet	51.29 feet
Rear		0 feet	34 feet
Side		0 feet	21.75 feet (south), 24 feet (north)
Street Side		25 feet	N/A
Minimum Landscape Requirements:			
# of landscape points		26,848 points	27,320 points
# of landscape islands		1 islands	0 islands
Minimum Parking Requirements:			
# of parking spaces		46 spaces	50 spaces
# of ADA spaces		2 van-accessible space	2 van-accessible space
Signage		As per RCMC Chapter 17.50.100	All signage shall comply with RCMC Chapter 17.50.100
Fencing		As per RCMC Chapter 17.50.340	5-foot high screening fence proposed around a dumpster

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 places of religious worship, schools, parks, playgrounds, or other similar uses within 500 feet of the subject property. As such, 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 a casino.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	The on-sale liquor use in conjunction with a casino will be located within Elk Vale Plaza, a proposed strip mall. The property is not located adjacent to any residential districts. The property is adjacent to a grocery store with fuel pumps, a car wash, and a credit union. The subject property does not require any screening.
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 is another establishment operating with off-sale liquor nearby. Timmons Market, a grocery store, is located roughly 200 feet west of the subject property, across Timmons Boulevard. The proposed on-sale liquor use is considered an appropriate use for the General Commercial District and it does not appear that the proposed use will create an undue concentration of similar uses so as to cause blight, deteriorations, or substantially diminish or impair property values. This use is being operated in conjunction with a proposed casino.
4. The proposed use has been reviewed under Chapter	See below:

17.54.030(E) Criteria for Review.	
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 840 Timmons Boulevard and is zoned General Commercial District. The suite which the applicant proposes to occupy is 2,000 square feet and is located within the proposed Elk Vale Plaza strip mall. The proposed on-sale liquor use will operate in conjunction with "Pot 'O' Gold Casino Too", a proposed casino.
2. The location, character and design of adjacent buildings:	The adjacent properties are all zoned General Commercial District.
3. Proposed fencing, screening and landscaping:	The subject property is zoned General Commercial District. The operation of an on-sale liquor use in conjunction with a casino does not require any additional fencing or screening. Landscaping in compliance with Section 17.50.300 of the Rapid City Municipal Code will be required.
4. Proposed vegetation, topography and natural drainage:	The proposed strip mall will be required to meet all City landscaping and drainage regulations.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	The subject property is located adjacent to Timmons Boulevard, a commercial street constructed in compliance with the Infrastructure Design Criteria Manual. The streets and sidewalks provide for vehicle and pedestrian access. The proposed uses require a minimum of 46 parking spaces with two ADA spaces (one van accessible) be provided. The applicant's site plan identifies 50 parking spaces with two ADA spaces (one van accessible). However, providing 50 parking spaces also requires that one landscape island be provided, which is not currently shown. As such, prior to issuance of a building permit, the site plan must be revised to provide one landscape island or one parking space must be removed eliminating the requirement or a Variance must be obtained to waive the requirement to provide a landscape island with 50 parking spaces.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed use should not have any significant transportation impacts on Timmons Boulevard. A donut shop is also proposed within the same strip mall, and will require a Traffic Impact Study prior to issuance of a building permit for this use.
7. Proposed signs and lighting:	Two signs are being proposed at this time – one 4-foot by 8-foot wall sign for the casino and one 12-foot by 6-foot pole sign for the strip mall. The proposed pole sign will be 24 feet in height. All future signage must be in compliance with Chapter 17.50.100 of the Rapid City Municipal Code. Lighting must be provided in the parking lot in compliance with Section 17.50.270 of the Rapid City Municipal Code.
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 General Commercial District is intended to serve as a home for retail shops and stores to provide for the needs and convenience of people within the community. The applicant is proposing to allow on-sale liquor use in conjunction with a casino. The proposed on-sale liquor use is a conditional use in the General Commercial District.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The proposed structure meets all density and setback requirements of the General Commercial District.
11. The effects of noise, odor,	The proposed on-sale liquor use should not create additional

smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:	noise, odor, smoke, dust, air and water pollution since it is being operated entirely within a structure.
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 serve to mitigate any probable adverse impacts of the proposed use on adjacent uses.

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-1.1B	Targeted Infrastructure Investments – Property is located in an area with existing infrastructure, and is an established part of the community.
	A Vibrant, Livable Community
LC-2.1E	Neighborhood Serving Uses – The proposed on-sale liquor establishment supports the incorporation of small-scale businesses to serve the needs of neighborhood residents.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration – The subject property is accessed by Elk Vale Road which is identified as a Principal Arterial Street on the City’s Major Street Plan. Elk Vale Road is a developing commercial corridor with the potential for continued neighborhood growth.
	Economic Stability and Growth
EC-3.1C	Other Employment Areas – The proposed Conditional Use Permit supports the investment in a growing neighborhood area providing entertainment and employment opportunities.
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Conditional Use Permit 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 Conditional Use Permit application is before the Planning

	Commission for review and approval. The public has an opportunity to provide input at this meeting.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Mixed Use Commercial
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Design Standards:

GDP-MU8	Relationship to Surrounding Neighborhoods: The proposed on-sale liquor use operated in conjunction with a casino is in a growing commercial area and is adequately separated from residential development within this area of the community. The proposed casino is surrounded by commercial uses and is not anticipated to interfere with residential areas.
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Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Elk Vale Road Neighborhood Area
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Neighborhood Goal/Policy:

EV-NA1.1C	Mixed-Use Development: The proposed on-sale liquor use operated in conjunction with a casino will provide a unique atmosphere for patrons and will generate additional activity in the proposed Elk Vale Plaza strip mall.
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Findings

Staff has reviewed the Conditional Use Permit to allow on-sale liquor use in conjunction with a casino pursuant to Chapter 17.18, 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 applicant is requesting allowance of on-sale liquor in conjunction with a casino. The on-sale liquor should not have a negative impact on the area.

Staff recommends that the Conditional Use Permit to allow on-sale liquor use in conjunction with a casino be approved with the following stipulation(s):

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| 1. | Prior to issuance of a building permit, the site plan shall be revised to provide one landscape island or one proposed parking space shall be removed eliminating the requirement to provide a landscape island, or a Variance shall be obtained to waive the requirement to provide a landscape island with 50 parking spaces; |
| 2. | Prior to issuance of a Building Permit, all redline comments shall be addressed; |
| 3. | Any future signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit; |
| 4. | The addition of a donut shop to the strip mall shall require a Traffic Impact Study to be submitted for review and approval upon submittal of a building permit for the use; and; |
| 5. | The Conditional Use Permit shall allow on-sale liquor in conjunction with a casino, as per the applicant’s operational plan. Any expansion or change in the proposed on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use shall require the review and approval of a Major Amendment to the Conditional Use 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 # 21UR009	Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino - Big Sky Business Park
Companion Case(s)	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.	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 Conditional Use Permit 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.