



# Rapid City Planning Commission

## Conditional Use Permit Project Report

February 10, 2022

Item #4
<b>Applicant Request(s)</b>
Case #22UR001 – Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with the expansion of a casino.
Companion Case(s) # N/A

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

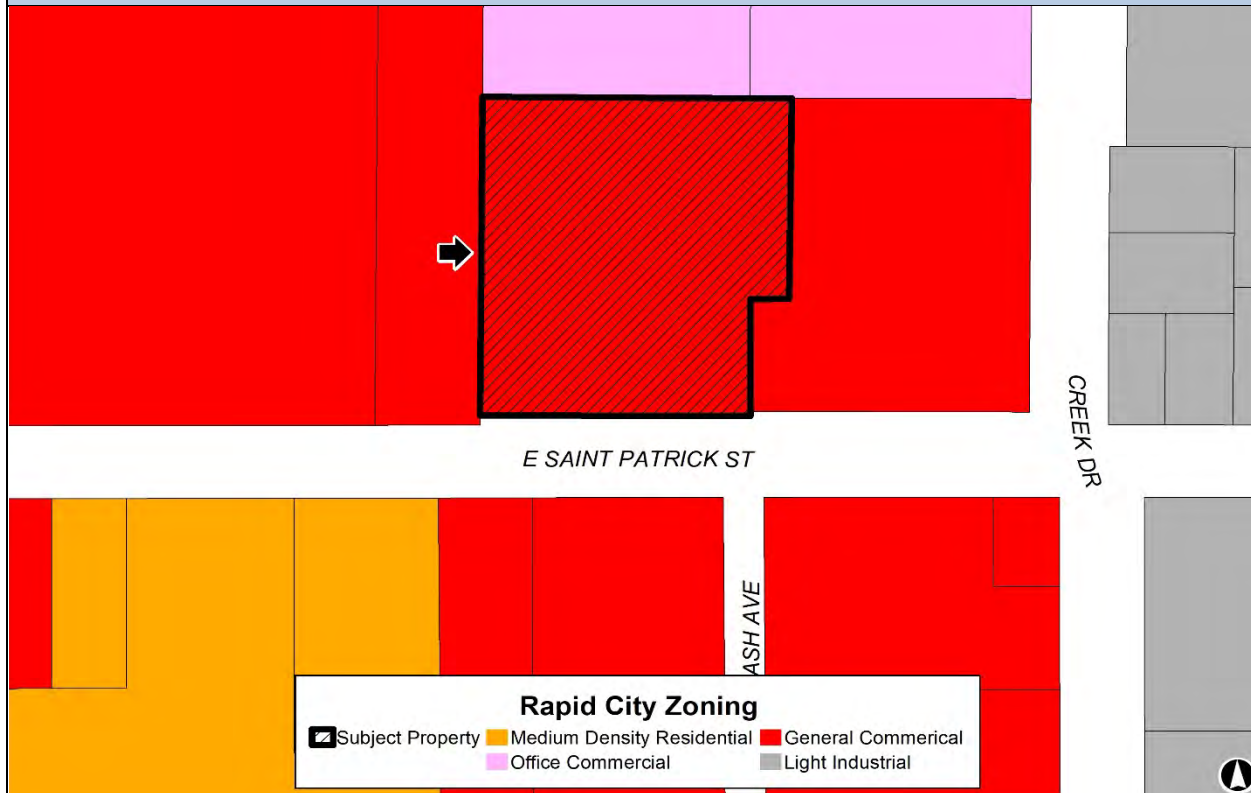
Project Summary Brief	
<p>The applicant has requested a Major Amendment to a Conditional Use Permit to expand an existing on-sale liquor use in conjunction with an additional casino in a strip mall, located at 1624 E. Saint Patrick Street. In 2006, a Conditional Use Permit was approved to allow an on-sale liquor use in conjunction with a casino (1,200 square feet) on the subject property. In 2012, a Major Amendment to the Conditional Use Permit was approved to expand the casino with on-sale liquor use for a total of 2,400 square feet. In 2009, a Conditional Use Permit was approved to allow an on-sale liquor use in conjunction with a restaurant (Pauly’s) on the subject property. In 2013, a Major Amendment to the Conditional Use Permit was approved to expand the restaurant and on-sale liquor use to include an outdoor patio. This application is being requested to expand the casino with on-sale liquor use into two adjacent suites for a total of 3,589 square feet. The casino will operate between the hours of 7:00 AM and 2:00 AM daily. The applicant anticipates having 1-2 employees at a time on-site associated with the casinos. The subject property is zoned General Commercial District and is approximately 2.48 acres in size. The subject property is currently developed as a strip mall.</p>	
Applicant Information	Development Review Team Contacts
Applicant: M.G. Oil Company	Planner: Kip Harrington
Property Owner: M.G. Oil Company	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	1624 E. Saint Patrick Street
Neighborhood	Southeast Connector Neighborhood Area
Subdivision	Market Square
Land Area	2.48 acres
Existing Buildings	17,603 square foot strip mall
Topography	Flat
Access	E. Saint Patrick Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Energy / 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	17,603 square-foot strip mall
Adjacent North	OC	MUC	Void of structural development
Adjacent South	GC	MUC	Mobile Home Park
Adjacent East	GC	MUC	Bank
Adjacent West	GC	MUC	Hardware store

**Zoning Map**

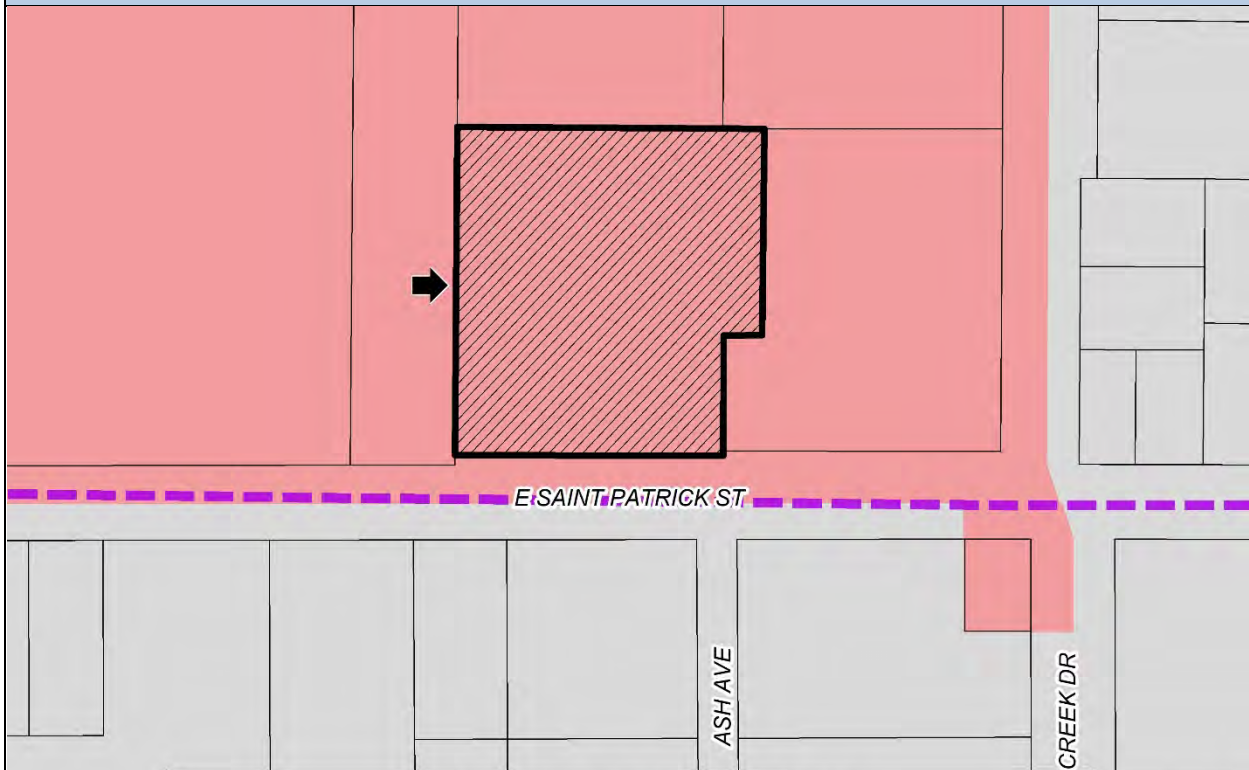


**Existing Land Uses**





### Comprehensive Plan Future Land Use

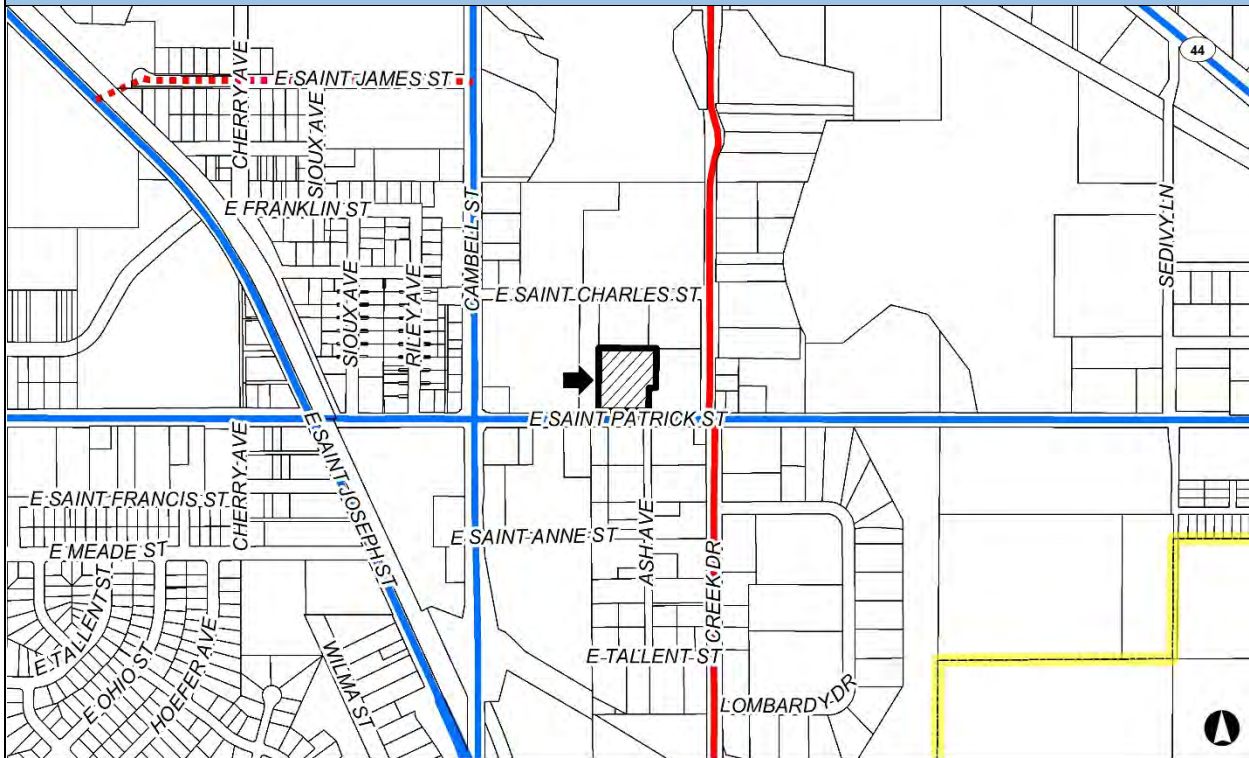


### Future Land Use Categories

- Subject Property
- Revitalization Corridor
- Mixed Use Commercial
- Light Industrial



### Parks or Transportation Plan



### Major Street Plan

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



Relevant Case History			
Case/File#	Date	Request	Action
06UR003	4-6-06	Conditional Use Permit to allow an on-sale liquor establishment	PC Approved with Stipulations
09UR012	5-21-9	Conditional Use Permit to allow an on-sale liquor establishment	PC Approved with Stipulations
12UR001	2-9-12	Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a casino	PC Approved with Stipulations
13UR008	6-6-13	Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant	PC Approved with Stipulations

Relevant Zoning District Regulations		
General Commercial District	Required	Proposed
Lot Area	N/A	108,029 square feet
Lot Frontage	N/A	284 feet
Maximum Building Heights	4 stories, 45 feet	1 story, 20 feet-6 inches
Maximum Density	75%	~16%
Minimum Building Setback:		
Front	25 feet	105 feet
Rear	0 feet	75 feet
Side	0 feet	30 feet (west), 125 feet (east)
Street Side	25 feet	N/A
Minimum Landscape Requirements:		
# of landscape points	N/A	N/A
# of landscape islands	5 islands	4 islands
Minimum Parking Requirements:		
# of parking spaces	122 spaces	153 spaces
# of ADA spaces	5 spaces	6 spaces
Signage	As per RCMC Chapter 17.50.100	All signage must comply with RCMC Chapter 17.50.100
Fencing	As per RCMC Chapter 17.50.340	All fencing must comply with RCMC Chapter 17.50.340

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 liquor 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 Market Square, an existing strip mall. A mobile home park is located southwest of the subject property but is separated by E. Saint Patrick Street. The property is adjacent to a hardware store 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	There is another establishment operating with off-sale liquor in the strip mall. Pauly’s Pizzeria and Subs is located in the adjacent suite. The proposed on-sale liquor use is considered an appropriate use for the General Commercial








substantially diminish or impair property values.”	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 expansion.
4. The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.	See below:
<b>Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:</b>	
1. The location, character and natural features of the property:	The property is located at 1624 E. Saint Patrick Street and is zoned General Commercial District. The suites which the applicant proposes to occupy are 3,579 square feet in size total and are located within the Market Square strip mall. The proposed on-sale liquor use will operate in conjunction with “Market Place Casino”, an existing casino.
2. The location, character and design of adjacent buildings:	The adjacent properties are zoned General Commercial District and Office 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 must be maintained.
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 E. Saint Patrick Street, a principal arterial 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 122 parking spaces with five ADA spaces (one van accessible) be provided. The applicant’s site plan identifies 153 parking spaces with six ADA spaces (two van accessible).
6. Existing traffic and traffic to be generated by the proposed use:	The proposed use should not have any significant transportation impacts on E. Saint Patrick Street.
7. Proposed signs and lighting:	No additional signs are being proposed at this time. 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, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and	The proposed on-sale liquor use should not create additional noise, odor, smoke, dust, air and water pollution since it is being operated entirely within a structure.

orientation:	
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**

	<b>A Balanced Pattern of Growth</b>
<b>BPG-1.1B</b>	<b>Targeted Infrastructure Investments</b> – The property is located in an area with existing infrastructure, and is an established part of the community.
	<b>A Vibrant, Livable Community</b>
<b>LC-2.1E</b>	<b>Neighborhood Serving Uses</b> – The proposed on-sale liquor establishment supports the incorporation of small-scale businesses within a neighborhood.
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
<b>TI-2.1A</b>	<b>Major Street Plan Integration</b> – The subject property is accessed by E. Saint Patrick Street, which is identified as a Principal Arterial Street on the City’s Major Street Plan. E. Saint Patrick Street is a developed commercial corridor.
	<b>Economic Stability and Growth</b>
<b>EC-3.1C</b>	<b>Other Employment Areas</b> – The proposed Conditional Use Permit supports the investment in an established neighborhood area providing entertainment and employment opportunities.
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
<b>GOV-2.1A</b>	<b>Public Input Opportunities:</b> 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.

**Comprehensive Plan Conformance – Growth and Reinvestment Chapter**

<b>Future Land Use Plan Designation(s):</b>	Mixed Use Commercial
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<b>Design Standards:</b>	
<b>GDP-MU8</b>	<b>Relationship to Surrounding Neighborhoods:</b> The proposed on-sale liquor use operated in conjunction with a casino is in an established commercial area and is adequately separated from residential development by Saint Patrick Street. The proposed casino is surrounded by commercial uses and is not anticipated to interfere with existing residential areas.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	Southeast Connector Neighborhood Area
<b>Neighborhood Goal/Policy:</b>	
<b>SEC-NA1.1C</b>	<b>Reinvestment Corridor:</b> The proposed on-sale liquor use operated in conjunction with a casino will emphasize reinvestment and redevelopment along the Saint Patrick Street corridor.

<b>Findings</b>
Staff has reviewed the Conditional Use Permit to allow on-sale liquor use in conjunction with the expansion of 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 the expansion of a casino. The on-sale liquor use should not have a negative impact on the area.

<b>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):</b>	
1.	Prior to issuance of a Building Permit, all redline comments shall be addressed;
2.	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; and
3.	This Major Amendment to a Conditional Use Permit shall allow on-sale liquor in conjunction with the expansion of 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)	
<b>Case # 22UR001</b>	Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with the expansion of a casino.
<b>Companion Case(s) #</b>	N/A
<b>ADVISORIES: Please read carefully!</b>	
1.	A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to use;
2.	All requirements of the currently adopted Building Code, Mechanical and Electric Codes and the International Fire Code shall be met;
3.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
4.	ADA accessibility shall be maintained throughout the site as necessary;
5.	All parking shall be installed and maintained in compliance with the requirements of the Rapid City Parking Ordinance; and,
6.	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.