



Rapid City Planning Commission

Major Amendment to a Conditional Use Permit Project Report

March 9th, 2023

Item #13

Applicant Request(s)
Case #23UR002 – Conditional Use Permit to allow expansion of an on-sale liquor use in conjunction with a casino.
Companion Case(s) N/A

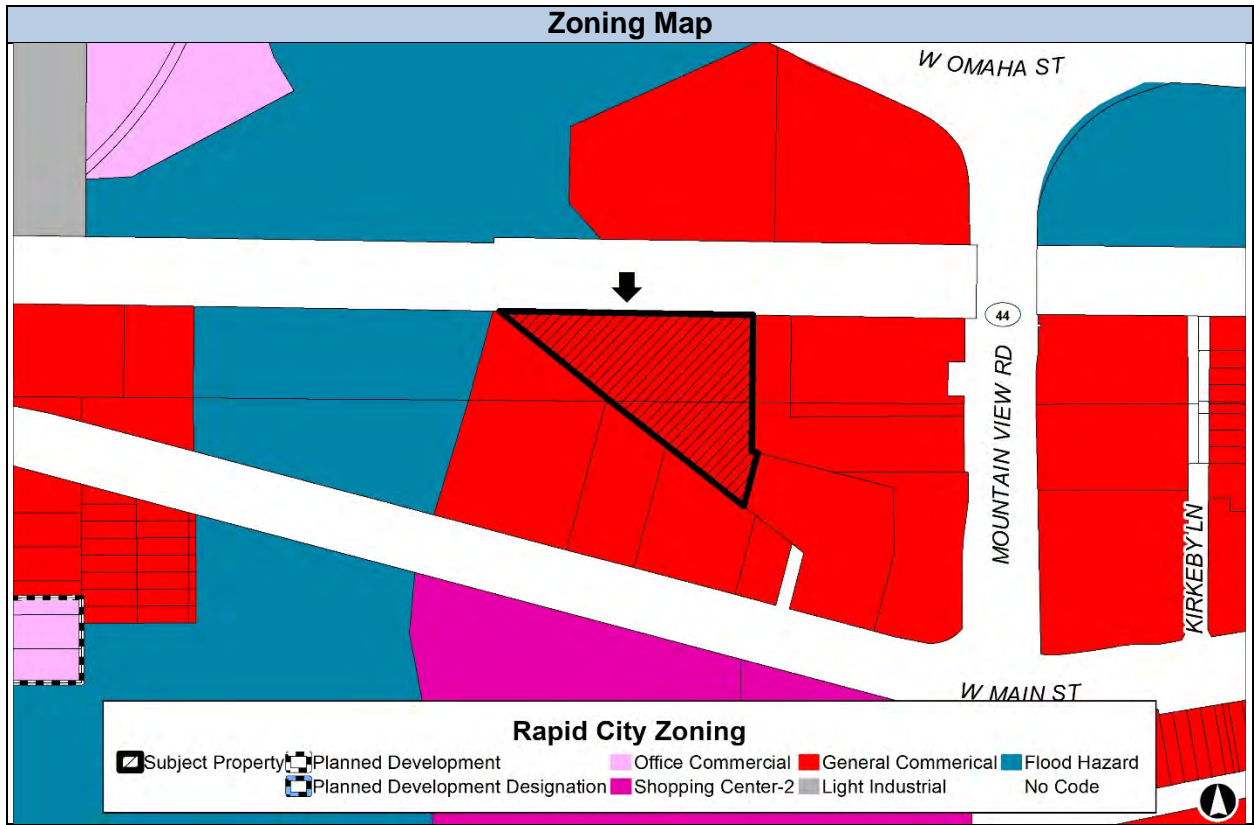
Development Review Team Recommendation(s)
The Development Review Team recommends approval with stipulations as noted at the end of the report.

Project Summary Brief	
<p>The applicant has submitted a Conditional Use Permit to expand an existing on-sale liquor in conjunction with a casino at 2050 West Main Street, Suite 2. An existing Conditional Use Permit to allow an On-sale Liquor Establishment has existed on site since 1993 (File #UR1212). This application requests the expansion of the on-sale liquor use to the front of the building and to a portion of the adjacent suite. The expansion includes 365 square feet of new casino area in the adjacent suite to the west. The proposed expansion will consist of 10 new slot machines and a small bar area. The hours of operation will remain the same. Current hours of operation are 8 am - 12 am Monday through Saturday and 8 am - 9 pm on Sunday.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Rod Hanson	Planner: Alex Osborne
Property Owner: JB Properties LLC	Engineer: Emily Fisher
Architect: N/A	Fire District: Chip Premus
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Emily Fisher
Other: N/A	DOT: Mike Carlson

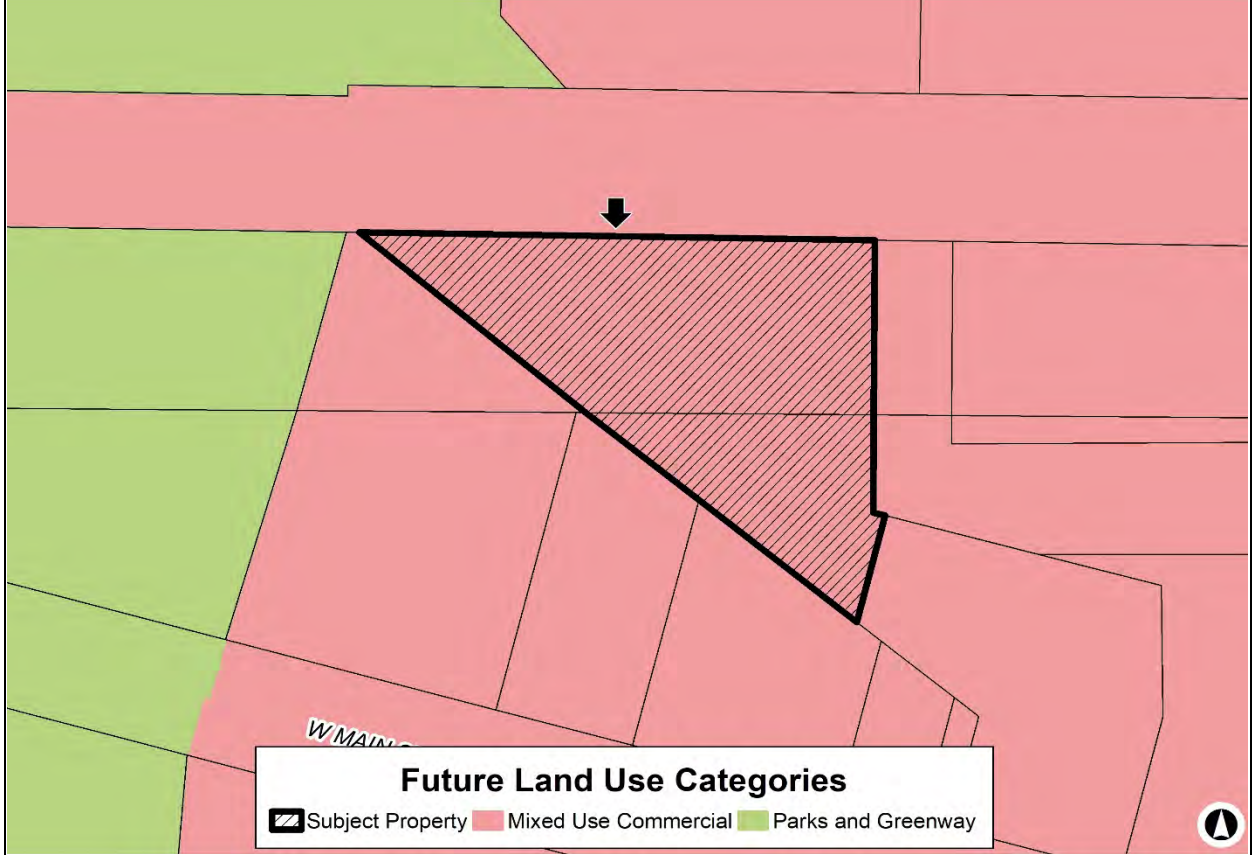
Subject Property Information	
Address/Location	2050 West Main Street Suite 2 Rapid City, South Dakota
Neighborhood	West Rapid
Subdivision	RCLD Addition
Land Area	1.18 acres
Existing Buildings	17,904 square-foot strip mall
Topography	Relatively flat
Access	West Main Street
Water Provider	West Dakota Water District
Sewer Provider	West Dakota Water District
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 500-year floodplain on the property

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Commercial structures

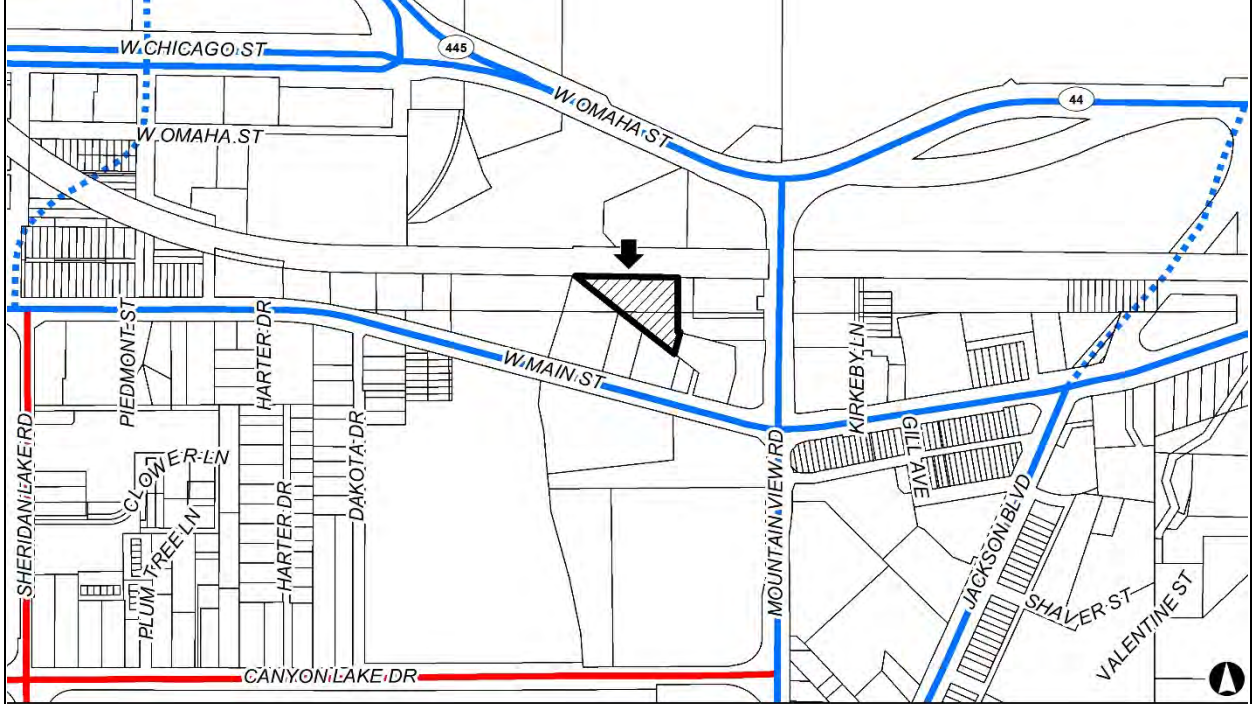
Adjacent North	GC	MUC	Pioneer Bank
Adjacent South	GC	MUC	Furniture store
Adjacent East	GC	MUC	Commercial structure
Adjacent West	FH	PG	Open space



Comprehensive Plan Future Land Use



Parks of Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
UR1212	10/04/93	Use on Review for an On-Sale Liquor Establishment	Approved
Relevant Zoning District Regulations			
General Commercial District – Planned Development Overlay		Required	Proposed
Lot Area		N/A	1.18 acres
Lot Width		N/A	Varies from 365 feet to the north to 460 feet to the southwest to roughly 300 feet to the east
Maximum Building Heights		4 stories or 45 feet	One story
Maximum Density		75%	34%
Minimum Building Setback:			
• Front		25 feet	260 feet
• Rear		25 feet	12 feet
• Side		0 feet	8 feet
• Street Side		0 feet	N/A
Minimum Landscape Requirements:			
• # of landscape points		N/A	N/A
• # of landscape islands		N/A	N/A
Minimum Parking Requirements:			N/A
• # of parking spaces		122	122
• # of ADA spaces		5	5
Signage		Pursuant RCMC 17.50.100	None proposed
Fencing		As per RCMC Chapter 17.50.150	None proposed

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 expansion of 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 Rushmore Building Plaza, an existing strip mall. No residential areas border the subject property, therefore 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 are no other casinos or on-sale liquor establishments located within the Rushmore Building Plaza. The proposed on-sale liquor use in conjunction with a casino 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.
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 2050 West Main Street, Suite 2 and is zoned General Commercial District. The suite which the applicant proposes to occupy is 2,165 square feet in size total and is located within the Rushmore Building Plaza strip mall. The proposed on-sale liquor use will operate in conjunction with "Carousel Casino", an existing casino.
2. The location, character and design of adjacent buildings:	The adjacent properties are 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 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 West Main 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 West Main 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 in conjunction with a casino should not create additional noise, odor, smoke, dust, and air and water pollution since the hours of operation are not changing and the business 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

	A Balanced Pattern of Growth
BPG-1.2B	
	A Vibrant, Livable Community
LC-5.1A	Varied Activity Centers: The property is located in an established commercial corridor on the periphery of a Community Activity Center.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: The property is accessed from West Main Street, which is identified as a Principal Arterial Street on the City’s Major Street Plan suitable for accommodating the higher traffic volumes associated with commercial development in a commercial corridor.
	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 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 proposed development. The requested Conditional Use Permit 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:

GDP-MU3	Community Facilities: The Comprehensive Plan supports plaza and activity centers where appropriate to serve the neighborhood residents. The proposed on-sale liquor expansion in conjunction with a casino is appropriate use in the Rushmore Building Plaza which abuts the identified Community Activity Center to the west.
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Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	West Rapid Neighborhood Area
Neighborhood Goal/Policy:	
NA 1.1	Support existing neighborhoods, encourage revitalization of commercial centers and corridors, and expand housing options as new growth occurs throughout the West Rapid Neighborhood Area.

Findings

Staff has reviewed the Conditional Use Permit to allow expansion of an on-sale liquor use in conjunction with a casino to ensure compliance with Chapter 17.50.100 and Chapter 17.50.050(F)5 of the Rapid City Municipal Code as well as the goals, policies, and objectives of the adopted Comprehensive Plan. The Rapid City Comprehensive Plan identifies the property as appropriate for the West Rapid Neighborhood Area. The on-sale liquor use in conjunction with a casino establishment is an appropriate use for 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.

Planning Commission Recommendation and Stipulations of Approval

Staff recommends that the Conditional Use Permit to allow expansion of an on-sale liquor use in conjunction with a casino to be approved with the following stipulations(s):	
1.	Prior to issuance of Building Permit, any outstanding balance for special assessments on the site must be paid to Pennington County; and,
2.	This Major Amendment to a Conditional Use Permit shall allow an on-sale liquor use 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)	
Case #23UR002	Initial Major Amendment to a Conditional Use Permit to allow expansion of an on-sale liquor in conjunction with a casino located at 2050 West Main Street in Rapid City
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.	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 compliant accessibility shall be maintained as necessary; and,
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.