



Rapid City Planning Commission

Planned Development Project Report

September 8, 2015

Item #4
Applicant Request(s)
Case # 16PD039 – Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a theater
Companion Case(s) N/A

Development Review Team Recommendation(s)
The Development Review Team recommends approval with stipulations as noted below.

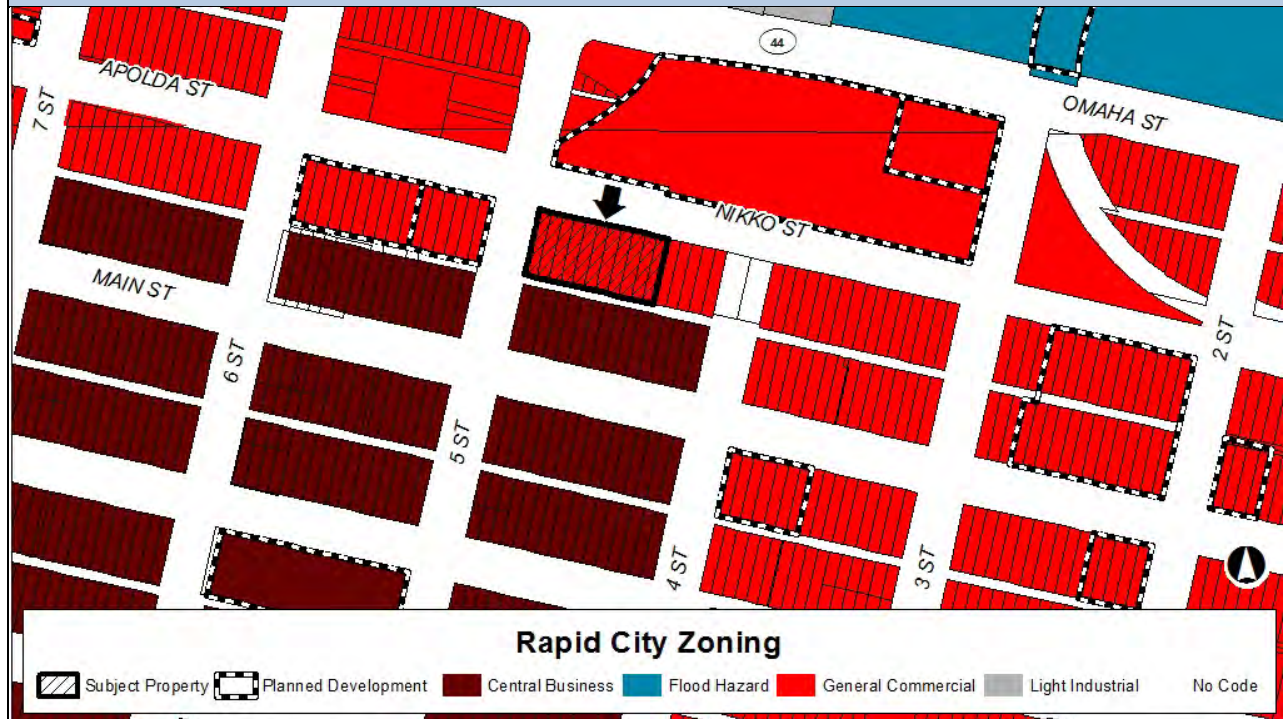
Project Summary Brief	
<p>The applicant has submitted a Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a theater. In particular, the applicant is proposing to allow an on-sale liquor establishment in the Seed Theater which is a part of the Barefoot Dance Studio. The proposed on-sale use will be held during theater events, art exhibits, and music performances during the evenings and on weekends. The applicant has indicated that the proposed on-sale liquor use will not occur during times when there are children’s classes in the Barefoot Dance Studio.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Andrea Schaefer	Planner: Fletcher Lacock
Property Owner: The Seed LLC	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Nicole Lecy
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	412 5 th Street
Neighborhood	Downtown / Skyline Drive
Subdivision	Original Town of Rapid City
Land Area	38,500 square feet
Existing Buildings	22,000 square feet
Topography	Relatively flat
Access	5 th Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 500-year floodplain on the east side of the property

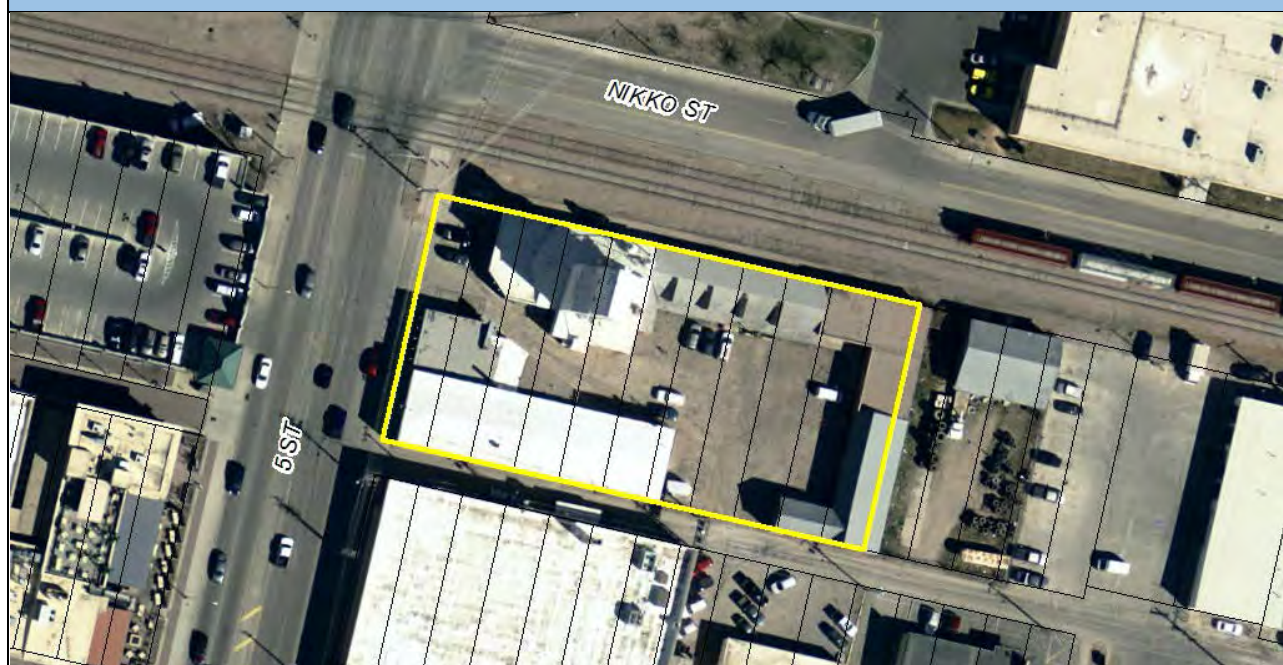
Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC - PD	DT	Commercial structures
Adjacent North	GC -PD	DT	Tuscany Square
Adjacent South	CB	DT – Revitalization Corridor	Furniture store
Adjacent East	GC	DT	Commercial structure / tire storage
Adjacent West	GC - PD	P/QP	Public parking structure

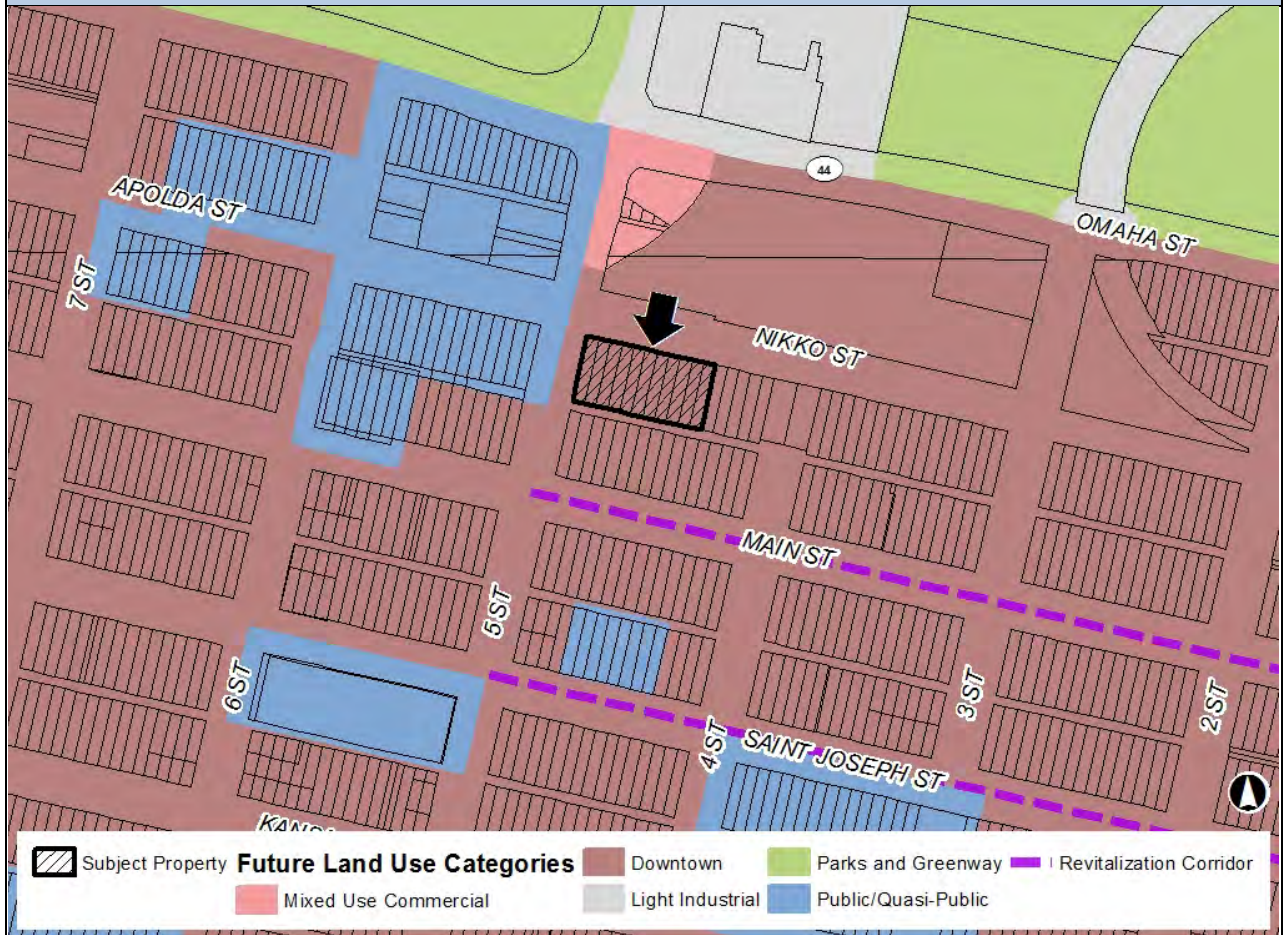
Zoning Map



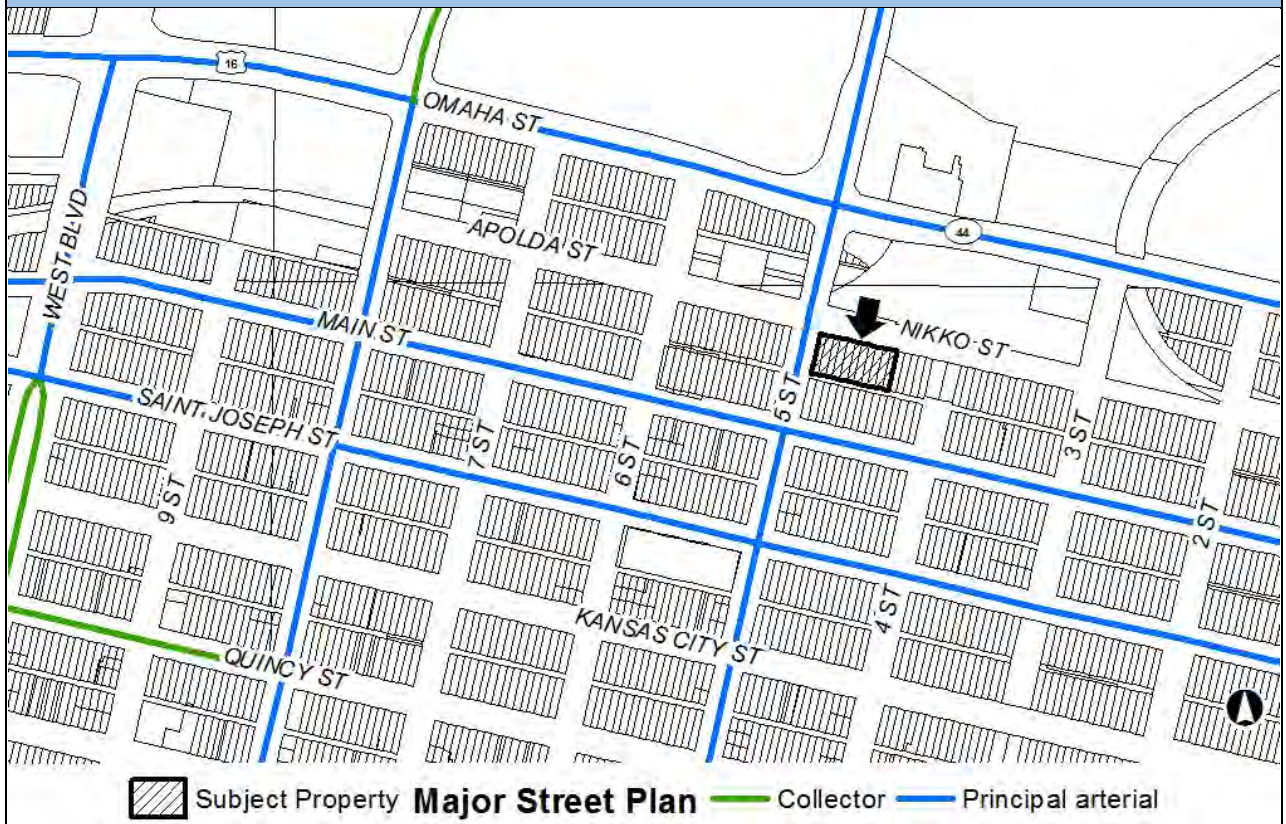
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
14PD008	4/24/2014	Initial Planned Development Overlay	Approved with stipulations
14PD014	7/10/2014	Final Planned Development Overlay	Approved with stipulations
15PD025	8/27/2015	Major Amendment to a Planned Development to expand the commercial uses	Approved with stipulations
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	NA	16,988 square feet	
Lot Width	NA	140 feet	
Maximum Building Heights	4 stories or 45 feet	Existing structures / No new development proposed	
Maximum Density	75%	57%	
Minimum Building Setback:			
• Front	25 feet	Exception previously granted to allow a "0" foot setback	
• Rear	"0" feet	"0" feet	
• Side	"0" feet	"0" feet	
• Street Side	25 feet	Exception previously granted to allow a "0" foot setback	
Minimum Landscape Requirements:			
• # of landscape points	16,500	Exception previously granted to waive the landscaping requirement	
• # of landscape islands	2	Exception previously granted to waive the landscape island requirement	
Minimum Parking Requirements:			
• # of parking spaces	58	Exception previously granted to reduce parking to 30	
• # of ADA spaces	3	3	
Signage	1.5 square feet per lineal foot of frontage	No new signage proposed	
Fencing	NA	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.	Main Street Square is located on the west side of 5 th Street approximately 315 feet from the subject property. Located on the property to the north is "Headlines Academy". The property is located in the established downtown corridor. In addition, the applicant is proposing the on-sale liquor use in conjunction with a theater. It does not appear that the proposed on-sale liquor use will have an adverse affect if operated in conjunction with a

	theater.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	There are no residential areas located within 500 feet of the subject property. The proposed on-sale liquor use should have a minimal impact on residential areas especially if it is operated in conjunction with a theater.
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.”	The property is located in the established downtown core on the southeast corner of the intersection of 5 th Street and Nikko Street. The established downtown core is where these types of uses should be located.
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 412 5 th Street and is developed with a mixed use structure better known as “Abys Feed and Seed”.
2. The location, character and design of adjacent buildings:	Properties to the west is the City parking garage. The property to the north is a commercial strip mall. Properties to the south and east are developed with one story commercial buildings.
3. Proposed fencing, screening and landscaping:	No landscaping, screening or fencing is proposed.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any structural changes to the site.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	Pedestrian and vehicle access to the property is from 5 th Street.
6. Existing traffic and traffic to be generated by the proposed use:	The “Seed Theater” is an existing use on the property. The proposed on-sale liquor use in conjunction with the theater should not create any additional traffic.
7. Proposed signs and lighting:	The applicant is not proposing any new signage.
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 a conditional use.
10. The overall density, yard, height and other requirements of the zone in which it is located:	Exceptions have previously been granted to waive the landscaping requirement, reduce setbacks for the existing structures, reduce parking, and to waive the landscape island requirement. No Exceptions are being requested as a part of this application.
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 property is located in the established downtown core. It does not appear that the proposed on-sale liquor use will have an adverse impact on the neighborhood if operated in conjunction with a theater.

12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	The stipulation of approval will ensure that the on-sale liquor use will only be operated in conjunction with a theater.
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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 proposed use promotes reinvestment in the downtown core.
 A Vibrant, Livable Community	
LC-5.1A	Varied Activity Centers: The property is located on the eastern edge of the existing central business district and is also identified as Downtown / Mixed-Use in the City’s adopted Comprehensive Plan. The downtown is identified as a Regional Activity Center. The proposed use promotes reinvestment in the downtown core.
 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 5 th Street which is identified as a Principal Arterial Street on the City’s Major Street Plan.
 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 requires that public notice be advertized in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Major Amendment to a Planned Development 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):	Downtown Mixed-Use
Design Standards:	
GDP-MU9	Adaptive Reuse: The design principles for the Downtown Mixed Use neighborhood area supports the inclusion of cultural spaces.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive
Neighborhood Goal/Policy:	
DSD-NA1.1B	Regional Activity Center: The Major Amendment to the Planned Development supports the reinvestment in the Downtown Commercial Historic District adjacent to the central business district.

Findings	
<p>Staff has reviewed the Major Amendment to the Planned Development Overlay to allow an on-sale liquor establishment in conjunction with a theater 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 use will operate in conjunction with a theater. The proposed on-sale liquor use is located in the downtown core where these types of uses should be located. The adopted Comprehensive Plan promotes cultural uses and reinvestment in the downtown as a regional activity center.</p>	

Planning Commission Recommendation and Stipulations of Approval	
<p>Staff recommends that the Major Amendment to a Planned Development to expand the commercial uses be approved with the following stipulations:</p>	
1.	Acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to zero feet for the existing structures located on the property. Any future redevelopment of the property shall be constructed in compliance with the Zoning Ordinance;
2.	Acknowledge the previously granted Exception to waive the landscaping requirement;
3.	Acknowledge the previously granted Exception to reduce the minimum required parking spaces from 58 parking spaces to 30 parking spaces; and,
4.	The Major Amendment to a Planned Development shall allow an on-sale liquor establishment in conjunction with a theater. Any expansion of the on-sale liquor use shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use and does not increase the minimum parking requirement shall be reviewed as a Minimal Amendment. Any change in use that increases the minimum parking requirement or is a Conditional Use shall require a Major Amendment.



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.*

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ADVISORIES: Please read carefully!	
1.	Prior to issuance of a building permit for any future changes to the interior or exterior façade, an 11.1 Historic Review shall be approved;
2.	All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign. Prior to issuance of a sign permit, all signage shall obtain the review and approval of the Historic Sign Review Committee;
3.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;
4.	All requirements of the currently adopted Building Code shall be met;
5.	ADA accessibility shall be provided throughout the structure and site as necessary;
6.	All provisions of the underlying zoning districts shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment;
7.	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,
8.	All applicable provisions of the adopted International Fire Code shall continually be met.