



Rapid City Planning Commission

Major Amendment to a Planned Development

Project Report

July 6, 2017

Item #9
Applicant Request(s)
Case # 17PD029 – Major Amendment to a Planned Development to expand an on-sale liquor establishment to include an outdoor patio
Companion Case(s) # N/A

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

Project Summary Brief
The applicant has submitted a Major Amendment to a Planned Development to expand an on-sale liquor establishment to include an outdoor patio. In particular, the applicant is proposing to use a portion of the Sickies Garage restaurant parking lot for outdoor events to provide entertainment, food, and beverages. Events will take place no more than three times a week and will not extend beyond 10:00 p.m. The proposed patio area will be located on the west side of the restaurant and will be enclosed with a four foot high cattle-guard fence. The patio area will be approximately 3,600 square feet in size and will be accessed from the restaurant.

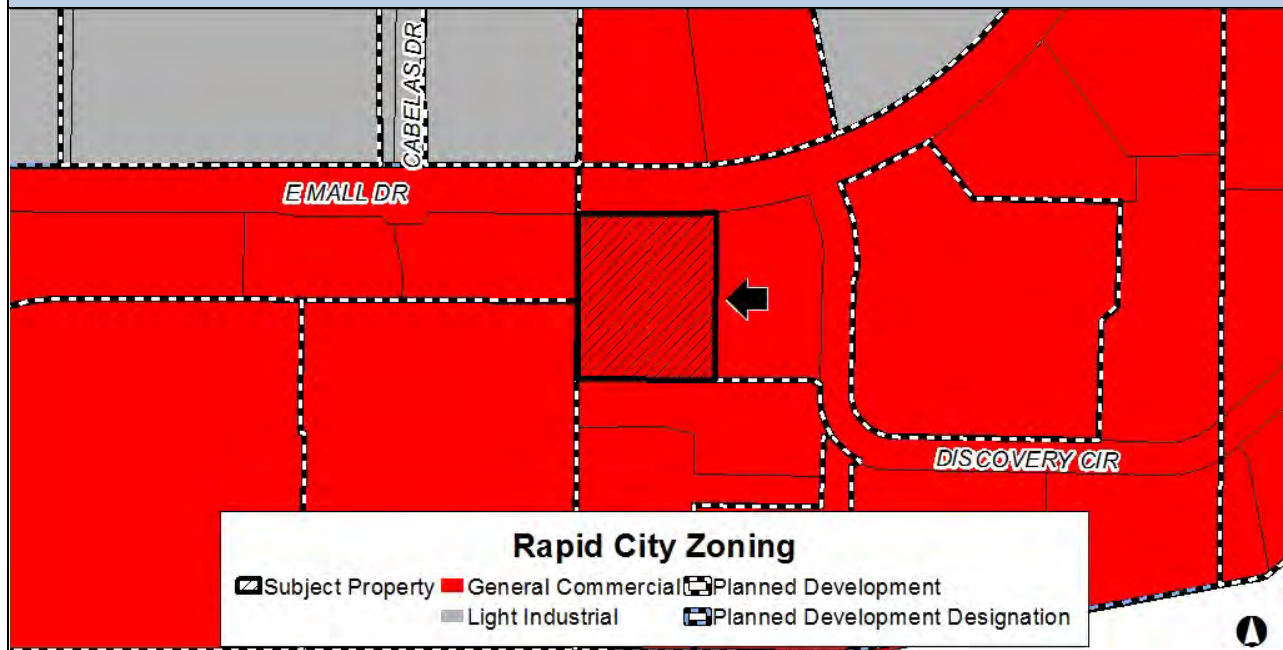
Applicant Information	Development Review Team Contacts
Applicant: Kerry Fernholz	Planner: Fletcher Lacock
Property Owner: Sickies ND, Inc	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	3313 East Mall Drive
Neighborhood	Northeast
Subdivision	Gateway Business Park Subdivision
Land Area	2.12 acres
Existing Buildings	7,684 square feet
Topography	Relatively flat
Access	Outfitter Road
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	West River Electric Association
Floodplain	N/A
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC-PD	MUC	Sickies Garage
Adjacent North	GC-PD	MUC	RV sales
Adjacent South	GC-PD	MUC	Hotels
Adjacent East	GC-PD	MUC	Void of structural development
Adjacent West	GC-PD	MUC	Cabela's

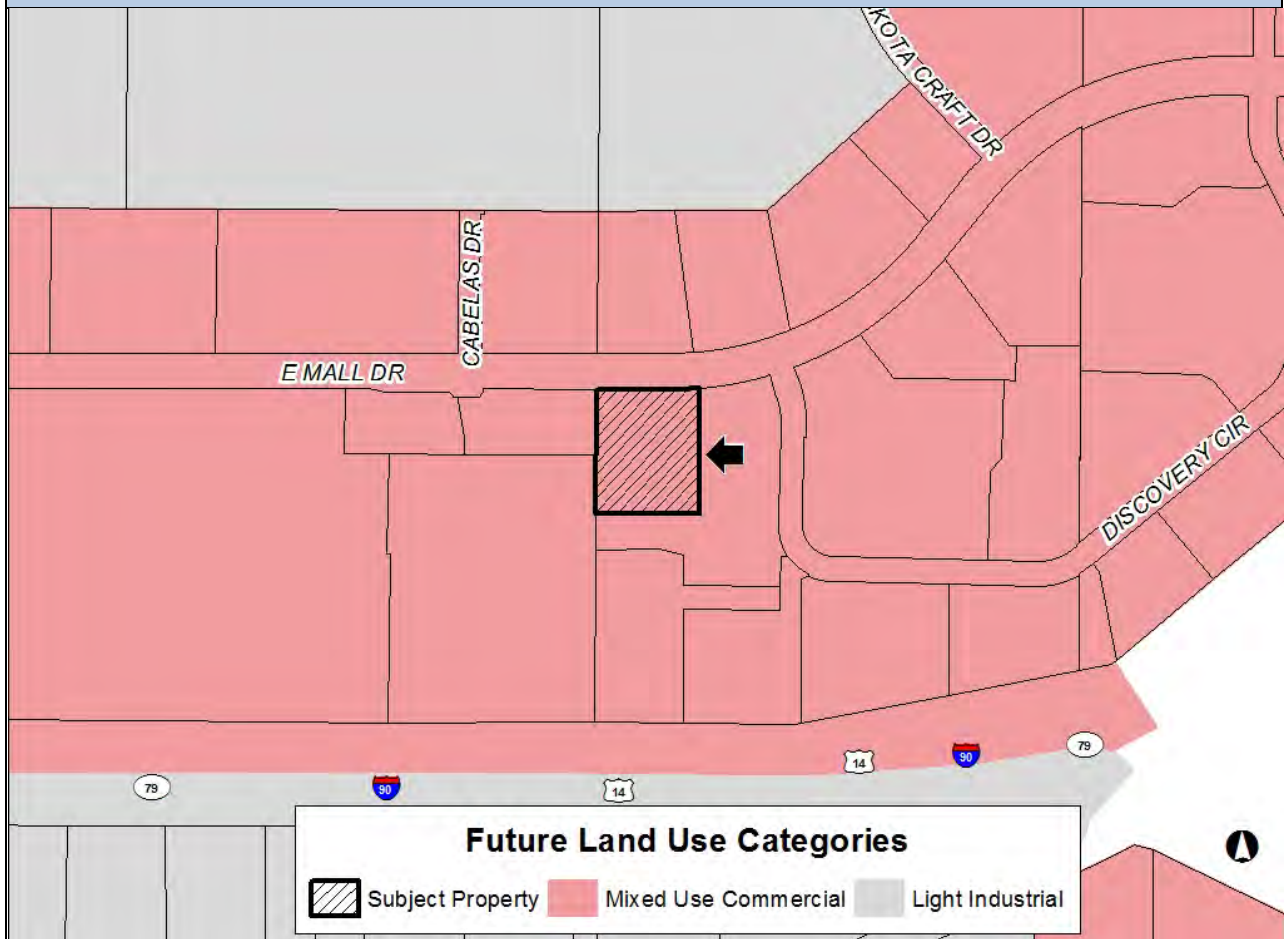
Zoning Map



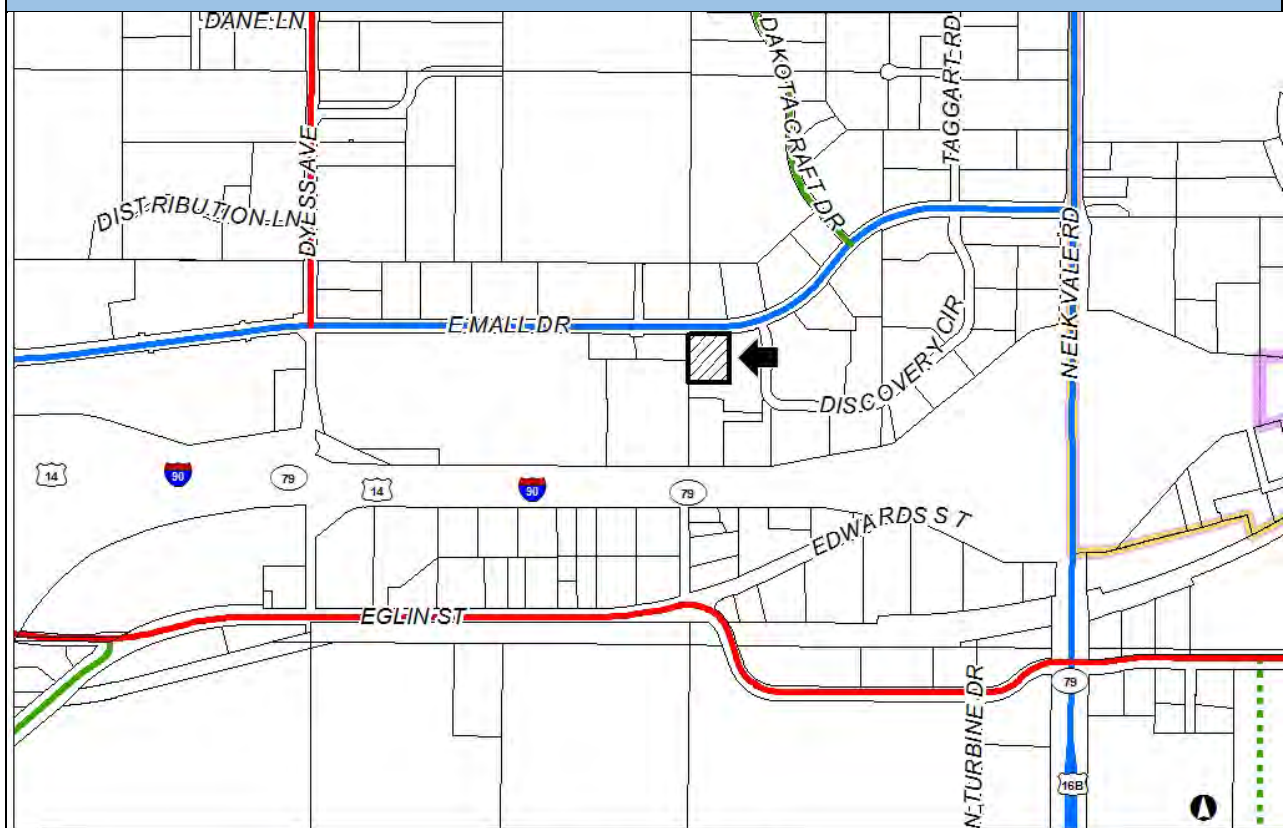
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

- Subject Property
- Rapid City Limits
- Box Elder Limits
- Collector
- Minor arterial
- Principal arterial
- Proposed collector

Relevant Case History			
Case/File#	Date	Request	Action
12PD025	07/26/2012	Final Planned Development to allow an on-sale liquor establishment	Approved with stipulations
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	2.12 acres	
Lot Frontage	N/A	Approximately 290 feet	
Maximum Building Heights	4 stories or 45 feet	One story	
Maximum Density	75%	8.3%	
Minimum Building Setback:			
• Front	25 feet	37.83 feet	
• Rear	25 feet	210.34 feet	
• Side	"0" feet	38.29 feet to the east and 119.56 feet to the west	
• Street Side	25 feet	N/A	
Minimum Landscape Requirements:			
• # of landscape points	82,819	87,610	
• # of landscape islands	3	8	
Minimum Parking Requirements:			
• # of parking spaces	145	166	
• # of ADA spaces	6	6	
Signage	Two square feet for every linear square foot of frontage	No new signage	
Fencing	8 feet	4 foot high metal cattle guard around proposed outdoor patio when in use	

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, or playgrounds within a 500 foot radius of the property. It does not appear that the proposed expansion of the on-sale liquor establishment will adversely affect the area if operated in compliance with the submitted operations plan.
2. The requested use is "sufficiently buffered" with respect to residential areas so as not to "adversely affect" such areas.	The property is located in a commercial and industrial corridor along East Mall Drive north of U.S. Interstate 90. It does not appear that the proposed expansion of use will adversely affect any residential areas. In addition, the applicant has stated that any events will conclude by 10:00 p.m.
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 on-sale liquor establishments located along East Mall Drive. The proposed expansion of the on-sale liquor use to include a patio will not 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 3313 East Mall Drive and is developed with a 7,684 square foot restaurant. The applicant is proposing to expand an on-sale liquor use to include an outdoor patio area for outdoor events.
2. The location, character and design of adjacent buildings:	Cabela's is located west of the subject property. Two hotels are located to the south. The property to the east is currently void of structural development. However, Rice Honda is currently constructing a vehicle sales establishment on the east side of Outfitter Road. The property to the north is used for recreational vehicle sales.
3. Proposed fencing, screening and landscaping:	The applicant is proposing to enclose the 3,600 square foot patio area with a 4 foot high cattle-guard type fencing. The fencing will be put up before events which may take place up to three times a week. The applicant has stated that the patio area will be accessed from the restaurant and events will close by 10:00 p.m.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any changes to the vegetation, grading or drainage. The outdoor patio will be located in the existing parking lot on the west side of the restaurant.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	Pedestrian access is from East Mall Drive. Vehicle access is from Outfitter Road to the east of the property. The proposed outdoor patio area increases the minimum required parking from 105 parking spaces to 145 parking spaces. There are currently 167 parking spaces on the property. The proposed patio area would remove 10 parking spaces from the site while events are taking place. A total of 157 parking spaces would be available in compliance with the parking ordinance.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed expansion of the on-sale liquor use to include an outdoor patio area will generate approximately 41 additional trips per peak hour.
7. Proposed signs and lighting:	The applicant is not proposing any new lighting or 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:	The existing structure on the property is in compliance with the density, yard and height 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 orientation:	The property is located in a developing commercial and industrial corridor located adjacent to East Mall Drive and north of U.S. Interstate 90. The applicant has stated that the outdoor patio area will be used up to three times a week providing entertainment, food and beverages. The applicant has also stated that any events will end by 10:00 p.m. to ensure that noise does not create an issue.
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 restaurant and in compliance with the 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
	N/A
	A Vibrant, Livable Community
LC-5.1A	Varied Activity Centers: The subject property is located on the western periphery of the University Center Area Community Activity Center. East Mall Drive is a developing commercial and industrial corridor providing a diverse mix of uses.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: The property is located on the south side of East Mall Drive 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 the 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 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 property is located in a developing commercial and industrial corridor which provides a variety of uses including shopping, vehicle sales, and hotels. Sickies Garage is proposing to expand an on-sale liquor establishment to include an outdoor patio area for events. The restaurant use is identified as a primary use in the Mixed-Use Commercial designation.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Northeast
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Neighborhood Goal/Policy:

N/A	East Mall Drive is a developing commercial and industrial corridor and employment and shopping area. The proposed expansion of the on-sale liquor establishment in conjunction with a restaurant supports the goal of promoting the development of a mixed-use corridor adjacent to a Community Activity Center.
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Findings

Staff has reviewed the Major Amendment to the Planned Development to expand an on-sale liquor establishment to include an outdoor patio 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 property is located in the developing commercial and industrial corridor. The applicant is proposing to expand an existing on-sale liquor establishment in conjunction with a restaurant to include an outdoor patio area for events. The applicant has stated that the events will occur up to three times a week and will close by 10:00 p.m. The applicant should be aware that any future expansion of the on-sale liquor use will require a Major Amendment to the Planned Development.

Planning Commission Recommendation and Stipulations of Approval

Staff recommends that the Major Amendment to the Planned Development to expand an on-sale liquor establishment to include an outdoor patio be approved with the following stipulation(s):

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| 1. | All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to a Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and, |
| 2. | The Major Amendment to a Planned Development shall allow for the expansion of the on-sale liquor establishment use in conjunction with a restaurant to include an outdoor patio area. The proposed outdoor patio shall be operated in compliance with the submitted operations plan. Any expansion to the on-sale use shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use in the General Commercial District and incompliance with the parking ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development. |



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.	All provisions of the underlying zoning districts shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development Overlay or a subsequent Major Amendment;
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; and,
5.	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.