



# Rapid City Planning Commission

## Planned Development Project Report

August 24, 2017

<b>Item #8</b>
<b>Applicant Request(s)</b>
Case #17PD042 - Major Amendment to a Planned Development Overlay to allow a micro-brewery
Companion Case(s) # N/A

<b>Development Review Team Recommendation(s)</b>
<b>The Development Review Team recommends that the Major Amendment to a Planned Development be approved with the stipulations noted below.</b>

<b>Project Summary Brief</b>
The applicant has submitted a Major Amendment to a Planned Development Overlay to allow a micro-brewery. In particular, the applicant is proposing to open “Zymurcracy Beer Company”, a three-barrel production brewery. The proposed micro-brewery will be located in a suite measuring 2,795 square feet in size. The applicant is proposing a 1,000 square foot tasting room and a 200 square foot outdoor patio area. The hours of operation will be Monday through Thursday from 3:00 p.m. to 10:00 p.m., Friday and Saturday from 12:00 p.m. to 11:00 p.m., and Sunday from 12:00 p.m. to 6:00 p.m. A Final Planned Development Overlay to allow a commercial structure was approved May 26, 2016.

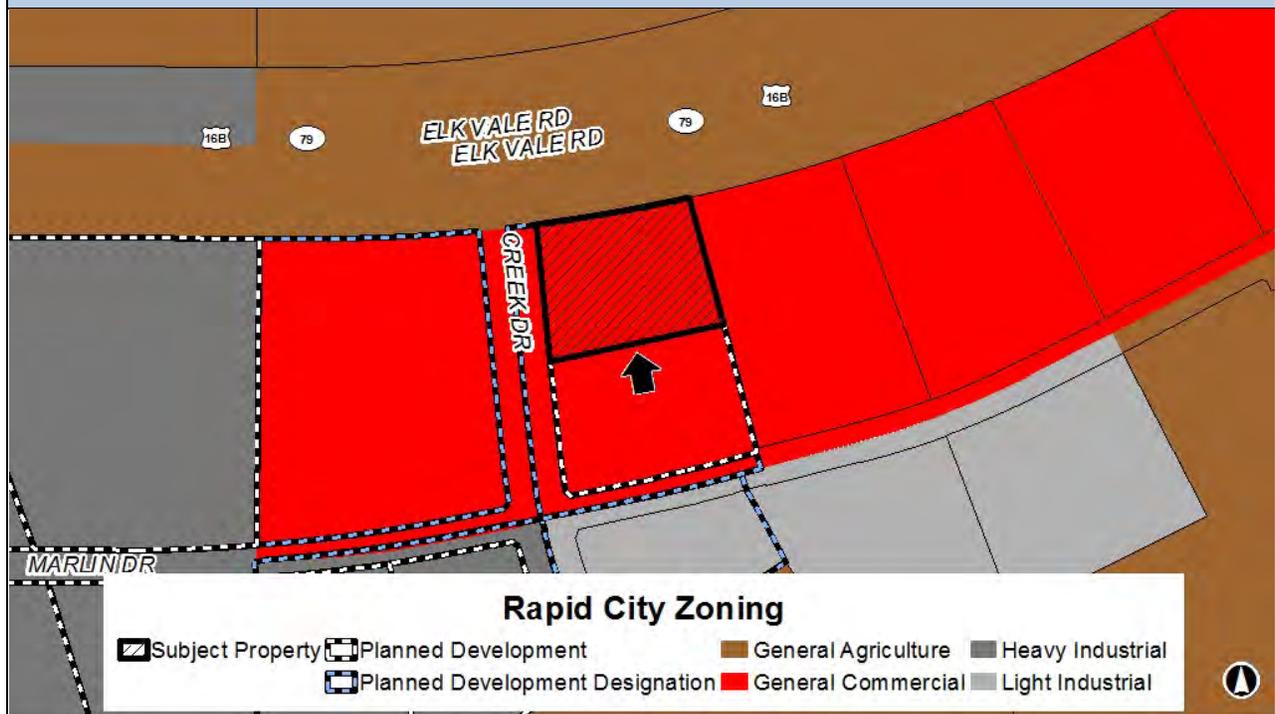
<b>Development Review Team Contacts</b>	
Applicant: WV, LLC	Planner: Fletcher Lacock
Property Owner: Marlin Creek Holdings LLC	Engineer: Dan Kools
Architect: Geiger Architecture	Fire District: Tim Behlings
Engineer: KTM Design Solutions, Inc.	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	4624 Creek Drive
Neighborhood	Southeast Connector Neighborhood
Subdivision	Marlin Industrial Park
Land Area	1.58 acres, approximately 68,825 square feet
Existing Buildings	17,551 square feet
Topography	Level
Access	Creek Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A
Other	N/A

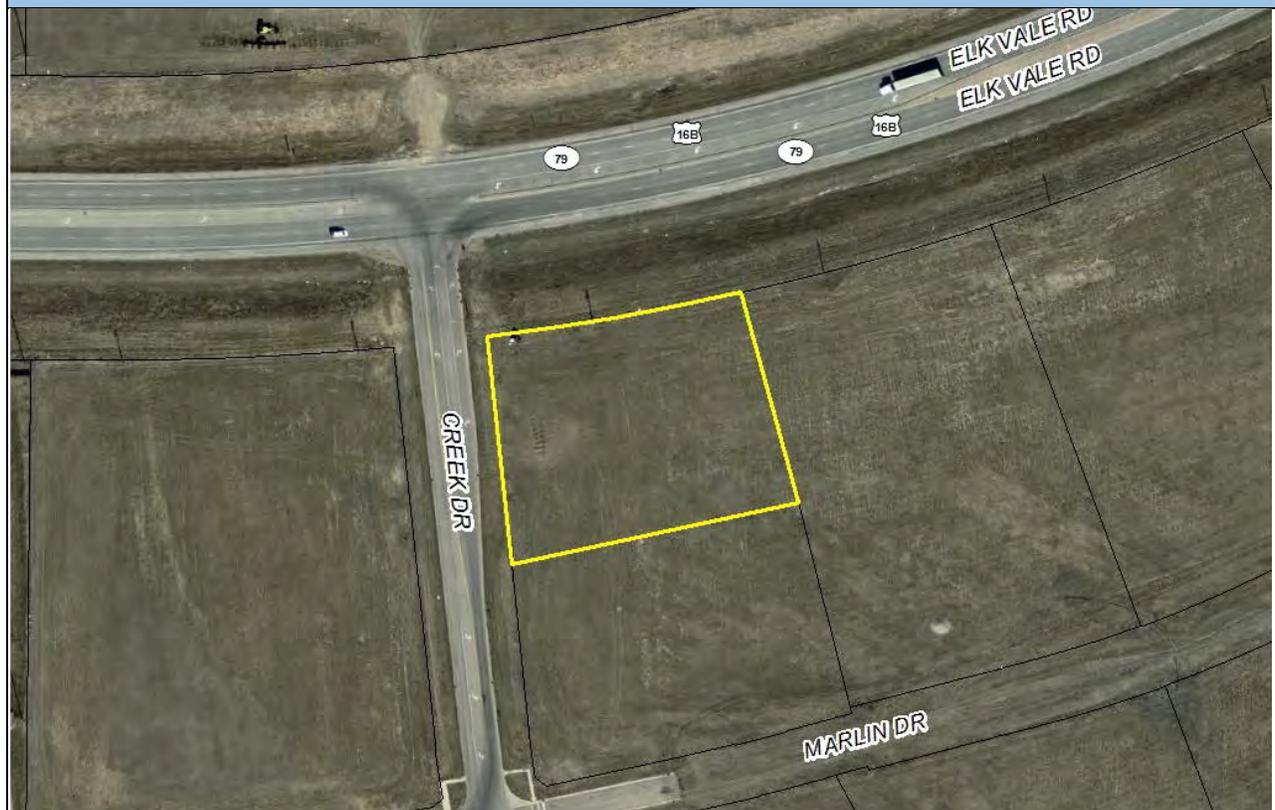
### Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC/PDD	HI, Employment	Commercial building
Adjacent North	GA	Employment	Undeveloped
Adjacent South	GC/PDD	Employment	Undeveloped
Adjacent East	GA	Employment	Undeveloped
Adjacent West	GC/PDD	HI	Undeveloped

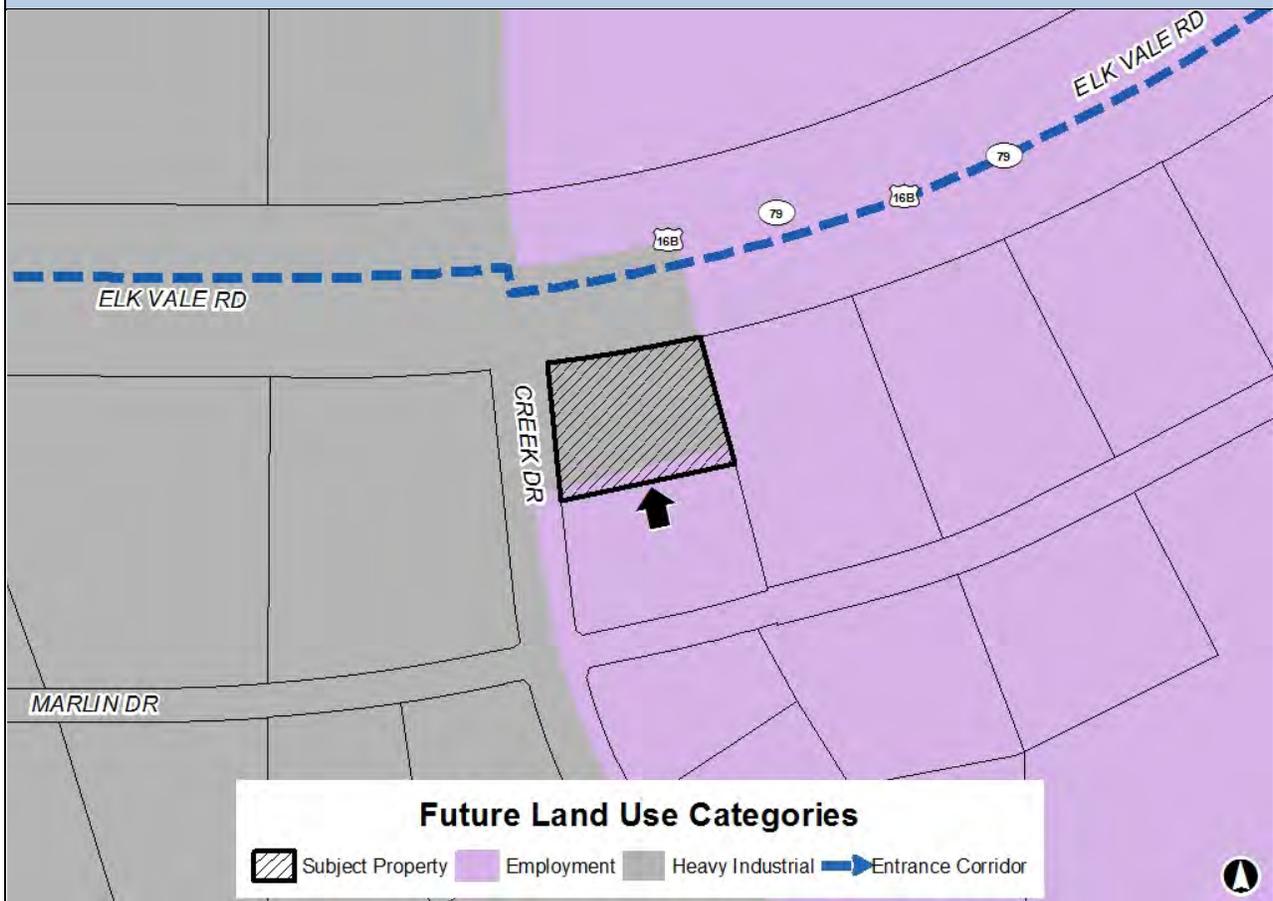
### Zoning Map



### Existing Land Uses



### Comprehensive Plan Future Land Use



### Parks or Transportation Plan



<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
16PD024	05/26/2016	Final Planned Development Overlay to allow a commercial structure	Planning Commission approved
07PD092	10/30/08	Planned Development Designation	Staff approved w stipulations
07RZ074	02/04/08	Rezone General Agriculture District to General Commercial District	CC approved in conjunction with the PDD
<b>Relevant Zoning District Regulations</b>			
<b>General Commercial District</b>	<b>Required</b>	<b>Proposed/Existing</b>	
Lot Area	No minimum required	1.58 acres, approximately 68,825 sq ft	
Lot Frontage	No minimum required	Approximately 510 ft	
Maximum Building Heights	4 stories, 45 ft.	1 story, 27 ft	
Maximum Density	75%	25.5%	
Minimum Building Setback:			
• Front	25 ft to Creek Drive	67 ft to Creek Drive	
• Rear	25 ft to east lot line	36.62 ft to east lot line	
• Side	0 ft to south lot line	61.83 ft to south lot line	
• Street Side	25 ft to Elk Vale Road	71 ft to Elk Vale Road	
Minimum Landscape Requirements:			
• # of landscape points	51,274 points required	51,889 points provided	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	37	38	
• # of ADA spaces	2 ADA, 1 van accessible	2 ADA, 1 van accessible	
Signage	Per RCMC	16 square foot window sign	
Fencing	Per RCMC	None proposed	

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>Pursuant to Section 17.50.050.F.5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Planned Development:</b>	
	<b>Findings</b>
1. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;	There are no conditions on the property due to the size, shape, or topography. A Major Amendment to the Planned Development is required because a micro-brewery is identified as a conditional use in the General Commercial District.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;	The property is located within an existing Planned Development Overlay boundary, requiring that a Major Amendment to the Planned Development be approved to allow a micro-brewery. The applicant is not requesting any Exceptions.
3. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;	No Exceptions have been requested as a part of this Major Amendment to a Planned Development Overlay.
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;	As noted above, the Major Amendment to the Planned Development is required because a micro-brewery is identified as a conditional use in the General Commercial District.

5. Any adverse impacts will be reasonably mitigated;	The stipulations of approval will ensure that the micro-brewery operates in compliance with the submitted operations plan. Any expansion of use will require a Major Amendment to the Planned Development.
6. The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.	The applicant is not requesting any Exceptions as a part of this Major Amendment to the Planned Development to allow a micro-brewery.

**Pursuant to Section 17.18.030.31 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a microbrewery;**

	<b>Findings</b>
1. A microbrewery is defined as an establishment which manufactures less than 5,000 barrels of malt beverages a year.	The applicant submitted operations plan notes that the facility will be a three barrel production brewery. The anticipated brewing capacity for the facility falls well below the criteria for a microbrewery which is a maximum 5,000 barrels per year.
2. A malt beverage license required by SDCL 35-4-2-(14) must be obtained. A City liquor license must be obtained if the applicant is selling product for consumption directly to the public.	All state and local licensing requirements have been met as a part of the initial licensing and permitting of the use on the property.
3. Accessory uses to a microbrewery include, but are not limited to, selling of food, operation of restaurant, and/or selling of products associated with the microbrewery or manufacture of beer.	The applicant's operations plan states that there will be a tasting room and a 200 square foot outdoor patio area.

**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:**

<b>Criteria</b>	<b>Findings</b>
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 schools, parks, churches or playgrounds located within 500 feet of the subject property. It does not appear that the proposed micro-brewery will have an adverse effect on any places of worship, schools, parks, playgrounds or similar uses.
2. The requested use is "sufficiently buffered" with respect to residential areas so as not to "adversely affect" such areas.	The nearest residential district is located approximately 1,600 feet to the northeast. Land zoned Office Commercial District provides the buffer between the residential district and higher intensity commercial uses located on the north side of Marlin Drive.
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 currently located in the area.
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 4624 Creek Drive. The applicant is proposing to open a micro-brewery in a commercial building with six suites. The other uses currently located in the building include: a general contractor, funeral home, and interior design contractor.
2. The location, character and design of adjacent buildings:	Land to the north, east, and west is currently void of structural development. A similar six suite commercial building is proposed on the property to the south.
3. Proposed fencing, screening and landscaping:	The applicant is not proposing any new fencing, landscaping or screening.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any 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 vehicular access is from Creek Drive. The minimum required parking for the property including the proposed on-sale expansion is 37 parking spaces. There are 38 parking spaces with two ADA accessible spaces located on the property. The parking is in compliance with the City's Parking Regulations.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed micro-brewery will generate approximately 35 trips per peak hour.
7. Proposed signs and lighting:	The applicant has indicated that signage will consist of a 4 foot by 4 foot stenciled window sign with the logo and name of the micro-brewery, "Zymurcracy".
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 be used for the general retail business of the City. The applicant is proposing to open a micro-brewery which is identified as 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 applicant is not proposing to expand the existing commercial building located on the property. The current development is in compliance with the Zoning Ordinance.
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:	It does not appear that the proposed micro-brewery and associated tasting room or patio will have a negative effect on noise, odor, smoke, dust, air, and water pollution. The property is located in a commercial building in a developing commercial area. The closest residential use is located approximately 1,600 feet to the northeast.
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 micro-brewery will operate in compliance with the submitted operations plan. Any expansion of the micro-brewery will require a Major Amendment to the Planned Development Overlay.

**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:**

<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
<b>BPG-3.1A</b>	<b>Balanced Uses:</b> The subject property is located in a corridor of commercial

	property along Elk Vale Road. Properties to the west are zoned Heavy Industrial District. Properties to the south are zoned Light Industrial District. Property to the northeast is zoned Low Density Residential District and Medium Density Residential District. Land zoned Office Commercial District is located between the higher intensity commercial district and the residential district to the northeast and is intended to serve as a buffer. The entirety promotes a mix of uses in a developing area of the City.
	<b>A Vibrant, Livable Community</b>
LC-5.1B	<b>Diverse Mix of Uses:</b> The proposed micro-brewery supports the goal of promoting a diverse mix of uses around the Elk Vale and South Valley Drive Community Activity center.
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
N/A	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	<b>Major Street Plan Integration:</b> The property is located on the south side of Elk Vale Road which is identified as a Principal Arterial Street on the City's Major Street Plan. Access to the property is from Creek Drive which is identified as a Minor Arterial Street on the City's Major Street Plan.
	<b>Economic Stability and Growth</b>
EC-1.3A	<b>Local Business Support:</b> The Major Amendment to a Planned Development to allow a micro-brewery supports the goal of promoting the creation of local businesses.
	<b>Outstanding Recreational and Cultural Opportunities</b>
N/A	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> The proposed Major Amendment to the Planned Development Overlay 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 Major Amendment to the Planned Development Overlay 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>	<b>Heavy Industrial / Employment Area / Entrance Corridor</b>
<b>Design Standards:</b>	
N/A	The applicant has stated that the goal of the micro-brewery is distribution. A micro-brewery is a conditional use in the General Commercial District.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
<b>Neighborhood:</b>	<b>Southeast Connector Neighborhood</b>
<b>Neighborhood Goal/Policy:</b>	
SEC-NA1.1D	<b>Mixed-Use Development:</b> The proposed micro-brewery supports the neighborhood goal of encouraging mixed-use development around the Elk Vale Road and South Valley Drive Community Activity Center.

### Findings

Staff has reviewed the Major Amendment to a Planned Development to allow a micro-brewery pursuant to Chapter 17.18, Chapter 17.50, and Chapter 17.54.030 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The proposed micro-brewery supports the goal of encouraging mixed-use development in the Elk Vale Road and South Valley Drive Community Activity Center.

### Staff recommends that the requested Major Amendment to a Planned Development to allow a micro-brewery be approved with the following stipulations:

1.	The applicant shall coordinate with the City Water Reclamation Division for pretreatment and sewer discharge industrial monitoring requirements. Upon submittal of a Building Permit, revised utility or plumbing plans shall be submitted for review and approval if additional infrastructure is required;
2.	All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Major Amendment to the Planned Development. The inclusion or addition of any LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be obtained on each sign, and;
3.	This Major Amendment to the Planned Development Overlay shall allow for a micro-brewery, tasting room, and patio area. Any expansion of use shall require a Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require 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.*

Applicant Request(s)	
<b>Case #17PD042</b>	Major Amendment to a Planned Development Overlay to allow a micro-brewery
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 requirements of the currently adopted Building Code shall be met;
3.	All requirements of the International Fire Code shall be met;
4.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
5.	Handicap accessibility shall be maintained as necessary;
6.	All parking shall be continually maintained in compliance with the requirements of the Rapid City Parking Ordinance;
7.	All landscaping shall be continually maintained in compliance with the requirements of the Rapid City Landscaping Ordinance;
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.