



Rapid City Planning Commission

Conditional Use Permit Project Report

May 24, 2018

Item #7
Applicant Request(s)
Case #18UR004 – Conditional Use Permit to allow a restaurant in the Neighborhood Commercial District
Companion Case(s) # N/A

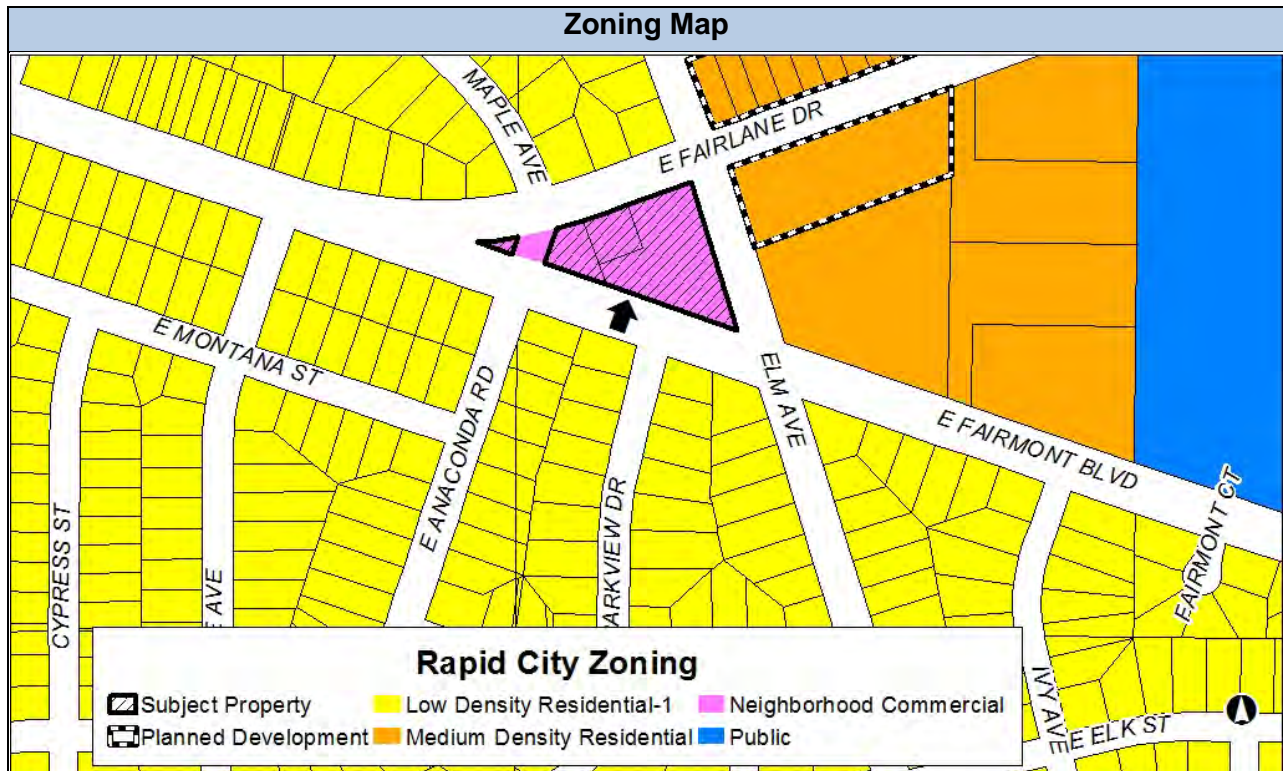
Development Review Team Recommendation(s)
Staff recommends that the Conditional Use Permit be approved with the stipulations noted below.

Project Summary Brief
The applicant has requested a Conditional Use Permit to allow a restaurant in the Neighborhood Commercial District. In particular, the applicant is proposing to relocate the Fairmont Diner to a new suite with a 665 square foot seating area. The hours of operation are Monday through Friday from 7:00 a.m. to 2:00 p.m. and Saturday through Sunday from 8:00 a.m. to 2:00 p.m. The proposed restaurant is located in the Circle S Plaza located at 402 East Fairmont Boulevard. Other businesses located in the plaza include; Corner Pantry and fueling pumps, Wear It Again Sam, Black Hills Scuba Diving, Classy Cuts, and Acupuncture for Health.

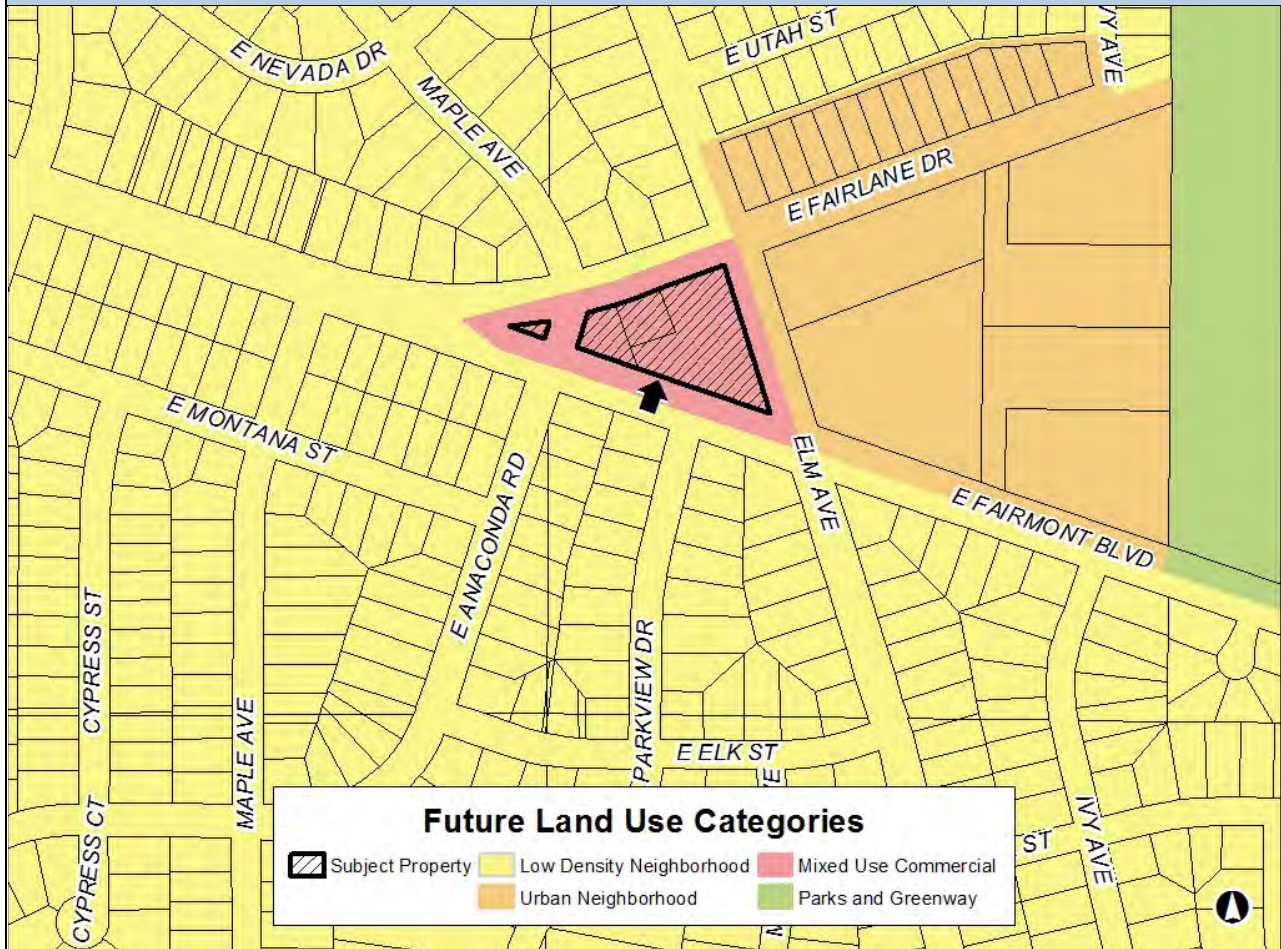
Development Review Team Contacts	
Applicant: Fairmont Diner	Planner: Fletcher Lacock
Property Owner: M.G. Oil Company	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: Wood Builders, Inc.	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	402 East Fairmont Boulevard, Suite C
Neighborhood	Downtown / Skyline Drive Neighborhood Area
Subdivision	Robbinsdale #7
Land Area	1.7 acres
Existing Buildings	Circle S Plaza commercial strip mall – Convenience store and gas station
Topography	Relatively flat
Access	East Fairmont Boulevard / East Fairlane Drive / Elm Avenue
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 100 year floodplain

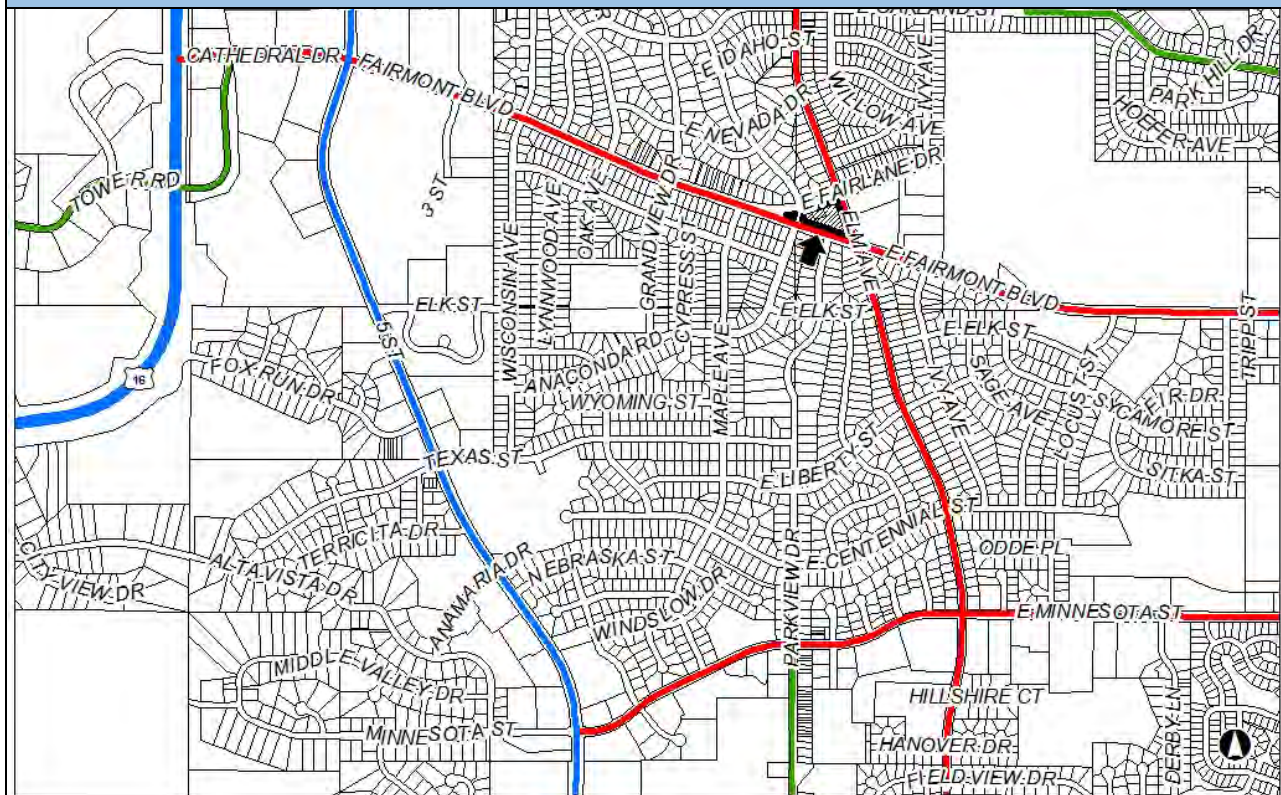
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	NC	MUC	Circle S Plaza
Adjacent North	LDR	LDN	Single-family dwellings
Adjacent South	LDR	LDN	Single-family dwellings
Adjacent East	MDR and MDR w/ PD	UN	Apartments
Adjacent West	LDR	LDN	Single-family dwellings



Comprehensive Plan Future Land Use










Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
15RZ011	06/15/2015	Rezoning from Neighborhood Commercial District to General Commercial District	City Council denied
Relevant Zoning District Regulations			
Neighborhood Commercial District		Required	Proposed
Lot Area		N/A	1.7 acres
Lot Frontage		N/A	Approximately 1,130 feet
Maximum Building Heights		2½ stories, 35 feet	One-story
Maximum Density		30%	23%
Minimum Building Setback:			
• Front		25 feet	Existing legal non-conforming 0 feet
• Rear		30 feet in depth	112 feet
• Side		25 feet	Existing legal non-conforming 13 feet
• Street Side		25 feet	Existing legal non-conforming 0 feet
Minimum Landscape Requirements:			
• # of landscape points		31,250	31,250
• # of landscape islands		0	0
Minimum Parking Requirements:			
• # of parking spaces		79	79
• # of ADA spaces		3	3
Signage		Pursuant to RCMC	No new signage proposed
Fencing		Pursuant to RCMC	Existing rail fence on west side of property

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.12.030 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to allow a group home	
1. The location, character and natural features of the property:	The property is located on the northwest corner of the intersection of East Fairmont Boulevard and Elm Avenue. The property is zoned Neighborhood Commercial District and is developed with the Circle S Plaza and a Corner Pantry and fueling station.
2. The location, character and design of adjacent buildings:	Properties to the north, south, and west are developed with single-family dwellings. Property to the east is developed with apartments. There is also a property to the east that is currently void of any structural development.
3. Proposed fencing, screening and landscaping:	The applicant is not proposing any new fencing. The subject property is bounded by streets which provide a buffer from the property. The intent of the Neighborhood Commercial District is to provide commercial property to service the surrounding residential district.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any new construction or new landscaping. A minimum of 31,250 landscape points are required. The landscape plan identifies 31,250 landscape points provided in compliance with the Zoning Ordinance.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for	Vehicular and pedestrian access is provided from Elm Avenue, East Fairmont Boulevard, and East Fairlane Drive.

handicapped persons:	
6. Existing traffic and traffic to be generated by the proposed use:	The proposed restaurant will generate approximately 18 peak hour trips. The proposed use does not trigger a Traffic Impact Study.
7. Proposed signs and lighting:	The applicant is not proposing any new signage. There are wall signs located above the suites and two pole signs located along East Fairmont Boulevard. Building lighting is located above entrances to the structure.
8. The availability of public utilities and services:	The property is currently served by Rapid City water and sewer.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:	The property is zoned Neighborhood Commercial District. A restaurant with a seating area not exceeding 749 square feet is identified as a conditional use in the district. The proposed restaurant has a seating area measuring 665 square feet in size.
10. The overall density, yard, height and other requirements of the zone in which it is located:	There are existing legal non-conforming setbacks. The applicant should be aware that future new construction or redevelopment of the property must be in compliance with the minimum required setbacks in the Neighborhood 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 applicant is proposing to move the existing Fairmont Diner to a new suite within the same structure. The applicant should be aware that a grease interceptor is required for the proposed restaurant. The applicant must coordinate with Rapid City Water Reclamation for policy and sizing requirements for the grease interceptor.
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 ensure the restaurant seating area does not exceed the maximum allowed square footage and that any expansion of the use will require an amendment to the Conditional Use Permit.
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-3.1A	Balanced Uses: The proposed restaurant supports the Comprehensive Plan goal of providing a mix neighborhood supporting uses.
 A Vibrant, Livable Community	
LC-2.1E	Neighborhood-Serving Uses: The intent of the Neighborhood Commercial District is to provide commercial areas that support surrounding residential districts. The proposed restaurant supports the Comprehensive Plan goal.
 A Safe, Healthy, Inclusive, and Skilled Community	
	N/A
 Efficient Transportation and Infrastructure Systems	
TI-2.1A	Major Street Plan Integration: East Fairmont Boulevard and Elm Avenue are identified as Minor Arterial Streets 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 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-MU1	Relationship of Uses: The property is located on the northwest corner of the intersection of Elm Avenue and East Fairmont Boulevard; two Minor Arterial Streets on the City’s Major Street Plan. The design principles state that activity-generating uses should be concentrated at key intersections.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive Neighborhood Area
Neighborhood Goal/Policy:	
DSD-NA1.1C	Mixed-Use Development: The Comprehensive Plan encourages mixed-uses along primary corridors in the City. The property is located northwest of the intersection of two minor arterial streets that support a higher intensity of traffic.
Findings	
Staff has reviewed the Conditional Use Permit to allow a restaurant in the Neighborhood Commercial District pursuant to Chapter 17.20 and Chapter 17.54.030 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. A restaurant with a seating area not exceeding 749 square feet in size is identified as a conditional use in the Neighborhood Commercial District. The proposed restaurant supports the Comprehensive Plan goals of mixed-use development and encouraging neighborhood serving uses.	

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Conditional Use Permit to allow a restaurant in the Neighborhood Commercial District be approved with the following stipulations:	
1.	Prior to issuance of a Building Permit, the applicant shall coordinate with Rapid City Water Reclamation for the policy and sizing requirements for the grease interceptor;
2.	Any new signage shall meet the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for all signs; and,
3.	The Conditional Use Permit shall allow for a restaurant with a maximum seating area of 665 square foot in size. Any expansion of the use shall require an amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Neighborhood Commercial District in compliance with the Parking Ordinance shall require a building permit. Any change in use that is a Conditional Use in the Neighborhood Commercial

	District shall require the review and approval of a Major Amendment to the Conditional Use Permit.
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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)	
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ADVISORIES: Please read carefully!	
1.	A Building Permit shall be obtained prior to any structural construction or initiation of use and a Certificate of Occupancy shall be obtained prior to occupancy;
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;
5.	All provisions of the underlying zoning districts shall be met;
6.	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,
7.	All applicable provisions of the adopted International Fire Code shall continually be met.