



Rapid City Planning Commission

Conditional Use Permit Project Report

January 10, 2019

Item #5
Applicant Request(s)
Case #18UR014 – Conditional Use Permit to allow on-sale liquor use in conjunction with an existing furniture store
Companion Case(s) # N/A

Development Review Team Recommendation(s)
The Development Review Team recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with an existing furniture store with stipulation(s) as noted below.

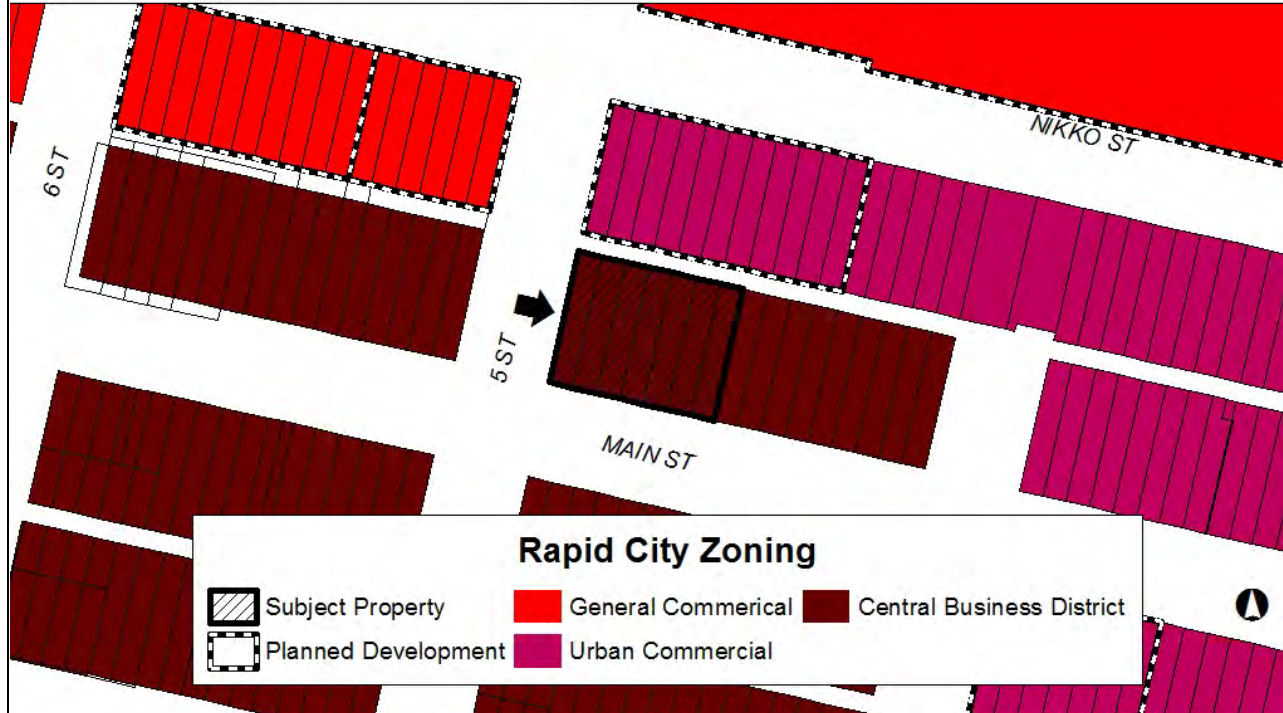
Project Summary Brief	
<p>The applicant has submitted a Conditional Use Permit to allow on-sale liquor use in conjunction with an existing furniture store. In particular, “5th & Main Furniture by Freeds” is proposing to offer complementary beer and wine during special events and seminars for customers. The events are intended to serve as marketing and outreach events centered on special topics (interior design, home décor, etc.). As part of this application, the applicant is proposing to hold up to six annual events offering complementary appetizers in addition to on-sale beer and wine. Some of the proposed events will be open to the public, while some will be private events for select patrons of the store.</p> <p>The existing furniture store is 24,000 square feet in size and is located on the corner of 5th Street and Main Street. The hours of operation are 9:00 AM to 6:00 PM Monday through Saturday. It is the applicant’s intent that the events will either be held as a luncheon, sometime between 10:30 AM and 2:30 PM, or as evening socials that will operate between the hours of 4:00 PM and 9:00 PM. The proposed events will take place in the back of the store, near existing conference rooms and the kitchen.</p>	
Applicant Information	Development Review Team Contacts
Applicant: 5 th & Main Furniture by Freeds	Planner: John Green
Property Owner: FHS 2 LLC	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	430 Main Street
Neighborhood	Downtown/Skyline Drive
Subdivision	Original Town of Rapid City
Land Area	0.56 acres
Existing Buildings	24,000 square feet
Topography	Relatively flat
Access	Main Street
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	CBD	DT	Furniture Store
Adjacent North	UC-PD	DT	Dance Studio
Adjacent South	CBD	DT	Automotive Service Station
Adjacent East	CBD	DT	Veterans of Foreign Wars
Adjacent West	CBD	DT	Restaurant

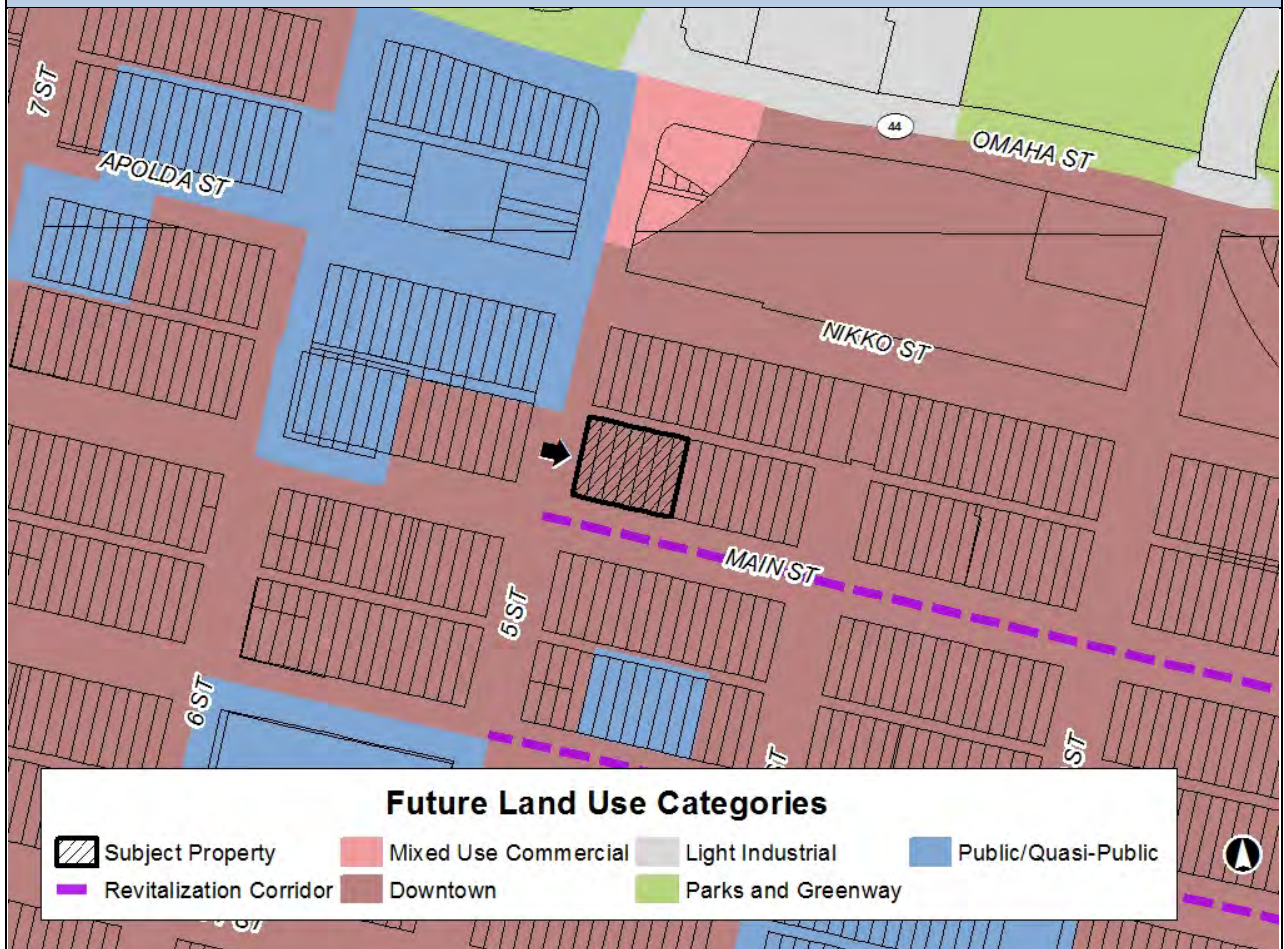
Zoning Map



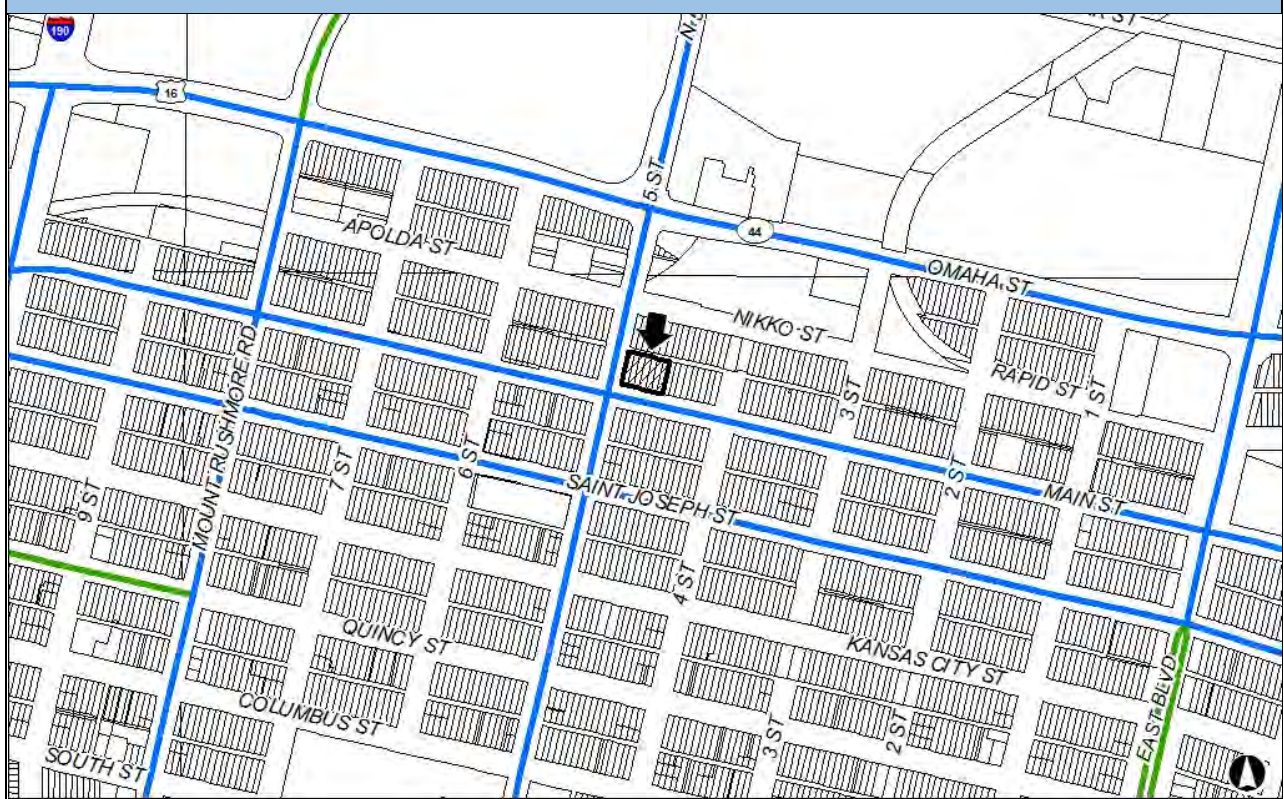
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan





Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
Central Business District	Required	Proposed	
Lot Area	N/A	24,393 square feet	
Lot Frontage	N/A	315 feet	
Maximum Building Heights	None	One story – 24.25 feet	
Maximum Density	100%	56.2%	
Minimum Building Setback:			
• Front	0 feet	0 feet	
• Rear	0 feet	0 feet	
• Side	0 feet	0 feet	
• Street Side	0 feet	N/A	
Minimum Landscape Requirements:			
• # of landscape points	None Required in Central Business District	0	
• # of landscape islands	N/A	0	
Minimum Parking Requirements:			
• # of parking spaces	None Required in Central Business District	0	
• # of ADA spaces	1 space per 25 off-street spaces provided	0	
Signage	Two square feet per linear foot of frontage	All existing signage has undergone Historic Sign Review Committee review and approval. No additional signage is proposed as a part of this application	
Fencing	N/A	No new fencing 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. In addition, there are a number of on-sale liquor establishments operating in conjunction with full-service restaurants in the Central Business District. It appears the proposed on-sale use will not adversely affect area places of religious worship, schools, parks, playgrounds, or other similar uses if operated in conjunction with a restaurant.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	The subject property is located in the Downtown commercial corridor and is not adjacent to any residential districts or residential areas. The nearest residential district is approximately 1,250 feet south of the subject property. The property is surrounded by restaurants, studios, and automotive repair shops. The subject property does not require any screening and is sufficiently buffered from all

	residential uses in the neighborhood.
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.”	Within the Central Business District, there are multiple bars, restaurants, and organizations operating with on-sale liquor use. Specifically, there are 11 on-sale liquor establishments operating within 500 feet of the subject property. “Wobbly Bobby Pub” and “Philly Ted’s” both have on-sale liquor and are located approximately 150 feet west of the subject property. “Que Pasa Cantina” also has on-sale liquor and is located approximately 115 feet directly west of the subject property. Main Street Square has two on-sale liquor permits and is located 350 feet west of the subject property. “Curry Masala” restaurant is located 450 feet from the subject property and operates with an on-sale liquor permit. “Harriet & Oak Café” and “The Garage” are located 250 feet and 330 feet southeast of the subject property, respectively. “Borticelli” restaurant is located 400 feet southwest of the subject property. Approximately 125 feet north of the subject property, Abby’s Feed and Seed operates with an on-sale liquor permit. The “Veterans of Foreign Wars” is directly east of the subject property and also operates with on-sale liquor use. The Central Business District is considered the appropriate district for the proposed on-sale liquor use, 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 since it is being operated in conjunction with an existing restaurant.
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 430 Main Street and is zoned Central Business District. The existing building is 24,000 square feet and is part of the Downtown Historic District. The building is located at the corner of 5 th Street and Main Street and is bordered by a restaurant, automotive repair shop, and dance studio.
2. The location, character and design of adjacent buildings:	The properties to the east, south, and west are all zoned Central Business District. The adjacent property to the north is zoned Urban Commercial District with a Planned Development Overlay.
3. Proposed fencing, screening and landscaping:	The subject property is zoned Central Business District, which does not require fencing, screening, or minimum landscaping.
4. Proposed vegetation, topography and natural drainage:	The existing commercial development is fully constructed and no additional grading, or impervious surfaces are being proposed as a part of the Conditional Use Permit application. Public Works staff has noted there are no issues with site drainage or grading.
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 zoned Central Business District and is not required to provide any off-street parking spaces. On-street parking adjacent to the south side of the building is available in the Main Street right-of-way. The property also has an existing sidewalk on both adjacent street fronts.

6. Existing traffic and traffic to be generated by the proposed use:	The existing use on the property is permitted within the district. The existing building has served as a furniture store in the past, but is now being updated to serve as the flagship store for the applicant's furniture business. The proposed use should not have any transportation impacts if operated in conjunction with the furniture store.
7. Proposed signs and lighting:	All existing signage and lighting has been reviewed and approved by the Historic Sign Review Committee. No additional signage is proposed as part of this Conditional Use Permit application.
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 Central Business District is intended to serve as the metropolitan center of the City through concentrated retail, government, financial, and commercial activities. The applicant is proposing to allow on-sale liquor use for outreach events in conjunction with an existing furniture store. The proposed on-sale liquor use is a conditional use in the Central Business District.
10. The overall density, yard, height and other requirements of the zone in which it is located:	As noted above, the applicant is not proposing any expansion of the existing structure.
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 proposed on-sale liquor use should not create additional noise, odor, smoke, dust, air and water pollution since it is being operated entirely within an existing furniture store.
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 that the on-sale liquor use is only operated in conjunction with the existing furniture store and that any expansion of the use will require a Major 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 on-sale liquor use is intended as a complimentary item to be served during special events held in the furniture store. The proposed use will help to create a unique shopping atmosphere for patrons while providing them with an educational outreach event regarding home décor.
	A Vibrant, Livable Community
LC-4.1B	Diverse Mix of Uses: The subject property is located in the Downtown/Skyline Drive Neighborhood. The proposed events and existing uses will generate retail activity in the core of the neighborhood and provide outreach and services to patrons of the furniture store.

	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 corner of Main Street and Fifth Street, which are both identified as Principal Arterial Streets on the City's Major Street Plan. The loading dock that services the furniture store is located off of an alley accessed via Fifth Street.
	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 planned development boundary. The requested Conditional Use Permit 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	
Future Land Use Plan Designation(s):	Downtown
Design Standards:	
GDP-MU1	Relationship of Uses: The proposed seminars and classes that will include complementary beer and wine to customers are intended to provide a unique shopping and educational experience while generating retail activity in the Downtown area.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown/Skyline Drive Neighborhood
Neighborhood Goal/Policy:	
DSD-NA1.1C	Mixed Use Development: The proposed on-sale liquor use in conjunction with the existing furniture store provides outreach and special events for patrons of the furniture store.

Findings	
Staff has reviewed the Conditional Use Permit to allow a on-sale liquor use in conjunction with an existing furniture store 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 applicant is proposing to provide complementary beer and wine as part of special home décor classes and seminars held in the store. The proposed on-sale liquor establishment should not have a negative impact on the area if operated in conjunction with the existing furniture store.	

Staff recommends that the Conditional Use Permit to allow on-sale liquor use in conjunction with an existing furniture store be approved with the following stipulation(s):

1.	All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; All signs, including banners or grand opening or special event advertisements are subject to historic review; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit;
2.	The Conditional Use Permit shall allow on-sale liquor in conjunction with special events for the furniture store. Any expansion or change in the proposed on-sale liquor use shall require a Major Amendment to the Planned Development Overlay. Any change in use that is a permitted use in the Central Business District shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Central Business District 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.*

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Companion Case(s) N/A		N/A
ADVISORIES: Please read carefully!		
1.	A Building Permit shall be obtained prior to any structural construction 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.	An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;	
5.	A Right-of-way Permit shall be obtained prior to any work within the right-of-way, including grading;	
6.	ADA accessibility shall be provided throughout the structure and site as necessary;	
7.	All provisions of the underlying zoning district shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;	
8.	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,	
9.	All applicable provisions of the adopted International Fire Code shall continually be met.	