



Rapid City Planning Commission

Conditional Use Permit Project Report

March 21, 2019

Item #9
Applicant Request(s)
Case #19UR002 – Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant
Companion Case(s) # N/A

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

Project Summary Brief
The applicant has submitted a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant. In particular, “Gyro Hub” is proposing to sell beer or wine to customers with meals. The suite is approximately 1,960 square feet in size. The hours of operation are Monday through Thursday from 11:00 a.m. to 7:30 p.m., and on Friday and Saturday from 11:00 a.m. to 8:00 p.m.

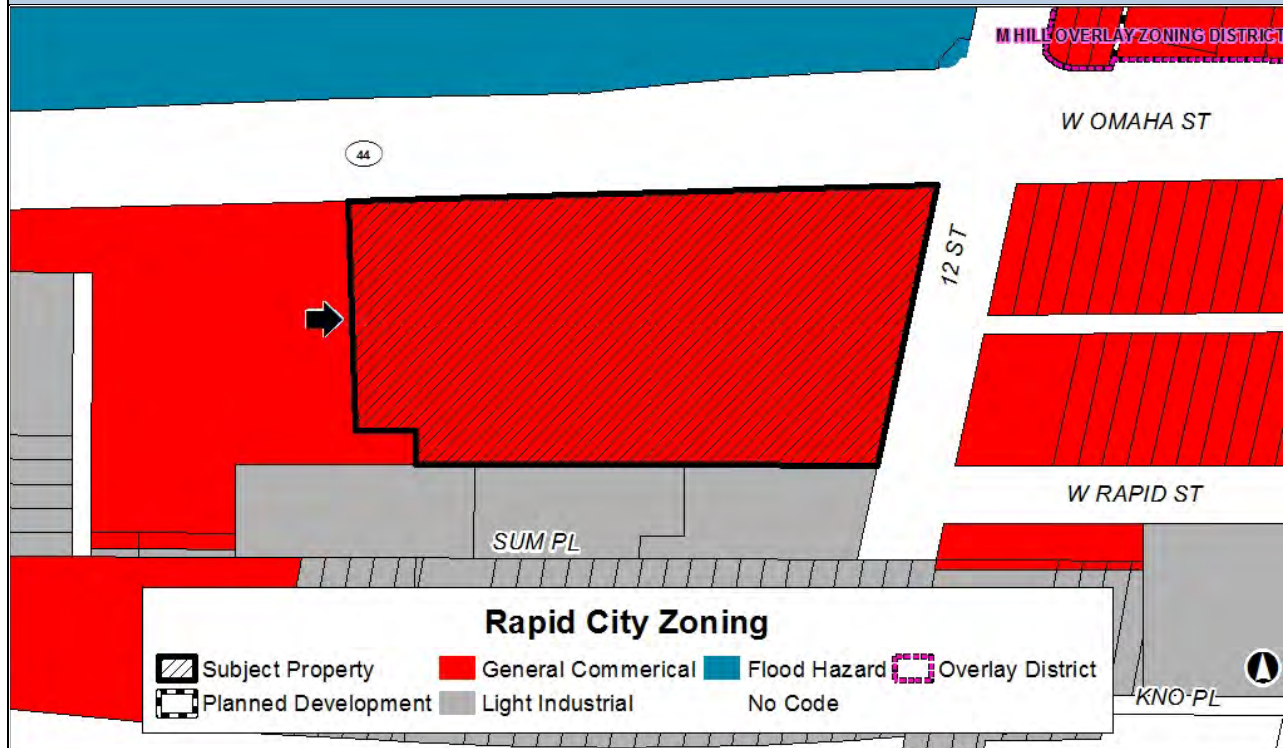
Applicant Information	Development Review Team Contacts
Applicant: Gyro Hub	Planner: Fletcher Lacock
Property Owner: RB Capital, LLC	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: KTM Design Solutions, Inc.	School District: N/A
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	1301 West Omaha Street, Suite 104
Neighborhood	Downtown / Skyline Drive Neighborhood Area
Subdivision	Plaza Subdivision
Land Area	3.63 acres
Existing Buildings	25,977 square feet
Topography	Relatively flat
Access	West Omaha Street and 12 th Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 100-year and 500-year floodplain
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Commercial strip mall
Adjacent North	FH	PG	City Park
Adjacent South	LI	LI	Industrial buildings
Adjacent East	GC	MUC	Gas sales and convenience store
Adjacent West	GC	MUC	Office Depot

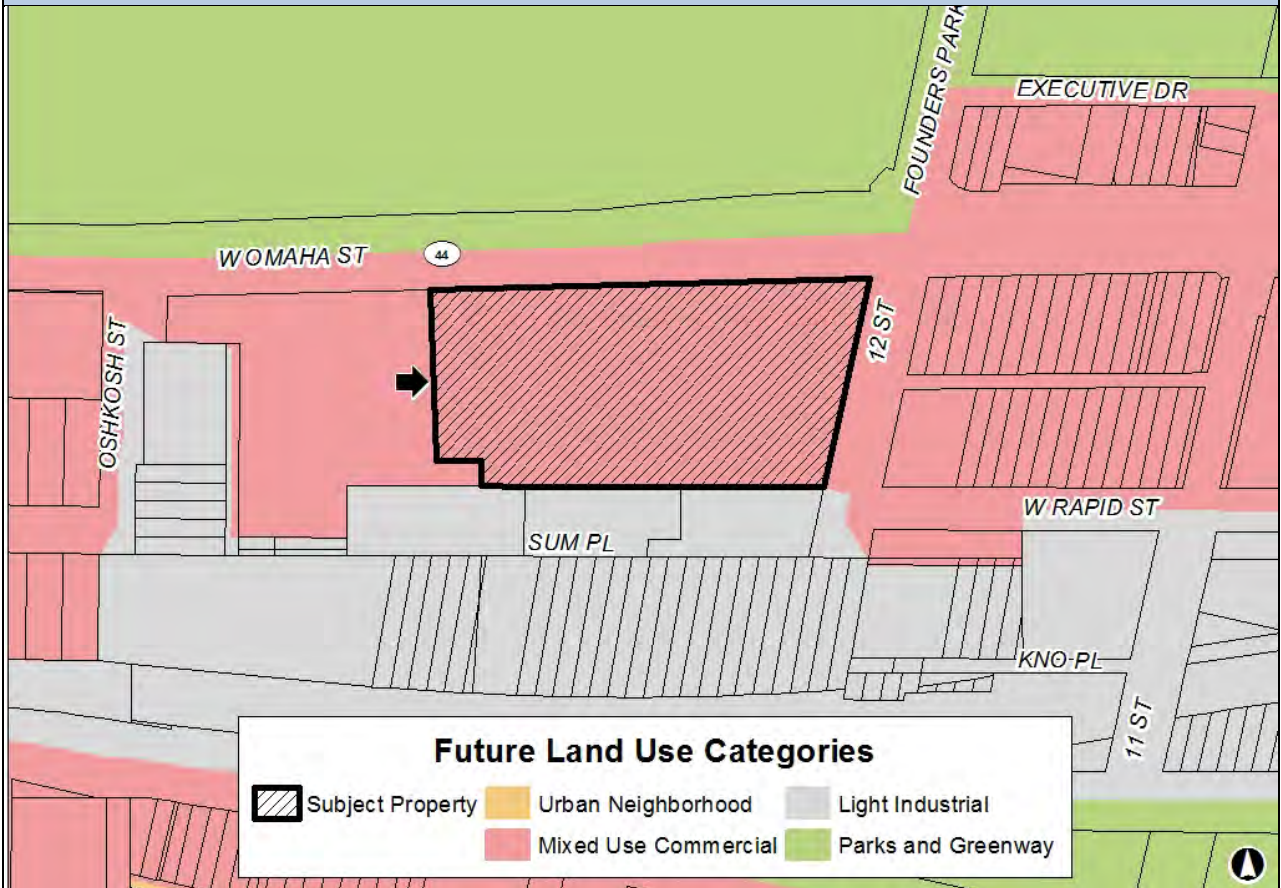
Zoning Map



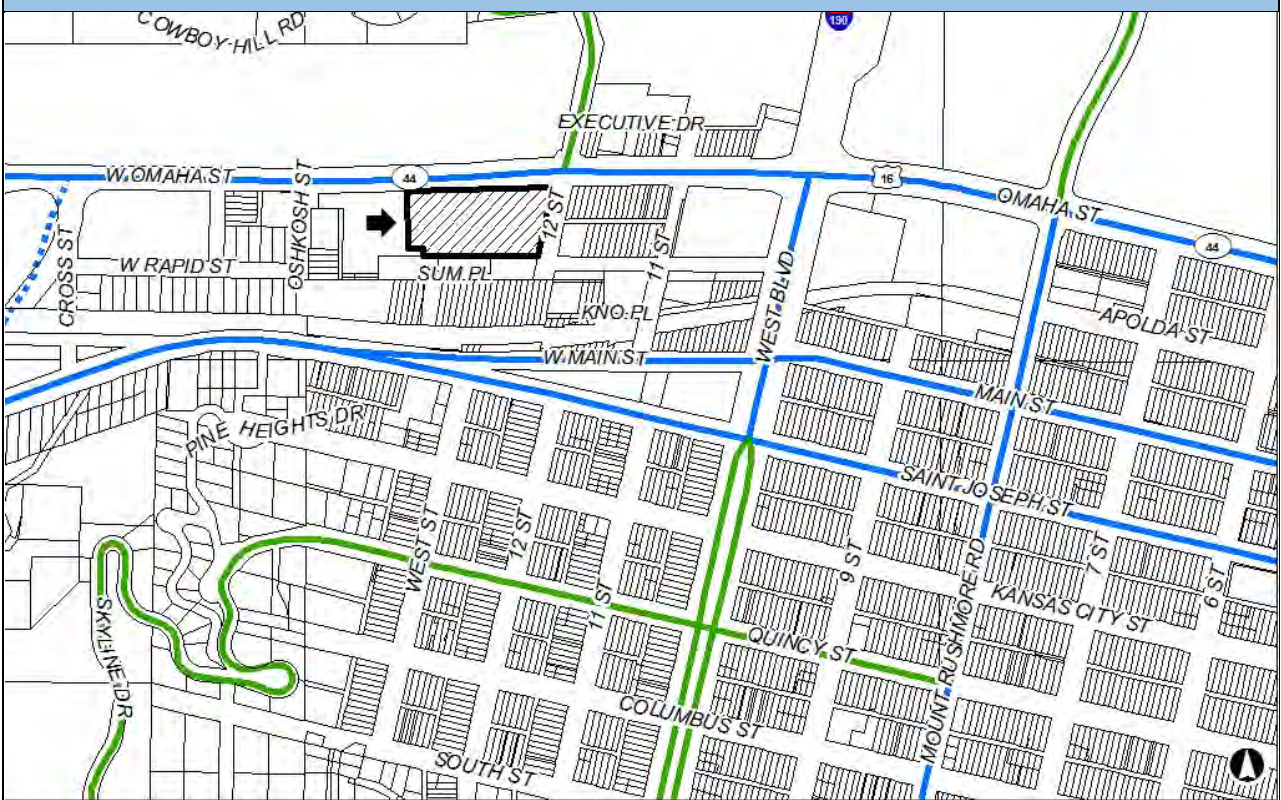
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
15UR003	3/05/2015	Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon	Planning Commission approved with stipulations
06UR013	6/05/2006	Conditional Use Permit to allow an on-sale liquor establishment	Planning Commission approved with stipulations

Relevant Zoning District Regulations		
General Commercial District	Required	Proposed
Lot Area	N/A	157,420 square feet
Lot Frontage	N/A	Approximately 613 feet
Maximum Building Heights	4 stories or 45 feet	Two-story
Maximum Density	75%	28.6%
Minimum Building Setback:		
• Front	25 feet	135 feet
• Rear	0 feet	57 feet
• Side	0 feet	10 feet
• Street Side	25 feet	25 feet
Minimum Landscape Requirements:		
• # of landscape points	129,535	130,630
• # of landscape islands	6	6
Minimum Parking Requirements:		
• # of parking spaces	283	333
• # of ADA spaces	7	8
Signage	Two square feet per linear foot of frontage	No new signage proposed
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.	Founders Park is located to the north of the subject property across West Omaha Street. Omaha Street is identified as a Principal Arterial Street on the City’s Major Street Plan and should provide a buffer to the proposed on-sale use. Haley Park is located approximately five hundred feet to the south of the subject property. The property is located in an established commercial corridor in the City. As the proposed on-sale use is in conjunction with a restaurant, the request is not anticipated to have any “adverse affect” on any place used for religious worship, school, park or playground.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	There are no residential zoning districts in the area. Staff does not anticipate that the proposed on-sale liquor use will have a significant negative impact on any residences if conducted in conjunction with a restaurant.
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 seven on-sale liquor establishments located within the area of the subject property. Also located on the subject property is “Panchero’s Mexican Grill”. Located on the property to the east are “Ichiban” restaurant, “A Perfect 10 Salon”, and “Happy Jacks” casino. Located to the north is the Executive Golf Course. Located approximately 315 feet to the east is “The Break Room Billiards and Casino”.

	<p>Located approximately 500 feet to the west is “Lost Cabin Brewing”. The property is located along a major commercial corridor in the City. Since the proposed on-sale liquor use is in conjunction with a restaurant, it does not appear that the concentration of on-sale liquor establishments in the area would cause blight, deterioration or diminish land values of the surrounding properties.</p>
<p>4. The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.</p>	<p>See below</p>
<p>Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:</p>	
<p>1. The location, character and natural features of the property:</p>	<p>The property is located at 1301 West Omaha Street, on the south side of West Omaha Street. Currently, a two story commercial structure and a one story fast food restaurant are located on the property. The property is fully developed with structures and parking.</p>
<p>2. The location, character and design of adjacent buildings:</p>	<p>To the north of the subject property is Founders Park. “Office Depot” and “Plato’s Closet” are located on the property to the west. The property to the east is developed with a gas station and a commercial strip mall. Properties to the south are developed with one story industrial structures.</p>
<p>3. Proposed fencing, screening and landscaping:</p>	<p>The property is fully developed. No fencing or screening is required for the proposed use. A minimum of 129,535 landscaping points are required. The site plan shows a total of 130,630 landscape points have been provided. The landscape plan is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code.</p>
<p>4. Proposed vegetation, topography and natural drainage:</p>	<p>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.</p>
<p>5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:</p>	<p>Vehicular access is off of West Omaha Street and 12th Street. Property line sidewalk is located along West Omaha Street and a portion of 12th Street providing pedestrian access. “Gyro Hub is an existing restaurant located on the property. The proposed on-sale use will operate in conjunction with the restaurant and will not trigger additional parking. The combined uses on the property require that a minimum of 283 parking spaces be provided. There are currently 333 parking stalls with eight handicapped accessible stalls. The parking is in compliance with the Zoning Ordinance.</p>
<p>6. Existing traffic and traffic to be generated by the proposed use:</p>	<p>The restaurant is an existing use on the property. The applicant is proposing to sell beer or wine to customers with their meals. The proposed on-sale liquor use should not have any transportation impacts if operated in conjunction with the restaurant.</p>
<p>7. Proposed signs and lighting:</p>	<p>The applicant is not proposing any new signage or lighting. Signage consists of wall signs located above the suites. There is also an existing pole sign located along West Omaha Street. The signage is in compliance with the Sign Code.</p>
<p>8. The availability of public utilities and services:</p>	<p>The property is currently served by public utilities including Rapid City sewer and water.</p>

9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:	The property is intended to be used for commercial uses. The proposed on-sale liquor establishment is a conditional use in the General Commercial District. The objective of the adopted Comprehensive Plan is to encourage retail establishments and businesses that are convenient to neighborhood residents, yet compatible with but not intrusive upon residential neighborhoods. Additionally, the objective of the adopted Comprehensive Plan is to ensure that there is sufficient separation of conflicting uses. To ensure this objective, the Comprehensive Plan encourages commercial development along major streets and that a sufficient separation and buffering be provided between residential areas. This site meets both of these objectives.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The applicant is not proposing any new construction. The existing commercial structure appears to be in compliance with the area regulations as per Chapter 17.18 of the Rapid City Municipal Code. All provisions of the General Commercial District must be met.
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 in conjunction with a restaurant.
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 is only operated in conjunction with a restaurant 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 Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant supports the Comprehensive Plan goal to encourage commercial development along major streets while providing a sufficient separation and buffering between residential areas.
	A Vibrant, Livable Community
LC-4.1B	Diverse Mix of Uses: The “Gyro Hub” is an existing restaurant located in a strip mall that houses a mix of other uses including salons, restaurants, office space, and commercial space.
	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 West Omaha 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 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):	Mixed-Use Commercial
Design Standards:	
N/A	The subject property is located on the south side of West Omaha Street which is identified as a Principal Arterial Street on the City's Major Street Plan. The property is also located south of Founder's Park.
Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive Neighborhood Area
Neighborhood Goal/Policy:	
WR-NA1.1D	Mixed-Use Development: The current tenants of the property support the goal of providing a variety of uses to serve the area.
Findings	
Staff has reviewed the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant 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 within an existing commercial corridor located along West Omaha Street. The applicant is proposing to sell beer or wine to customers with their meals. The proposed on-sale liquor establishment should not have a negative impact on the area if operated in conjunction with a restaurant.	

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant be approved with the following stipulation(s):	
1.	No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; and,
2.	The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a restaurant for the applicant. Any expansion to the on-sale use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District in compliance 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 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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ADVISORIES: Please read carefully!	
1.	A Building Permit shall be obtained prior to any structural construction;
2.	All provisions of the General Commercial District shall continually be met;
3.	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,
4.	All applicable provisions of the adopted International Fire Code shall continually be met.