



# Rapid City Planning Commission

## Planned Development Project Report

March 21, 2019

<b>Item #10</b>
<b>Applicant Request(s)</b>
Case #19UR004 - Major Amendment to the Conditional Use Permit to allow an on-sale liquor establishment
Companion Case(s) #: N/A

<b>Development Review Team Recommendation(s)</b>
Staff recommends that the Major Amendment to the Conditional Use Permit be approved with the stipulations noted below.

<b>Project Summary Brief</b>
The applicant is requesting this Major Amendment to the Conditional Use Permit to allow an on-sale liquor establishment. In particular, the applicant is proposing to open the “Overclock Lounge”, a place for competitive gaming also known as eSports. The location was previously approved for a theater and a comedy troupe with on-sale liquor. However, due to the change in operator, an amendment to the Conditional Use Permit is required. As such, the applicant has submitted this Major Amendment to the Conditional Use Permit. The proposed hours of operation are seven days a week from 12:00 p.m. to 2:00 a.m.

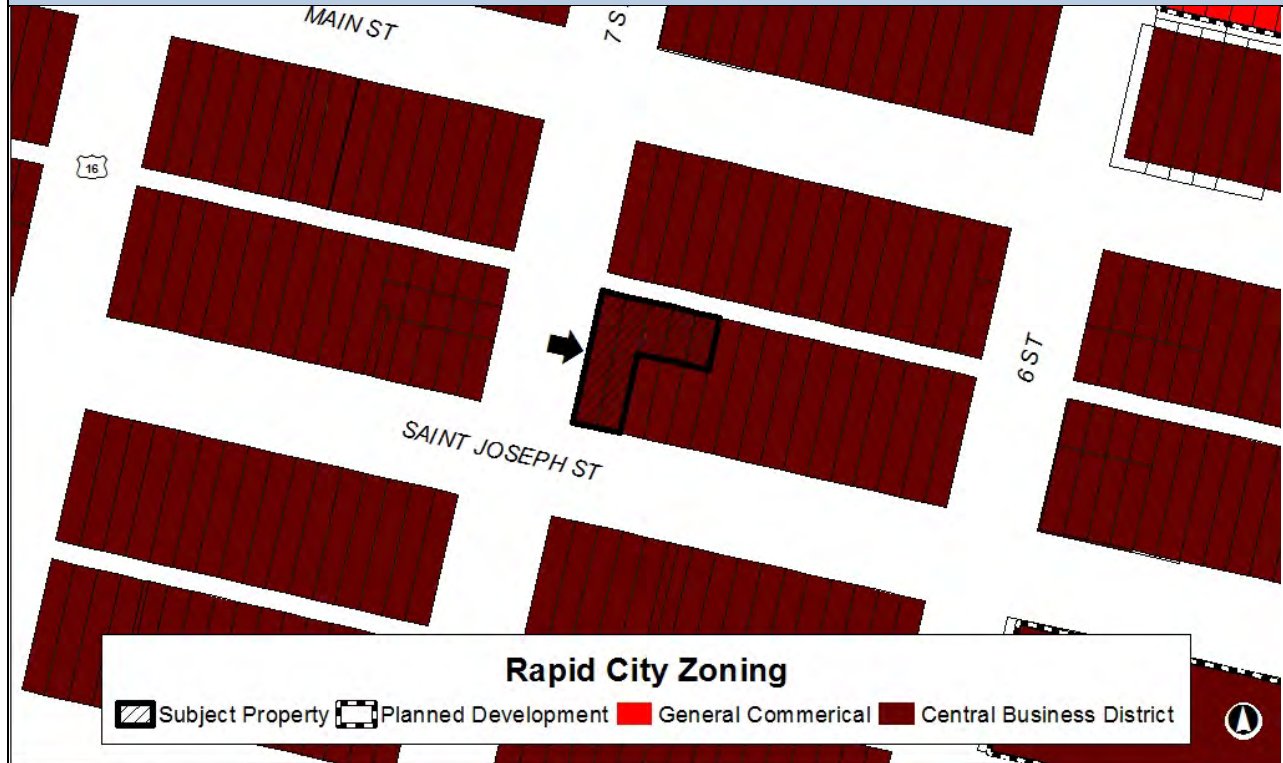
Applicant Information	Development Review Team Contacts
Applicant: Overclock Lounge	Planner: Fletcher Lacock
Property Owner: Lakota Building, LLC	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	632 ½ Saint Joseph Street
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Original Township
Land Area	0.26 acres, approximately 11,326 square feet
Existing Buildings	Existing commercial/retail/residential structure
Topography	Level
Access	Saint Joseph Street, 7 <sup>th</sup> Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A
Other	Contributing Historic Structure, Downtown Historic District

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	CBD	Downtown, RAC	Mixed Use Commercial/Residential
Adjacent North	CBD	Downtown, RAC	Mixed Use Commercial/Residential
Adjacent South	CBD	Downtown, RAC	Mixed Use Commercial/Residential
Adjacent East	CBD	Downtown, RAC	Mixed Use Commercial/Residential
Adjacent West	CBD	Downtown, RAC	Mixed Use Commercial/Residential

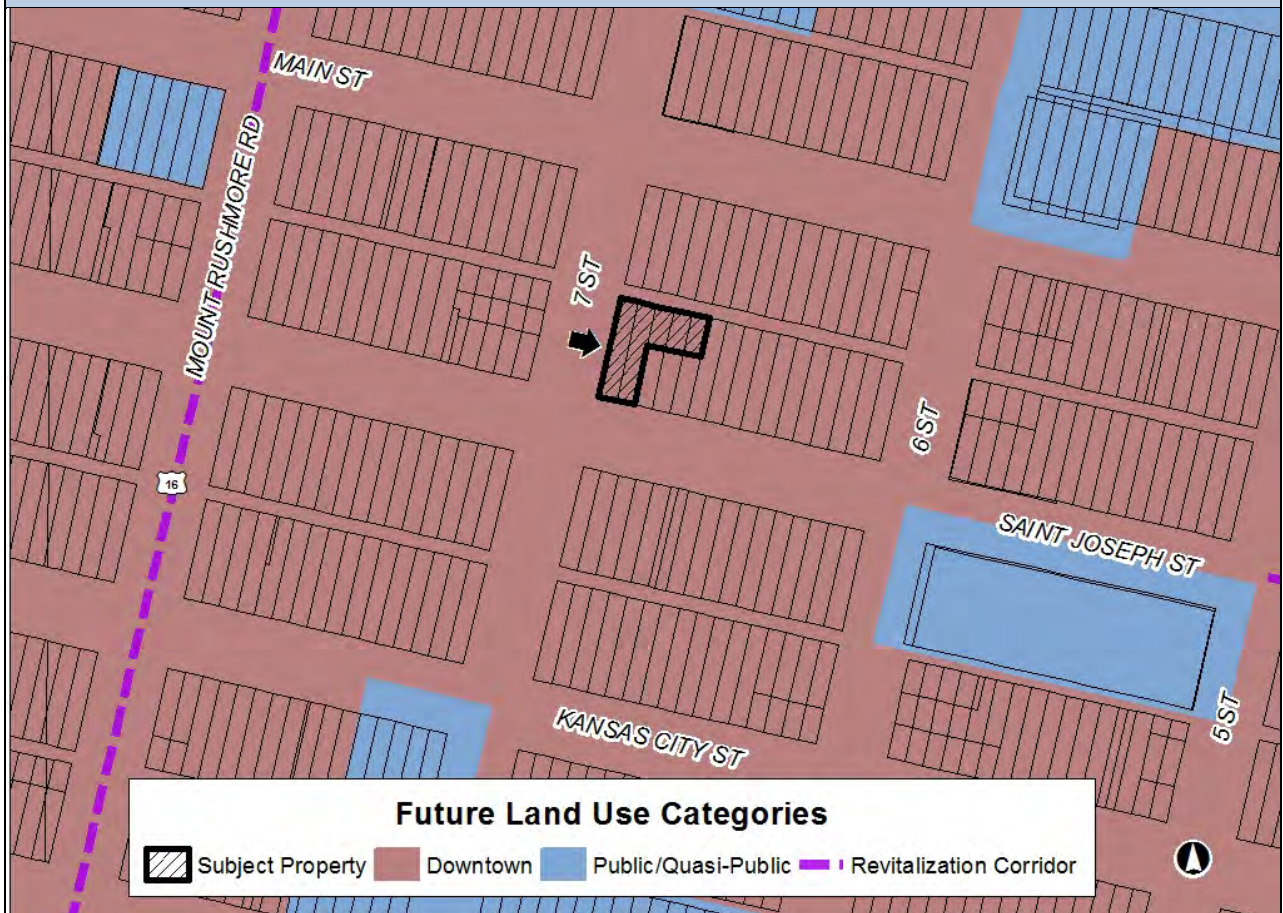
**Zoning Map**



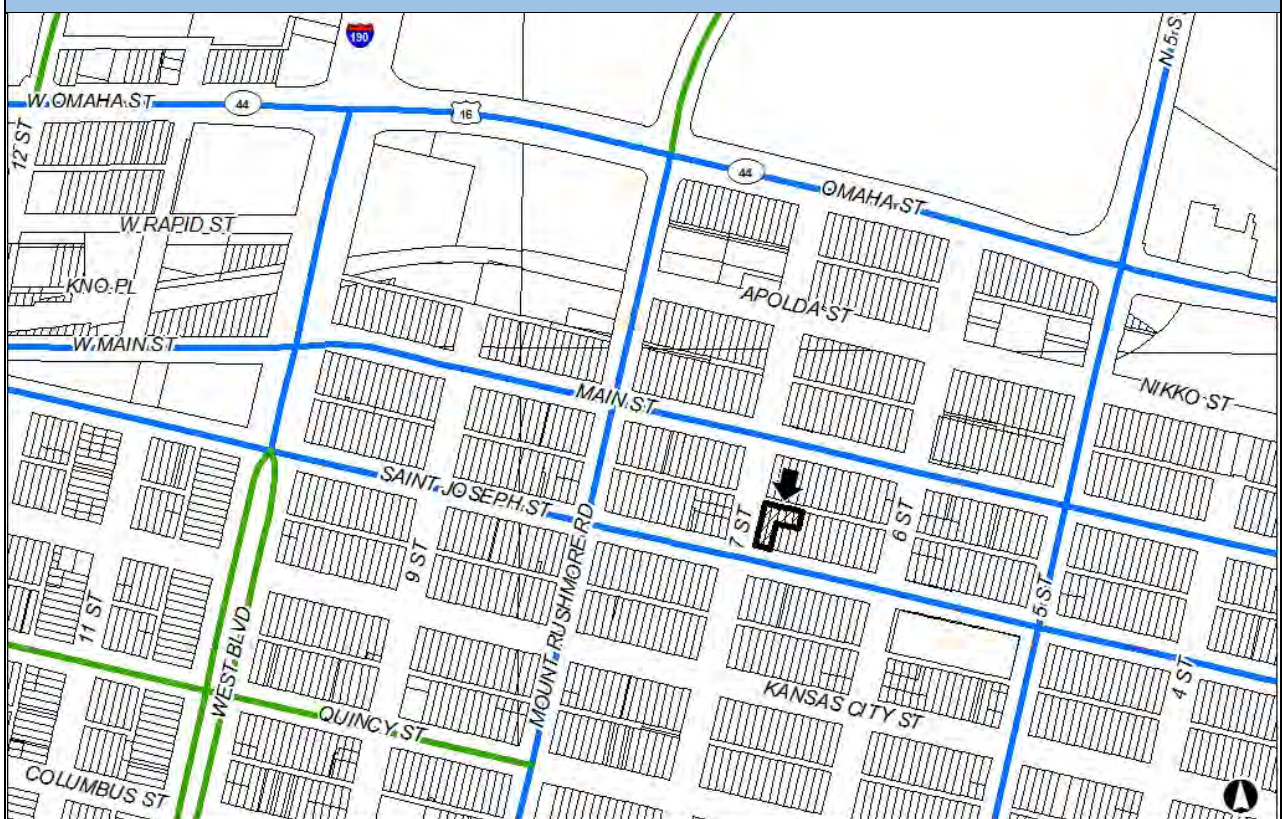
**Existing Land Uses**



### Comprehensive Plan Future Land Use









### Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
16UR016	7/7/2016	Major Amendment to the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a theater	PC approved with stipulations
13UR014	7/25/2013	Major Amendment to the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a theater	PC approved with stipulations.
Relevant Zoning District Regulations			
Central Business District	Required	Proposed	
Lot Area	No minimum required	0.26 acres, approximately 11,326 square feet	
Lot Frontage	No minimum required	Approximately 190 feet	
Maximum Building Heights	No maximum required	2 stories	
Maximum Density	100%	100%	
Minimum Building Setback:			
• Front	0 ft (Saint Joseph Street)	0 ft	
• Rear	0 ft (north alleyway)	0 ft	
• Side	0 ft (east property line)	0 ft	
• Street Side	0 ft (7 <sup>th</sup> Street)	0 ft	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	N/A	N/A	
• # of ADA spaces	N/A	N/A	
Signage	Per RCMC	None proposed: 11.1 Historic Review required for future signage	
Fencing	Per RCMC	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
<b>Pursuant to Section 17.52.030.E of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Conditional Use Permit:</b>	
	<b>Findings</b>
1. The location, character, and natural features of the property;	The property is comprised of 0.26 acres of land located in a fully developed, mixed-use commercial and residential area of the city typically of comprised of lots with 100 percent coverage and 0 foot setbacks.
2. The location, character, and design of adjacent buildings;	Property in all directions is also developed with high-density, mixed-use commercial and residential development with 100 percent lot coverage and 0 foot setbacks
3. Proposed fencing, screening, and landscaping;	No screening, fencing, or landscaping is proposed as a part of this development.
4. Proposed vegetation, topography, and natural drainage;	No additional vegetation or alterations to the topography or natural drainage is proposed as a part of this development.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for	Minimum 10 foot sidewalks are installed along Saint Joseph Street and 7 <sup>th</sup> Street. Off-street parking is not required within the boundaries of the Central Business District. No off-street parking is being provided on-site.

handicapped persons;	
6. Existing traffic and traffic to be generated by the proposed use;	Saint Joseph Street is classified as an arterial street on the City's Major Street Plan, suitable for accommodating the higher traffic volumes associated with commercial development in the downtown corridor.
7. Proposed signs and lighting;	The applicant has submitted a rendering of a proposed pedestrian oriented sign. The applicant should note that the addition of signage will require approval through the Historic Sign Review Board.
8. The availability of public utilities and services;	The site is serviced by Rapid City water and sewer. Public Works has not noted any issues with the utility capacity or service for the site.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;	The Rapid City Comprehensive Plan shows the property as appropriate for Downtown development, and the property is located within an identified Regional Activity Center. The proposed use of the facility as an eSports bar is appropriate for the types of pedestrian-oriented, activity generating uses appropriate for the downtown and within a Regional Activity Center. The Central Business District is viewed as the appropriate location for an on-sale liquor establishment.
10. The overall density, yard, height, and other requirements of the zone in which it is located;	Submitted plans show the existing two-story structure occupies 100 percent of the lot. There are no setback or lot coverage requirements for a two-story tall building located within the Central Business District. No landscaping is required. No off-street parking is required.
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 for beer and wine is located entirely on the inside of the suite. No outdoor seating is being proposed. It does not appear that the request will create excessive noise, odor, smoke, dust, air, or water pollution.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.	The Central Business District is viewed as the appropriate zoning classification for on-sale alcohol uses. In addition, the applicant is proposing the sale and service of beer and wine only, and is not proposing the sale of liquor. The stipulations of approval of this Conditional Use Permit will serve as the tool to ensure that the proposed on-sale liquor use does not have an adverse impact on adjacent uses.
<b>Pursuant to Section 17.50.185 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for an on-sale liquor establishment:</b>	
	<b>Findings</b>
1. The requested use will not adversely affect the use of any place used for religious worship, school, park, playground, or similar use within a 500-foot radius:	The First Presbyterian Church is located at 710 7 <sup>th</sup> Street, approximately 300 feet to the south. As previously noted, the Central Business District is seen as the appropriate district for an on-sale liquor establishment. In addition, the proposed on-sale liquor use is for beer and wine only. Based on these reasons, it does not appear that the proposed on-sale use for beer and wine will have an adverse effect on the church. There are no other schools, parks, playgrounds, or other similar uses within a 500-foot radius of the property.
2. The requested use is sufficiently buffered with regard to residential areas so as not to	There are no residentially zoned properties located within 500 feet of the subject property. However, residential uses are a permitted use above the ground floor within the

adversely affect the areas:	Central Business District.
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:	A number of properties in proximity to the proposed theater have an on-sale liquor use approved for the property. Vino 100, Jambonz Deux, The Tinderbox and Canvas 2 Paint are located within the same structure as the proposed theater but in separate suites. Additional on-sale liquor establishments in proximity to the proposed use include Independent Ale House, The Brass Rail, the Alex Johnson Hotel, Paddy O'Neil's, Tally's Silver Spoon, the Firehouse, Del Monico's, The Oasis, Dublin Square, Mystique Edge Salon and Spa, and Kathmandu. In the past, the Planning Commission has determined that the Central Business District is the appropriate zoning district for on-sale liquor uses. It does not appear that the proposed use will create an undue concentration of similar uses, so as to cause blight, deterioration, or substantially diminish or impair property values.
4. The proposed use complies with the standards of Chapters 5.12 and 17.54.030 of the Rapid City Municipal Code:	As noted above, the requested Major Amendment to the Conditional Use Permit complies with the standards of Chapter 5.12.140 and Chapter 17.54.030 of the Rapid City Municipal Code.
<b>Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial</b>	
<b>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>	
<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
 <b>A Balanced Pattern of Growth</b>	
N/A	N/A
 <b>A Vibrant, Livable Community</b>	
LC-3.1C	<b>Compatible Infill and Redevelopment:</b> The proposed Major Amendment will allow the continued use of a portion of the existing historic building. However, there are outstanding Building Code violations which the property owner has been made aware of including: installation of roof-top units without permits, no rooftop access, and no final approval of open permits. The applicant should be aware that the property owner must address the outstanding Building Code violations prior to issuance of a new Building Permit for the “Overclock Lounge”.
 <b>A Safe, Healthy, Inclusive, and Skilled Community</b>	
N/A	N/A
 <b>Efficient Transportation and Infrastructure Systems</b>	
N/A	N/A
 <b>Economic Stability and Growth</b>	
EC-1.3A	<b>Local Business Support:</b> The requested Major Amendment supports a local business and the introduction of a new type of recreational gaming called eSports.
 <b>Outstanding Recreational and Cultural Opportunities</b>	
N/A	N/A



## Responsive, Accessible, and Effective Governance

GOV-2.1A	Public Input Opportunities: The Conditional Use Permit requires notification of surrounding property owners within 250 feet of the subject property and posting of a sign on the property. These notification requirements allow public input into the proposed development. As of this writing, there have been no inquiries into the proposed on-sale liquor establishment.
<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	Downtown, Regional Activity Center
<b>Design Standards:</b>	
GDP-MU9	Adaptive Reuse: The location of the proposed bar is the basement of the Buell Building where a theater and a comedy improv were formerly located. The applicant should be aware that all outstanding Building Code violations must be addressed prior to issuance of a Building Permit for the “Overclock Lounge”.
<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	Downtown/Skyline Drive Neighborhood
<b>Neighborhood Goal/Policy:</b>	
DSD-NA1.1B	Regional Activity Center: The proposed Major Amendment will continue to support the ongoing revitalization of the Downtown as a regional destination for entertainment.
<b>Findings</b>	
Staff has reviewed the Conditional Use Permit to allow an on-sale liquor establishment pursuant to 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 Rapid City Comprehensive Plan shows the property as appropriate for Downtown development, and the property is located within an identified Regional Activity Center. The proposed use of the facility as an eSports bar is appropriate for the types of pedestrian-oriented, activity generating uses appropriate for the downtown and within a Regional Activity Center. The Planning Commission has determined that the Central Business District is the appropriate zoning district for on-sale liquor uses. It does not appear that the proposed use will create an undue concentration of similar uses, so as to cause blight, deterioration, or substantially diminish or impair property values. The applicant should be aware that there are outstanding Building Code violations that must be addressed prior to issuance of a Building Permit for the proposed use.	
<b>Staff recommends that the requested Major Amendment to the Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:</b>	
1.	Prior to issuance of a Building Permit for the proposed lounge, all outstanding Building Code violations identified on March 5, 2019 shall be addressed;
2.	Prior to issuance of a sign permit, all signs shall obtain review and approval through the Historic Sign Review Board. 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. The inclusion of any LED message centers shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign;
3.	The requested Conditional Use Permit shall allow an on-sale liquor establishment to be located on the property and operated in compliance with the submitted operations plan. Any change in operator shall require a Major Amendment to the Conditional Use Permit. All requirements of the Central Business District shall be continually maintained. Any permitted in the Central Business District shall be allowed with a Building Permit. Conditional uses in the Central Business District or any expansion of the on-sale liquor use on the property shall require 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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<b>Companion Case(s)</b>	N/A
<b>ADVISORIES: Please read carefully!</b>	
1.	A building permit shall be obtained prior to any future construction. A certificate of completion shall be obtained prior to use;
2.	All future construction plans shall be signed and sealed by a registered professional pursuant to CDCL 36-18A;
3.	All requirements of the currently adopted Building Code shall be met;
4.	All requirements of the International Fire Code shall be met;
5.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
6.	All erosion and sediment control measures shall be installed and maintained as necessary;
7.	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;
8.	Handicap accessibility shall be maintained throughout the site as necessary.