



Rapid City Planning Commission

Conditional Use Permit Project Report

April 25, 2019

Item #11
Applicant Request(s)
Case #19UR007 – Major Amendment to a 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.

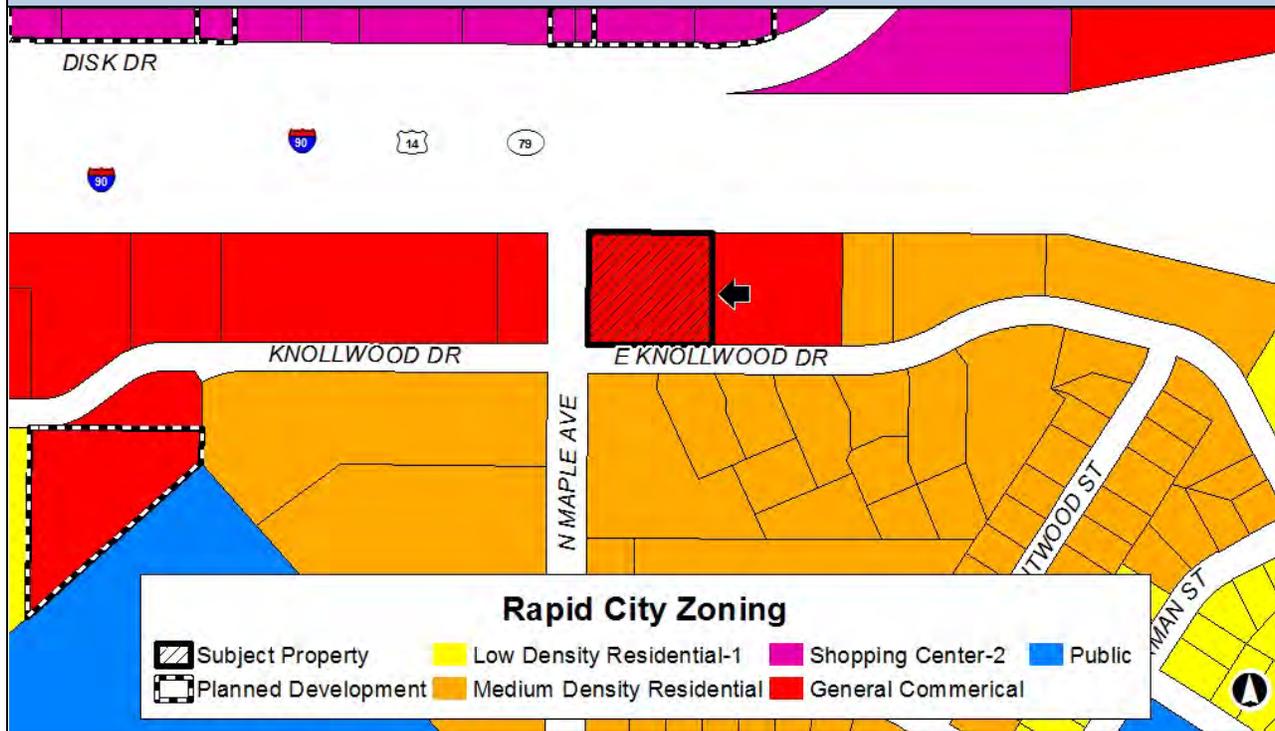
Project Summary Brief	
<p>The applicant has submitted a Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant. In particular, the applicant is proposing to open a new restaurant called “Mexico Tipico” located at 1900 North Maple Avenue. The proposed hours of operation will be Monday through Thursday from 11:00 a.m. to 10:00 p.m., Friday through Saturday from 10:00 a.m. to 10:30 a.m., and Sunday from 11:00 a.m. through 9:00 p.m. The property is developed with a commercial structure measuring approximately 5,266 square feet in size. The property is the former location of “Coco Palace”. A Conditional Use Permit for “Coco Palace” was previously approved. However, the use ceased for a period over two years requiring a new Conditional Use Permit for this restaurant.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Ernesto Gallegos	Planner: Fletcher Lacock
Property Owner: Li Zhu Xiu Ying LLC	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	1900 North Maple Avenue
Neighborhood	North Rapid Neighborhood Area
Subdivision	Marshall Heights Tract
Land Area	1.32 acres
Existing Buildings	5,266 square feet
Topography	Relatively flat
Access	North Maple Avenue and East Knollwood 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	MUC	Restaurant
Adjacent North	SC-2 w/ PD	MUC	Rushmore Mall
Adjacent South	MDR	UN	Apartments
Adjacent East	GC	MUC	Cellular communications tower
Adjacent West	GC	MUC	Pawn shop

Zoning Map



Existing Land Uses



Relevant Case History			
Case/File#	Date	Request	Action
09UR003	03/05/2009	Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant	PC approved with stipulations
Relevant Zoning District Regulations			
General Commercial District		Required	Proposed
Lot Area		N/A	1.32 acres
Lot Frontage		N/A	Approximately 736 feet
Maximum Building Heights		4 stories or 45 feet	One story
Maximum Density		75%	9.1%
Minimum Building Setback:			
• Front		25 feet	30 feet
• Rear		0 feet	155 feet
• Side		0 feet	120 feet
• Street Side		25 feet	37 feet from E. Knollwood Drive
Minimum Landscape Requirements:			
• # of landscape points		52,235	67,030
• # of landscape islands		1	1
Minimum Parking Requirements:			
• # of parking spaces		58	58
• # of ADA spaces		3	2
Signage		Two square feet per linear foot of frontage	No new signage proposed
Fencing		N/A	No 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.	The property is located at 1900 North Maple Avenue. There are no places of religious worship, schools, parks, or playgrounds located within 500 feet of the subject property. North Middle School is located approximately 1,000 feet to the south. It does not appear that proposed on-sale liquor use will have a negative impact on the area 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 zoned General Commercial District and was developed with a restaurant. The Major Amendment to the Conditional Use Permit is required because the on-sale liquor use had ceased for a period over two years in length. Properties located south of the subject property are zoned Medium Density Residential District and are developed with apartment complexes. East Knollwood Drive serves as a buffer between the restaurant and the adjacent residential. It appears that the on-sale liquor use will have a minimal impact if operated 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.”	Located approximately 400 feet to the north is the “Texas Roadhouse” located at 2106 North Maple Avenue. Located approximately 400 feet to the northwest is “Red Lobster” located at 120 Disk Drive. These on-sale liquor uses are also in conjunction with restaurants. The properties are located north of Interstate 90 adjacent to Rushmore Mall. It

	does not appear that the proposed use will create an undue concentration of similar uses.
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 1900 North Maple Avenue. The property was originally developed with a restaurant and the Major Amendment to the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant is required because the previous Conditional Use Permit has expired.
2. The location, character and design of adjacent buildings:	Property to the south is zoned Medium Density Residential District and is developed with an apartment complex. Property to the east is zoned General Commercial District and is developed with a cellular communications tower. Property to the west is also zoned General Commercial District and is developed with a pawn shop. Interstate 90 is located north of the subject property. To the north of Interstate 90 is Rushmore Mall.
3. Proposed fencing, screening and landscaping:	No fencing or screening is required. It appears that the landscaping is in compliance with the Zoning Ordinance.
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 North Maple Avenue and East Knollwood Drive. The minimum required parking for the proposed restaurant is 58 parking spaces. There are 58 parking spaces with two ADA accessible spaces located on the property. The applicant should be aware that prior to issuance of a Certificate of Occupancy, three ADA accessible parking spaces must be provided with one being "van accessible".
6. Existing traffic and traffic to be generated by the proposed use:	The existing structure was previously developed with a restaurant and as such does not require a Traffic Impact Study.
7. Proposed signs and lighting:	The applicant is proposing to use the existing signage.
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 allow an on-sale liquor establishment in conjunction with a restaurant. The proposed on-sale liquor use is 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:	As noted above, the applicant should be aware that three ADA parking spaces with one being "van accessible" will be required prior to issuance of a Certificate of Occupancy.
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 on-sale liquor use will have a negative effect on noise, odor, smoke, dust, air, and water pollution if operated in conjunction with a restaurant.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of	The stipulation of approval will ensure that the on-sale liquor use will only be operated in conjunction with a restaurant. Any expansion to the use will require a Major

the proposed use on existing adjacent uses:	Amendment to the Conditional Use Permit. In addition, the stipulations of approval will ensure that adequate ADA parking is provided.
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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-1.2B	Priority Activity Centers for Reinvestment: The subject property has been vacant and vandalized in the past few years. The proposed on-sale liquor use in conjunction with a restaurant supports the goal of reinvestment on the periphery of the Rushmore Mall Regional Activity Center.
	A Vibrant, Livable Community
LC-1.2A	Code Enforcement: As previously noted, the property has been vacant for the past two years. There have been many complaints regarding nuisances and graffiti. A new tenant will ensure that these issues are addressed in the future. The applicant has indicated that the graffiti and weeds are being cleaned up.
	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 on the east side of North Maple Street which is identified as a Collector 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 Major Amendment to a 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 Major Amendment to a 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:	
GDP-MU9	Adaptive Reuse: As noted above, the property is the previous location of a

	restaurant. The applicant is proposing to open a new restaurant which supports revitalization on the periphery of the Rushmore Mall Regional Activity Center.
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Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	North Rapid Neighborhood Area
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Neighborhood Goal/Policy:

NR-NA1.1A	Reinvestment Areas: As noted above, the property is located on the periphery of the Rushmore Mall Regional Activity Center. The property has been vacant for a number of years resulting in numerous property violations including: sidewalk snow removal, overgrown weeds, and graffiti. The applicant is currently working to clean up the graffiti and weeds.
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Findings

Staff has reviewed the Major Amendment to a 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 developed with a restaurant and the applicant is proposing to open a new restaurant. The property has been vacant for over two years requiring a Major Amendment to the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant. The property is located south of Rushmore Mall and is on the periphery of the Rushmore Mall Regional Activity Center which supports reinvestment in the area. The applicant is proposing to operate the on-sale liquor use in conjunction with a restaurant which should have a minimal impact on adjacent residential uses.

Staff recommends that the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant be approved with the following stipulation:

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| 1. | Prior to issuance of a Certificate of Occupancy, three ADA parking spaces shall be striped with one being “van accessible”; |
| 2. | All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment. The addition of electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for any new signs; and, |
| 3. | The Major Amendment to a Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a restaurant for the applicant. Any expansion to the on-sale liquor 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 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.*

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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 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.