



Rapid City Planning Commission

Planned Development Project Report

April 21, 2016

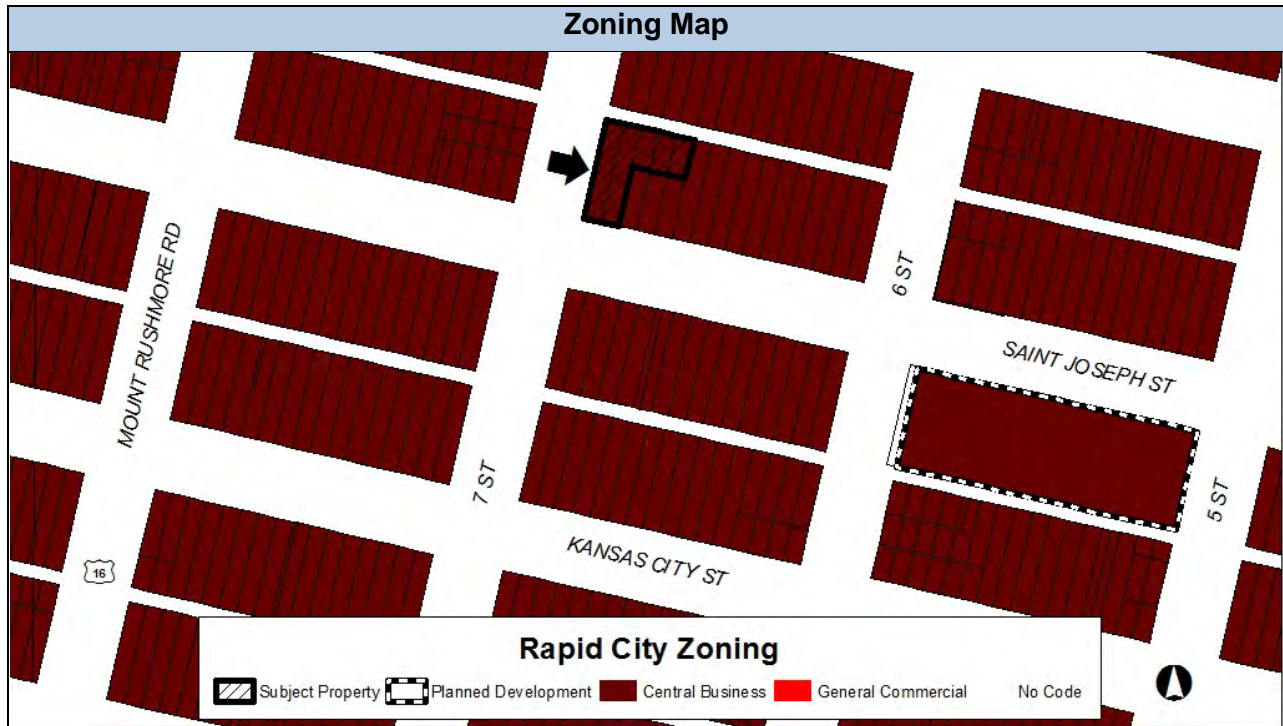
Item #15
Applicant Request(s)
Case #16UR008, a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a cigar bar
Companion Case(s) #: N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the requested Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a cigar bar be approved with the stipulations noted below.

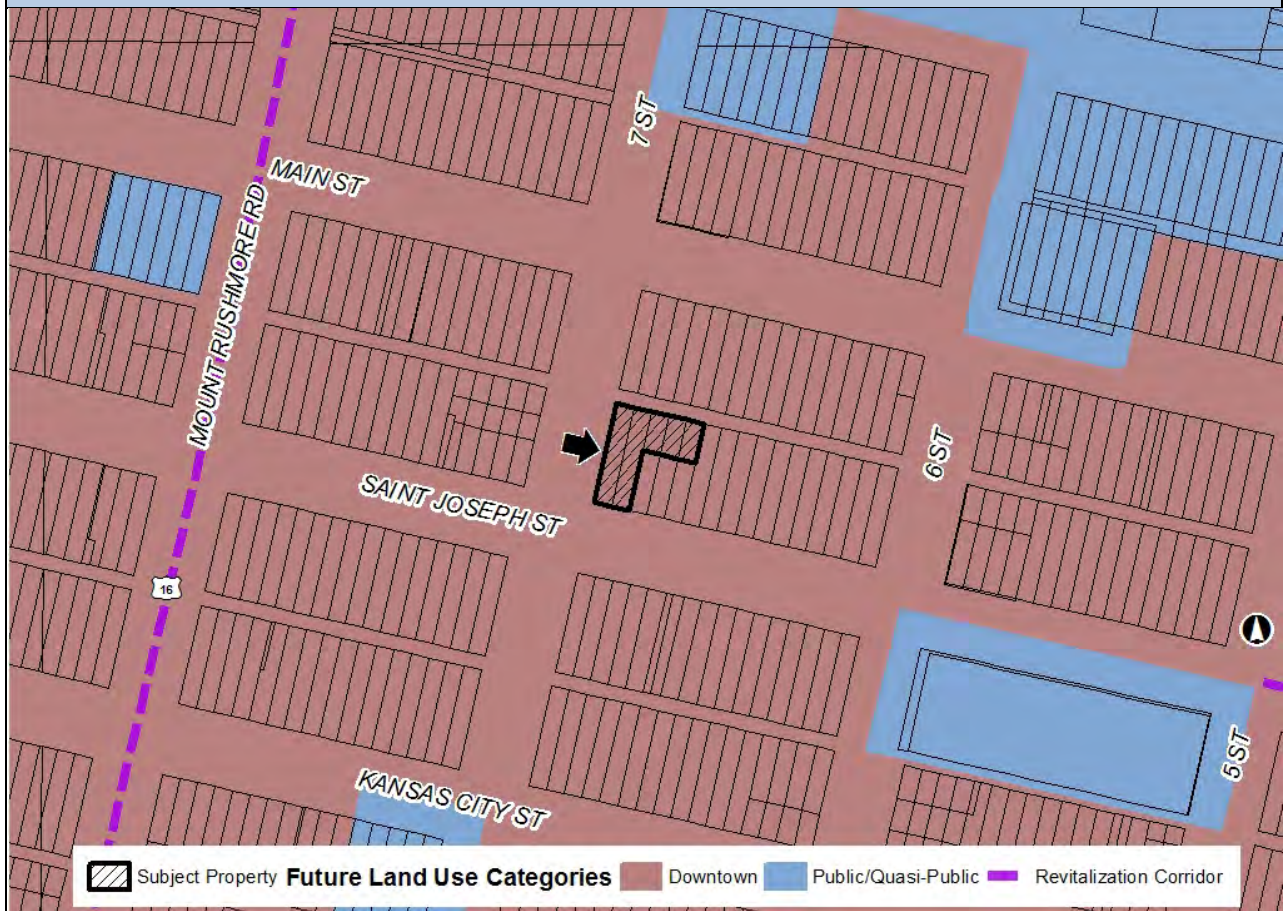
Project Summary Brief	
<p>The applicant has submitted this request for a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a cigar bar. The existing Tinder Box and Vino 100, have been operating at 518 and 520 7th Street in the Central Business District for a number of years and today are considered legally non-conforming, or “grandfathered” uses. The applicants currently serve beer and wine as accessory to the existing cigar bar, but are now proposing to transfer a full liquor license to the property and serve wine, beer, and full liquor to compliment the sale of cigars and package liquor. In 2011 the property owner obtained a Sidewalk Café Permit (File #11SC001) to allow the sale and service of alcohol in a café west of the buildings. The Sidewalk Café is being considered as a part of this application. The addition of liquor to the available offering is an expansion of the existing uses and, as such, the applicant has submitted this request to obtain a Conditional Use Permit. The requested on-sale liquor use is for the existing suites only, and no expansions or additions to the existing business area are being proposed as a part of this request.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Caroline Sharp	Planner: Robert Laroco
Property Owner: Lakota Building, LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Janet Kaiser
Surveyor: N/A	Water/Sewer: Dan Kools
Other:	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	518 and 520 7 th Street, between Main Street and Saint Joseph Street
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Original Township of Rapid City
Land Area	0.26 acres, approximately 11,326 sq ft (Suites approximately 3,500 sq ft)
Existing Buildings	Existing mixed use commercial building with 100% lot coverage
Topography	Level
Access	7 th Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	Contributing structure, Downtown Historic District.

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	CBD	Downtown, Regional Activity Center	Existing commercial retail and services
Adjacent North	CBD	Downtown, Regional Activity Center	Existing commercial retail and services
Adjacent South	CBD	Downtown, Regional Activity Center	Existing commercial retail and services
Adjacent East	CBD	Downtown, Regional Activity Center	Existing commercial retail and services
Adjacent West	CBD	Downtown, Regional Activity Center	Existing commercial retail and services



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
11SC001	5/26/11	Sidewalk Café Permit	Planning Commission approved w/ stipulations
Relevant Zoning District Regulations			
Central Business District	Required	Proposed	
Lot Area	No minimum required	0.26 ac, approximately 11,326 sq ft. (Approximately 3,500 sq ft in-suite)	
Lot Frontage	No minimum required	Unknown	
Maximum Building Heights	No maximum required	2 stories	
Maximum Density	100%	100%	
Minimum Building Setback:			
• Front	0 ft	0 ft	
• Rear	0 ft	0 ft	
• Side	0 ft	0 ft	
• Street Side	0 ft	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	No changes proposed	
Fencing	Per RCMC	None proposed.	







Planning Commission Criteria and Findings for Approval or Denial	
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:	
	Findings
1. The location, character, and natural features of the property;	The property is comprised of 0.26 acres located in a densely developed, commercially zoned neighborhood. The property is level.
2. The location, character, and design of adjacent buildings;	Property in all directions is densely developed with a variety of commercial, retail, and services.
3. Proposed fencing, screening, and landscaping;	No additional or altered fencing, screening, and landscaping is proposed.
4. Proposed vegetations, topography, and natural drainage;	No additional vegetation or alteration of topography or natural drainage is proposed.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;	Off-street parking is not required within the Central Business District. On-street parking is located adjacent to the building. Minimum 10 foot wide sidewalks about the property along 7 th Street. A sidewalk café permit (File #11SC001) has been approved for the existing seating located on the sidewalk. This Conditional Use Permit request does include the outdoor café.
6. Existing traffic and traffic to be generated by the proposed use;	Transportation Planning staff has noted that the proposed on-sale liquor establishment does not impact the existing

	transportation network in the area.
7. Proposed signs and lighting;	No changes to the existing signage and lighting is being proposed as a part of this request.
8. The availability of public utilities and services;	The site is serviced by Rapid City water and sewer. Public Works staff has not noted any utility capacity issues for the proposed on-sale liquor use.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;	The Rapid City Comprehensive Plan notes that the property is designated for downtown development and is located within a Regional Activity Center and in proximity to revitalization corridors located on Main Street and Saint Joseph Street. The downtown and Regional Activity Centers are seen as appropriate for activity-generating, pedestrian-oriented uses including on-sale liquor establishments. The proposed on-sale liquor establishment is in compliance with the adopted Comprehensive Plan and the purpose of the Ordinance.
10. The overall density, yard, height, and other requirements of the zone in which it is located;	The existing structures on the site meet all requirements with regard to setbacks, building height, lot coverage, parking, and landscaping.
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 requested on-sale liquor establishment will operate as an accessory use to the existing cigar bar. The use will be for clientele of the Tinder Box and of Vino 100 and will not generate additional traffic, noise, odor, dust, air pollution, or water pollution. This Conditional Use Permit will serve as the tool to ensure that future potential impacts of this use are mitigated to the greatest extent possible.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.	As previously noted, the Planning Commission has previously determined that the Central Business District is the appropriate location for on-sale liquor establishments. The Conditional Use Permit will serve as the tool to ensure that potential impacts associated with this on-sale liquor establishment are adequately addressed.
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:	
	Findings
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 property is located within 500 feet of three churches located south of Saint Joseph Street on Kansas City Street: The First Presbyterian Church located at 710 Kansas City Street, the Faith Temple Church of God in Christ located at 715 Kansas City Street, and First United Methodist Church located at 629 Kansas City Street. As previously noted, the Central Business District is comprised of a wide variety of uses. The Planning Commission has determined in the past that the Central Business District is the appropriate location for on-sale liquor establishments, especially when operated in conjunction with another primary use.
2. The requested use is sufficiently buffered with regard to residential areas so as not to adversely affect the areas:	There are no residentially zoned properties located within 500 feet of the subject property. It should be noted that the Central Business District does allow residential uses to be located above the ground floor. However, the Planning Commission has determined in the past that the Central Business District is the appropriate location for on-sale liquor establishments, especially when operated in conjunction with another primary use. The requested use is sufficiently buffered with regard to residentially zoned areas.

<p>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:</p>	<p>There are a number of on-sale liquor establishments located within 500 feet of the subject property. As previously noted, the Planning Commission has determined in the past that the Central Business District is the appropriate location for on-sale liquor establishments, especially when operated in conjunction with another, primary use. Based on its location within the Central Business District, the proposed on-sale liquor establishment does not create an undue concentration of similar uses and does not cause blight, deterioration, or substantially diminish or impair property values.</p>
<p>4. The proposed use complies with the standards of Chapters 5.12 and 17.54.030 of the Rapid City Municipal Code:</p>	<p>As noted above, the requested on-sale liquor establishment complies with all the requirements for a conditional use. A liquor license must be obtained for the operator of the establishment prior to commencement of the use on the property.</p>

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	
 <p align="center">A Balanced Pattern of Growth</p>	
BPG-1.2B	<p><u>Priority Activity Centers for Reinvestment</u>: A primary Downtown Regional Activity Center objective is to expand the variety of uses within the Center while retaining the character of the buildings.</p>
 <p align="center">A Vibrant, Livable Community</p>	
LC-4.1B	<p><u>Diverse Mix of Uses</u>: The proposed on-sale liquor establishment in conjunction with the existing cigar bar will add to the mix of commercial, retail, service, and residential uses desirable in the downtown and in surrounding neighborhoods.</p>
 <p align="center">A Safe, Healthy, Inclusive, and Skilled Community</p>	
N/A	N/A
 <p align="center">Efficient Transportation and Infrastructure Systems</p>	
N/A	N/A
 <p align="center">Economic Stability and Growth</p>	
EC-1.3A	<p><u>Local Business Support</u>: The requested Conditional Use Permit will continue to encourage the creation and expansion of local businesses. The Tinder Box and Vino 100 are locally owned businesses which have been located in the downtown for a number of years. The requested Conditional Use Permit will allow existing legally non-conforming uses to be brought into compliance with the requirements of the Rapid City Municipal Code.</p>
 <p align="center">Outstanding Recreational and Cultural Opportunities</p>	
N/A	N/A



Responsive, Accessible, and Effective Governance

GOV-2.1A	<u>Public Input Opportunities:</u> 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 requested Conditional Use Permit.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s): Downtown, Regional Activity Center	
Design Standards:	
GDP-MU1	<u>Relationship of Uses:</u> The requested Conditional Use Permit encourages the concentration of activity-generating uses near transit stops such as the Rapid City Bus Depot, as well as public spaces, such as Main Street Square, both located approximately one block northeast of the existing storefront.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Downtown/Skyline Drive Neighborhood
Neighborhood Goal/Policy:	
DSD-NA1.1C	<u>Mixed-Use Development:</u> The requested Conditional Use Permit will encourage mixed-uses within the Central Business District.

The Development Review Team Recommends that the request for a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a cigar bar be approved for the following reasons:

•	The requested Conditional Use Permit is to allow an on-sale liquor establishment to be for the sale of beer, wine, and full liquor as an accessory to the existing cigar and package wine store. The Tinder Box and Vino 100 are existing on-sale liquor establishments which have been operating at the location for a number of years. The Central Business District is considered the appropriate location for on-sale liquor establishments.
•	No additions or expansions to the existing storefronts are being considered as a part of this request. The requested use meets all minimum requirements of the Rapid City Municipal Code.
•	The Tinder Box and Vino 100 are located in an area where a mix of commercial, activity-generating, pedestrian-oriented uses is desirable. The proposed on-sale liquor use will encourage more of these types of high-intensity commercial activities in the area.

Staff recommends that the requested Conditional Use Permit be approved with the following stipulation:

1.	Prior to issuance of any future building permits, an 11.1 Historic Review shall be completed.
2.	The requested Conditional Use Permit shall allow an on-sale liquor establishment to be operated in conjunction with a cigar bar and a package wine store. Any change in use which expands the sale and service of alcohol shall require a Major Amendment to the Conditional Use Permit. Uses permitted in the Central Business District shall be permitted. All conditional uses in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit.