



Rapid City Planning Commission

Conditional Use Permit Project Report

July 25, 2019

Item #14
Applicant Request(s)
Case #19UR013 – Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a sign shop
Companion Case(s) # N/A

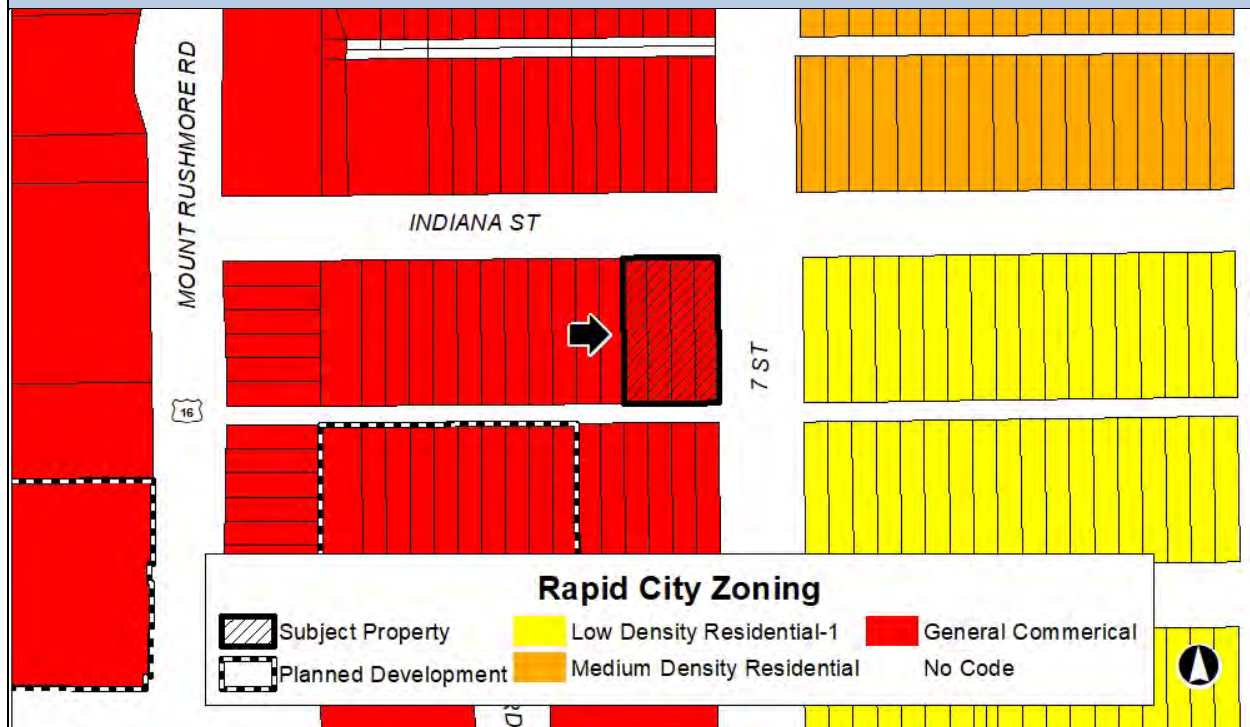
Development Review Team Recommendation(s)
Staff recommends approval with stipulation(s) as noted below.

Project Summary Brief	
The applicant has submitted a Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a sign making shop called “Board and Brush Creative Studio”. In particular, the applicant is proposing to serve beer and wine to customers during workshops and private events. Customers design and finish craft projects in three-hour workshops. The proposed hours of operation are Friday and Saturday from 5:00 p.m. to 9:00 p.m. with additional hours for private events. There will be five employees.	
The property is located at 705 Indiana Street and is developed with a commercial strip mall.	
Applicant Information	Development Review Team Contacts
Applicant: Krista Shipley	Planner: Fletcher Lacock
Property Owner: Reel Wynia 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

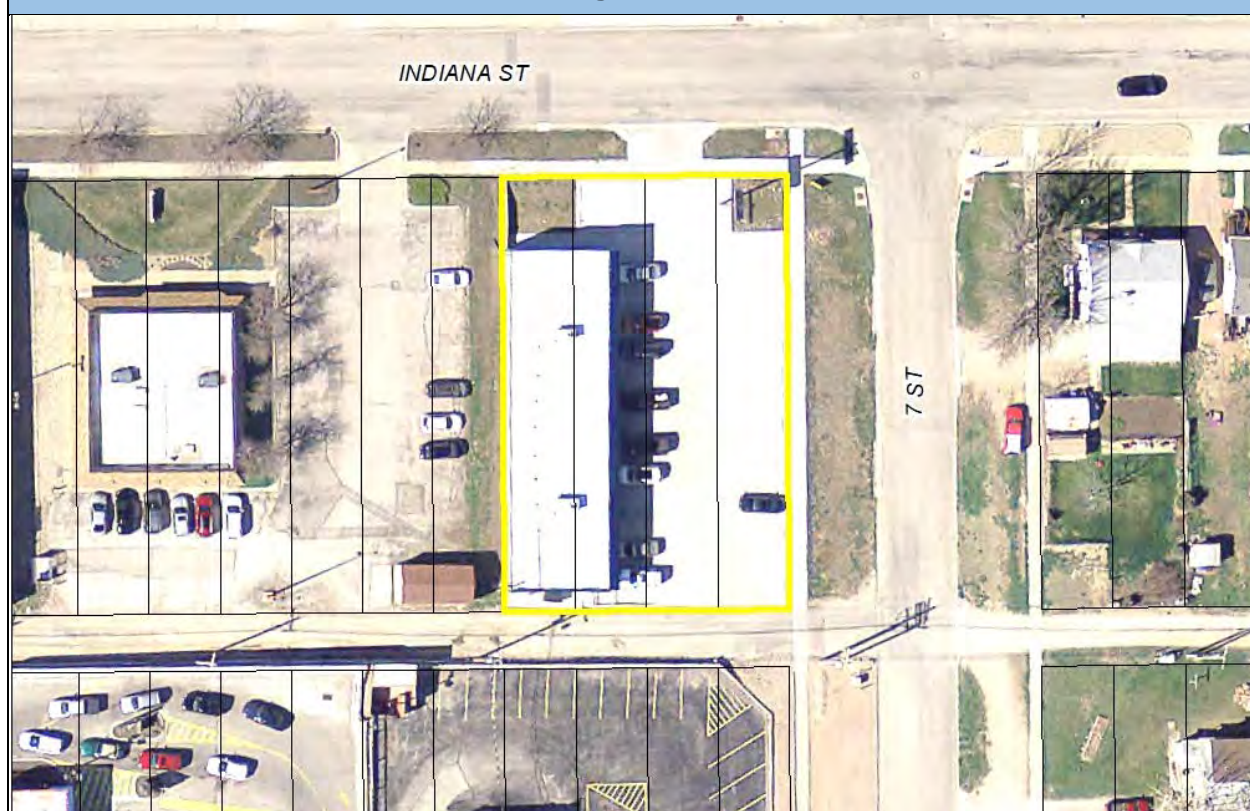
Subject Property Information	
Address/Location	705 Indiana Street, Suite D
Neighborhood	Downtown / Skyline Drive Neighborhood Area
Subdivision	South Boulevard Addition
Land Area	14,000 square feet
Existing Buildings	2,960 square feet
Topography	Relatively flat
Access	Indiana Street
Water Provider	Rapid 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	GC	UN	One story commercial structure including a casino
Adjacent North	LDR	UN	Medical offices
Adjacent South	GC	MUC	Casino
Adjacent East	GC	LDN	Single-family dwelling
Adjacent West	GC	UN	Office

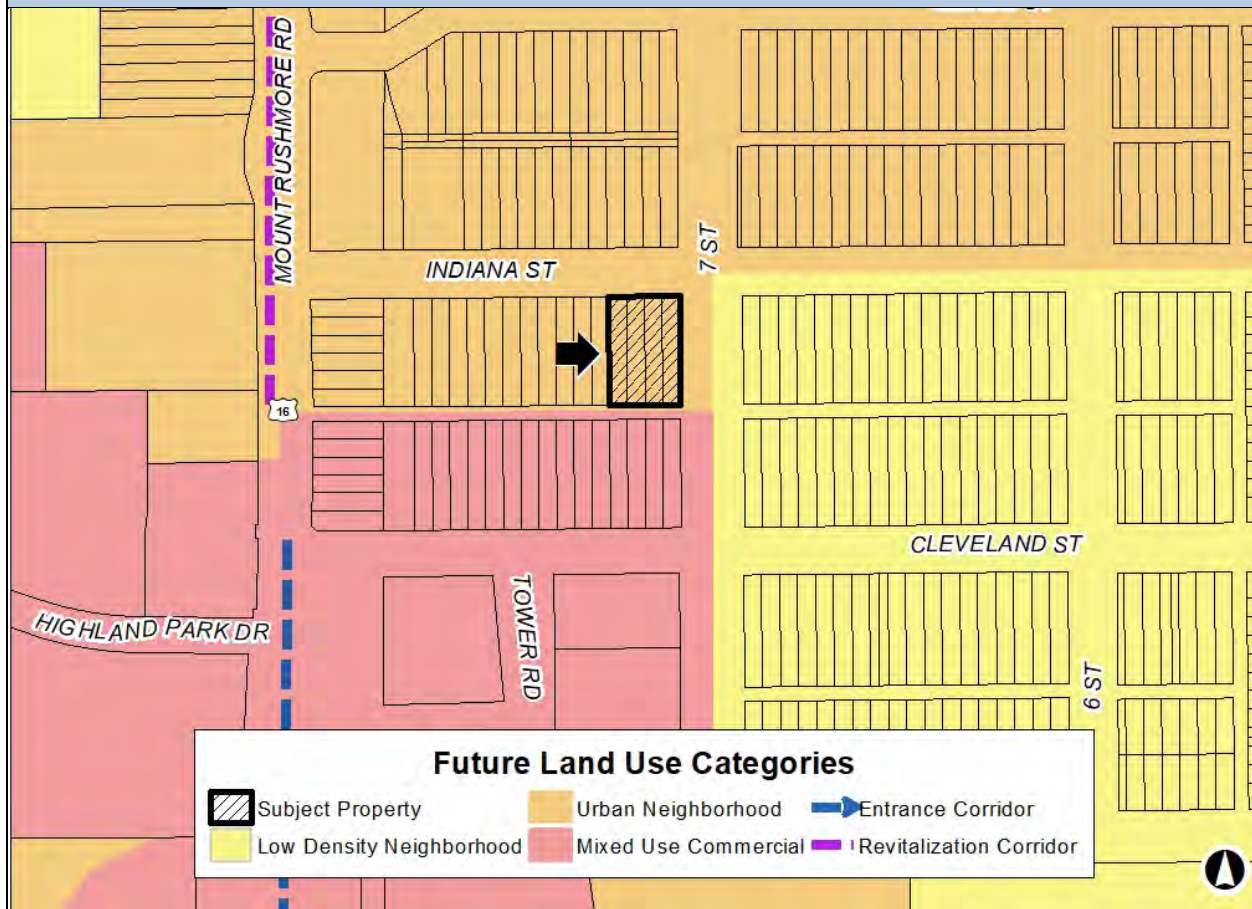
Zoning Map



Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan










Relevant Case History			
Case/File#	Date	Request	Action
11UR014	09/06/2011	Conditional Use Permit to allow an on-sale liquor establishment	Approved by Circuit Court decision
Relevant Zoning District Regulations			
General Commercial District		Required	Proposed
Lot Area		N/A	14,000 square feet
Lot Frontage		N/A	240 feet
Maximum Building Heights		4 stories or 45 feet	One story
Maximum Density		75%	21.1%
Minimum Building Setback:			
• Front		25 feet	65 feet
• Rear		0 feet	1 foot
• Side		0 feet	5 feet
• Street Side		25 feet	25 feet
Minimum Landscape Requirements:			
• # of landscape points		11,040	11,220
• # of landscape islands		0	0
Minimum Parking Requirements:			
• # of parking spaces		29	30
• # of ADA spaces		2	2
Signage		Two square feet per linear foot of frontage	New wall sign 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.	There are no places of religious worship, schools, parks, or playgrounds within a five hundred foot radius of the subject property.
2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.	Properties to the east are zoned Low Density Residential District and are developed with single-family dwellings. Seventh Street serves as the separation between higher intensity commercial uses along the Mount Rushmore Road corridor and low intensity residential uses to the east.
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.”	The subject property is also the location of a casino with an on-sale liquor establishment. The property to the south is also the location of a casino with an on-sale liquor establishment. The proposed use should not create an undue concentration if operated in compliance with the submitted operations plan.
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 705 Indiana Street. The property is developed with a commercial strip mall. The existing tenant is a casino with an on-sale liquor establishment. The proposed sign shop will be located in the other half of the building.

2. The location, character and design of adjacent buildings:	The properties to the north, south, and west are zoned general Commercial District and developed with one-story commercial structures. Properties to the east are developed with single-family dwellings.
3. Proposed fencing, screening and landscaping:	The applicant is not proposing any new landscaping or fencing. An approved landscape plan has been submitted demonstrating compliance with the Zoning Ordinance.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any structural 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:	Vehicular access is from Indiana Street and the alley to the south. There is sidewalk constructed along Indiana Street and 7 th Street. A minimum of 29 parking spaces are required. The site plan identifies 30 parking spaces which is in compliance with the Zoning Ordinance.
6. Existing traffic and traffic to be generated by the proposed use:	Based on the applicant's operations plan, it does not appear that the proposed on-sale liquor use in conjunction with a sign shop will generate significant traffic.
7. Proposed signs and lighting:	The applicant has identified that wall signage will be placed on the suite. There is an existing pole sign located on the property.
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 beer and wine sales in conjunction with a sign making store. 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:	It appears that the property is in compliance with the area regulations of the General Commercial District.
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 in conjunction with a sign shop will have a negative effect on noise, odor, smoke, dust, air, and water pollution if operated in compliance with the submitted operations plan.
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 will only be operated in conjunction with a sign shop in compliance with the submitted operations plan. Any expansion to 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
	N/A
	A Vibrant, Livable Community

LC-4.1B	Diverse Mix of Uses: The proposed sign making shop supports the goal of encouraging a mix of uses.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
	N/A
	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):	Urban Neighborhood
Design Standards:	
N/A	The property is zoned General Commercial District and an on-sale liquor establishment is identified as a conditional use. The proposed on-sale liquor establishment in conjunction with a sign shop should have a minimal impact on adjacent residential uses if operated in compliance with the submitted operations plan.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive Neighborhood Area
Neighborhood Goal/Policy:	
N/A	The property is zoned General Commercial District and is located on the periphery of the Mount Rushmore Road commercial corridor. Seventh Street serves as the transition from higher intensity commercial uses adjacent to Mount Rushmore Road and lower intensity residential uses to the east.

Findings
Staff has reviewed the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a sign shop 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 open a sign making shop which will operate Fridays and Saturdays from 5:00 p.m. to 9:00 p.m. Additional hours will be available for private parties. The property is zoned General Commercial District and an on-sale liquor establishment is identified as a conditional use. It does not appear that the proposed use will have a negative impact on the surrounding neighborhood if operated in compliance with the submitted operations plan.

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

1.	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,
2.	The Major Amendment to a Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a sign shop operated in compliance with the applicant's operations plan. The applicant shall be in compliance with the operations plan at all times. 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.*

Applicant Request(s)	
Case # 19UR013	Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a sign shop
Companion Case(s) #	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 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.