



Rapid City Planning Commission

Conditional Use Permit Project Report

August 22, 2019

Item #15
Applicant Request
Case #19UR016 – Conditional Use Permit to allow on-sale liquor use in conjunction with a furniture and décor store
Companion Case(s) # N/A

Development Review Team Recommendation(s)
Staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with a furniture and décor store with stipulation(s) as noted below.

Project Summary Brief
<p>The applicant has submitted a Conditional Use Permit to allow on-sale liquor use in conjunction with a furniture and home décor store. Specifically, “Rare Finds Décor” is proposing to offer complementary beer and wine limited to occur during special events hosted in the store. The events are intended to serve as marketing and outreach for the store.</p> <p>The existing furniture store is 26,370 square feet in size and is located at 1141 Deadwood Avenue. The hours of operation for the majority of the year are 9:00 AM to 5:00 PM Monday through Friday, 9:00 AM to 4:00 PM on Saturday, and 10:00 AM to 3:00 PM on Sunday. The events are intended to be focused on home décor education and crafting, customer appreciation and anniversary events, and new product launches.</p>

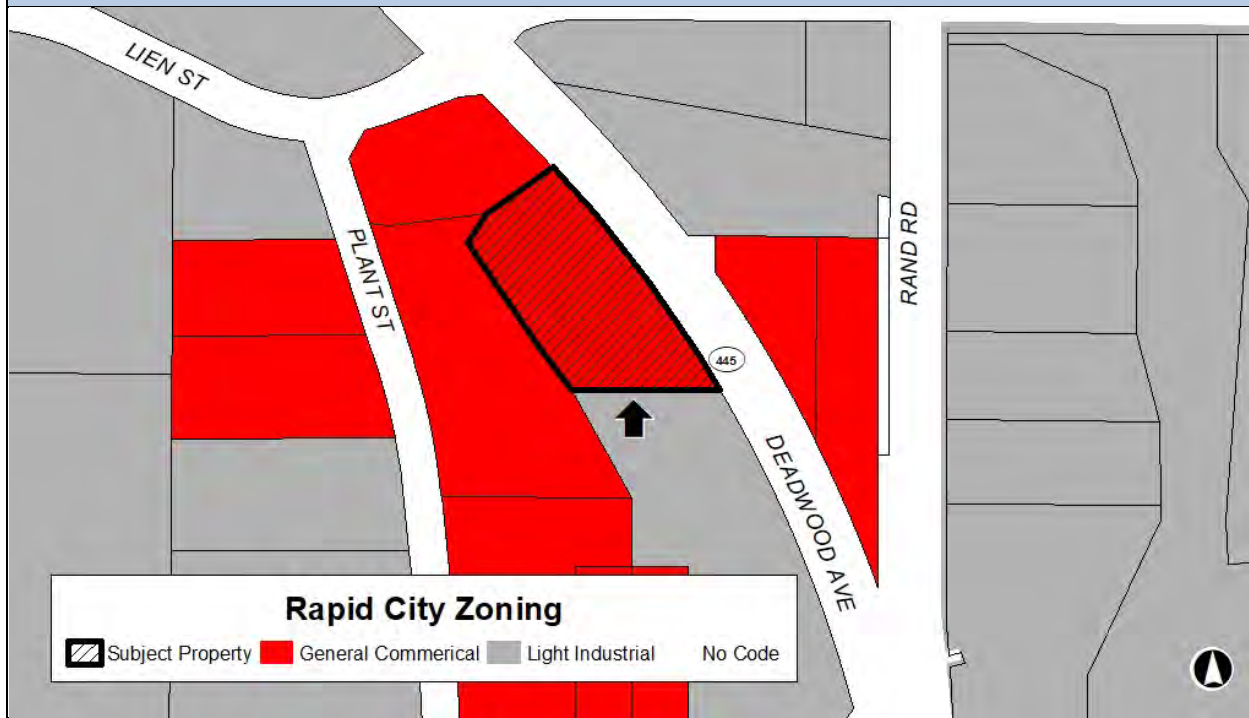
Applicant Information	Development Review Team Contacts
Applicant: Rare Finds Décor	Planner: John Green
Property Owner: JED Spectrum Incorporated	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	1141 Deadwood Avenue
Neighborhood	Deadwood Avenue Neighborhood
Subdivision	Deadwood Avenue Business Park
Land Area	2.04 acres or 88,862 square feet
Existing Buildings	26,370 square feet
Topography	Rises 20 feet from east to west
Access	Deadwood Avenue
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
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	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	LI	Retail Suite
Adjacent North	GC	LI	Automotive Repair
Adjacent South	LI	LI	Industrial Warehouse
Adjacent East	LI	LI	Industrial Office
Adjacent West	GC	LI	Office Suite

Zoning Map



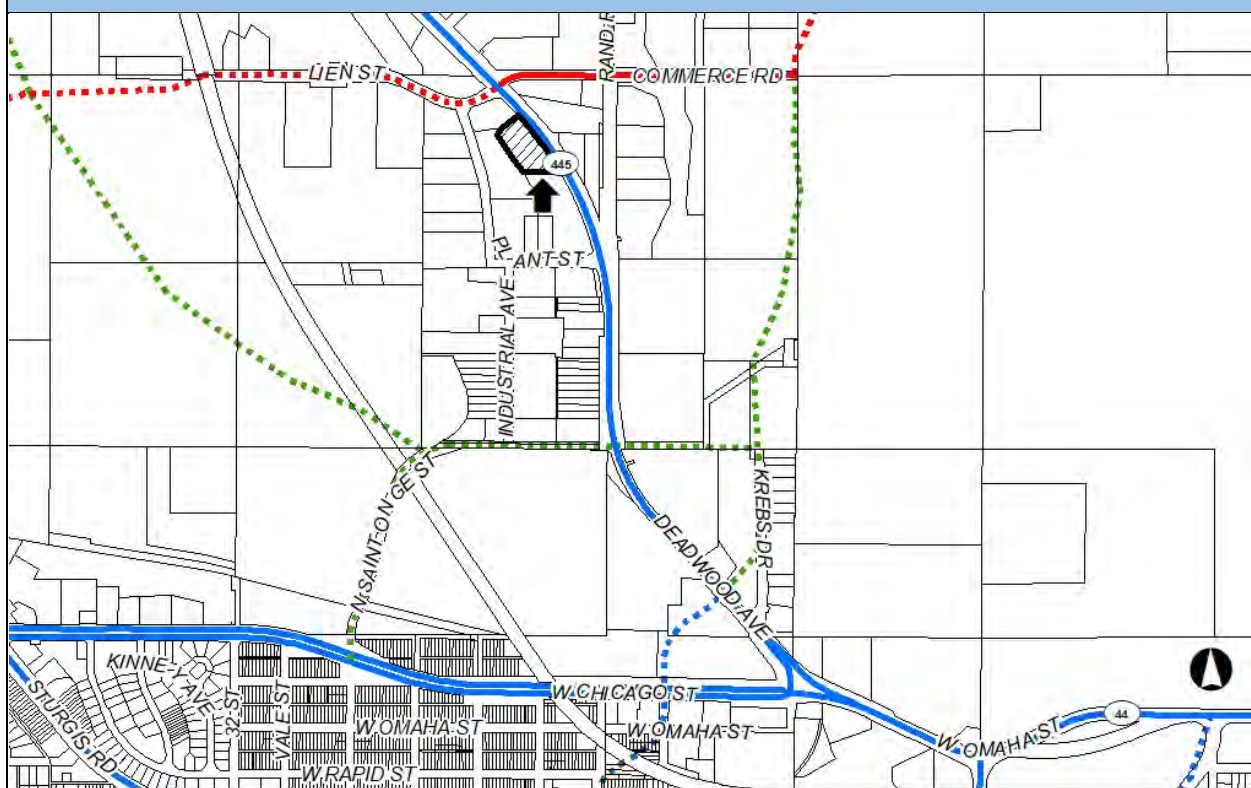
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
Light Industrial District	Required	Proposed	
Lot Area	20,000 square feet	88,862 square feet	
Lot Frontage	N/A	495 feet	
Maximum Building Heights	4 Stories or 45 feet	One story	
Maximum Density	75%	29.7%	
Minimum Building Setback:			
• Front	25 feet	48 feet	
• Rear	25 feet	71 feet	
• Side	25 feet	26 feet	
• Street Side	25 feet	N/A	
Minimum Landscape Requirements:			
• # of landscape points	62,492 points	62,750 points	
• # of landscape islands	1 per 50 spaces	0 (Legal non-conforming)	
Minimum Parking Requirements:			
• # of parking spaces	132 spaces	135 spaces	
• # of ADA spaces	5 (1 "Van Accessible")	3 (0 "Van Accessible")	
Signage	Two square feet per linear foot of frontage	No additional signage is proposed as a part of this application	
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.	There are no places of religious worship, schools, parks, playgrounds, or other similar uses within 500 feet of the subject property. It appears the proposed on-sale use will not adversely affect area places of religious worship, schools, parks, playgrounds, or other similar uses if operated in conjunction with a furniture store.
2. The requested use is "sufficiently buffered" with respect to residential areas so as not to "adversely affect" such areas.	The subject property is located in the Deadwood Avenue and is not adjacent to any residential districts or residential areas. The nearest residential district is approximately 3,250 feet northeast of the subject property. The property is surrounded by other retail uses, industrial uses, and automotive repair shops. The subject property does not require any screening and is sufficiently buffered from all residential uses in the neighborhood.
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."	Currently, there are no on-sale liquor establishments operating within 500 feet of the subject property. Two Conditional Use Permit applications for on-sale liquor had been previously approved for different suites on the subject property in 1997 and 2007. However, both uses have ceased and are no longer in operation on the property. The General Commercial District is considered the appropriate district for the proposed on-sale liquor use, and it does not appear that the proposed use will create an undue concentration of similar uses so as to cause blight, deteriorations, or substantially diminish or impair property

	values since it is being operated in conjunction with an existing furniture store.
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 1141 Deadwood Avenue and is zoned General Commercial District. The existing building is 26,370 square feet in size. The property is accessed via Deadwood Avenue and is surrounded by industrial and office uses.
2. The location, character and design of adjacent buildings:	The properties to the north and west are General Commercial District while the properties to the south and east are zoned Light Industrial District.
3. Proposed fencing, screening and landscaping:	The subject property is zoned General Commercial District, which does not require fencing or screening for uses that are not adjacent to a residential district. The subject property is required to provide a minimum of 62,492 landscape points. The property currently provides 62,750 landscape points and is in compliance with Rapid City Municipal Code.
4. Proposed vegetation, topography and natural drainage:	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. Public Works staff has noted there are no issues with site drainage or grading.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	The subject property is currently utilized as office and retail suites, requiring that a minimum 132 off-street parking spaces be provided. Of those spaces, a minimum of five spaces must be ADA Accessible, with at least one of the ADA spaces being "Van Accessible". The applicant's site plan identifies 135 off-street parking spaces and 3 ADA spaces. Prior to issuance of a Building Permit, the site plan must be revised to show a minimum of five ADA spaces provided, with at least one of the spaces being "Van Accessible".
6. Existing traffic and traffic to be generated by the proposed use:	The existing use on the property is permitted within the district. The proposed use should not have any transportation impacts if operated in conjunction with the furniture store.
7. Proposed signs and lighting:	All existing signage and lighting is in compliance with Rapid City Municipal Code. No additional signage is proposed as part of this Conditional Use Permit application.
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 serve as the district in which general retail activity is conducted throughout the City. The applicant is proposing to allow on-sale liquor use for special events in conjunction with an existing furniture 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:	As noted above, the applicant is not proposing any expansion of the existing structure.

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 entirely within an existing furniture store.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	The stipulations of approval will ensure that the on-sale liquor use is only operated in conjunction with the existing furniture store 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 on-sale liquor use is intended as a complimentary item to be served during special events held in the furniture store. The proposed use will help to create a unique shopping atmosphere for patrons of the store.
	A Vibrant, Livable Community
LC-4.1B	Diverse Mix of Uses: The subject property is located in the Deadwood Avenue Neighborhood. The proposed events and existing uses will generate retail activity in the core of the neighborhood and provide outreach and services to patrons of the furniture store.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: The property is accessed via Deadwood Avenue, 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 property 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):	Light Industrial
Design Standards:	
GDP-EA1	Building Design and Character: The Rapid City Comprehensive Plan promotes placing parking areas in the rear of a structure whenever possible. The subject property has a majority of its parking spaces located behind the primary structure on the property, screening the primary parking area on the property from Deadwood Avenue.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Deadwood Avenue Neighborhood
Neighborhood Goal/Policy:	
DA-NA1.1B	Mixed Use Development: The proposed on-sale liquor use in conjunction with the existing furniture store provides outreach and special events for patrons of the furniture store.

Findings	
Staff has reviewed the Conditional Use Permit to allow a on-sale liquor use in conjunction with a furniture and décor store 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 provide complementary beer and wine as part of special home décor events held in the store. The proposed on-sale liquor establishment should not have a negative impact on the area if operated in conjunction with the existing furniture store and pursuant to the applicant’s operational plan.	

Staff recommends approval of the Conditional Use Permit to allow on-sale liquor use in conjunction with an existing furniture store with the following stipulation(s):	
1.	Prior to issuance of a Building Permit, the site plan shall be revised to show a minimum of 5 ADA parking spaces, with a minimum of one ADA space designed as “Van Accessible”;
2.	All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; All signs, including banners or grand opening or special event advertisements are subject to historic review; The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit;
3..	The Conditional Use Permit shall allow on-sale liquor limited to occur in conjunction only with special events for the furniture store. Any expansion or change in the proposed 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 shall require the review and approval of a Building Permit. Any change in use or expansion of 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.*

		Applicant Request(s)
Case # 19UR016		Conditional Use Permit to allow on-sale liquor in conjunction with a furniture and décor store
Companion Case(s)	N/A	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 requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;	
3.	All requirements of the currently adopted Building Code shall be met;	
4.	An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;	
5.	A Right-of-way Permit shall be obtained prior to any work within the right-of-way, including grading;	
6.	ADA accessibility shall be provided throughout the structure and site as necessary;	
7.	All provisions of the underlying zoning district shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;	
8.	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,	
9.	All applicable provisions of the adopted International Fire Code shall continually be met.	
10.	All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Major Amendment to the Conditional Use Permit. Any proposed electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign.	