



# Rapid City Planning Commission

## Conditional Use Permit Project Report

October 10, 2019

<b>Item #7</b>
<b>Applicant Request(s)</b>
Case #19UR020 –Conditional Use Permit to allow an on-sale liquor establishment
Companion Case(s) # N/A

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

<b>Project Summary Brief</b>
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The applicant has submitted a Conditional Use Permit to allow an on-sale liquor establishment for a proposed taproom to be called “Apps N Taps”. In particular, the applicant is proposing to open a taproom with beer, wine, seltzer, and carbonated beverages which will be self-served. The applicant is proposing to sell appetizers in addition to the beverages. The customers identification card and credit card are scanned onto a key card which allows the customer to pour their own beverages with a 46-ounce limit. The proposed hours of operation are Monday through Thursday from 3:00 p.m. to 10:00 p.m., Saturday from 11:00 a.m. to 11:00 p.m., and Sunday from 11:00 a.m. to 8:00 p.m. There will be two full-time employees and six part-time staff.

The property is located at 615 Main Street and is developed with a two story commercial building.

Applicant Information	Development Review Team Contacts
Applicant: Brian Dadah	Planner: Fletcher Lacock
Property Owner: Larry and Susan Heil	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

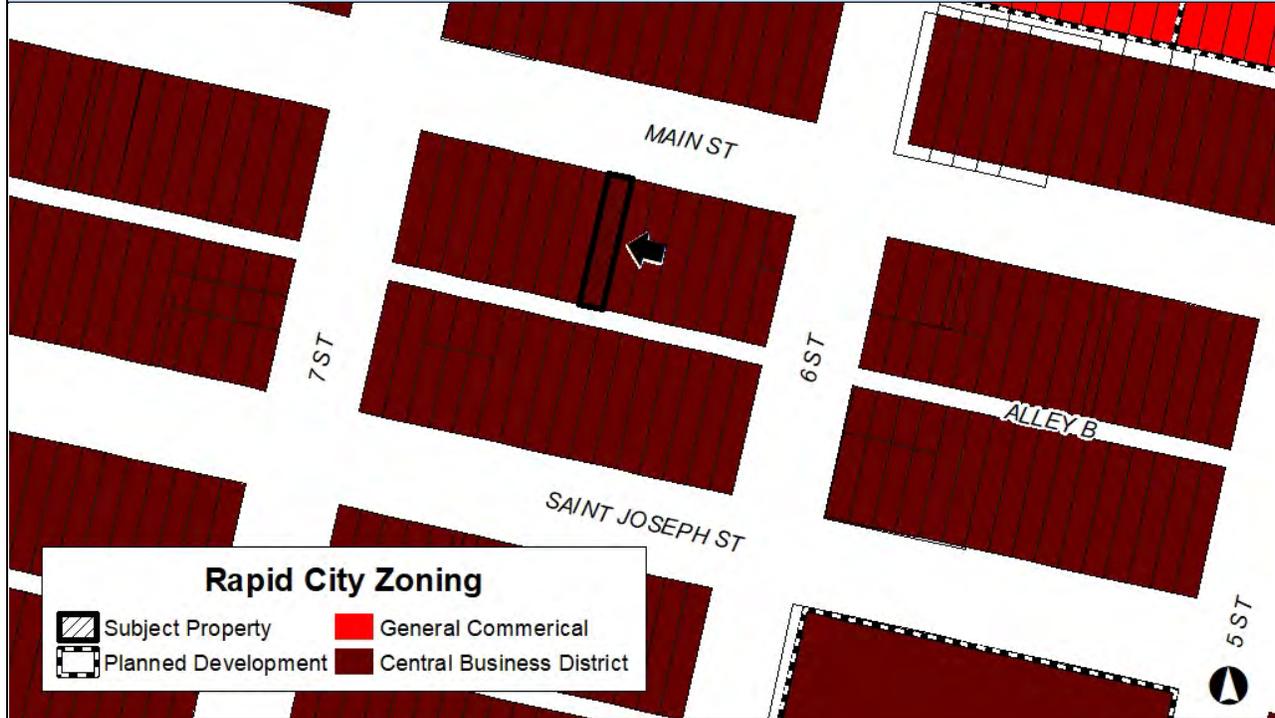
<b>Subject Property Information</b>	
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Address/Location	615 Main Street
Neighborhood	Downtown / Skyline Drive Neighborhood Area
Subdivision	Original Town of Rapid City
Land Area	3,500 square feet
Existing Buildings	2,575 square feet
Topography	Level
Access	Main Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	Downtown Historic District

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	CB	DT	One story commercial structure including a casino
Adjacent North	CB	DT	Restaurant and micro-brewery
Adjacent South	CB	DT	Casino
Adjacent East	CB	DT	Single-family dwelling
Adjacent West	CB	DT	Office

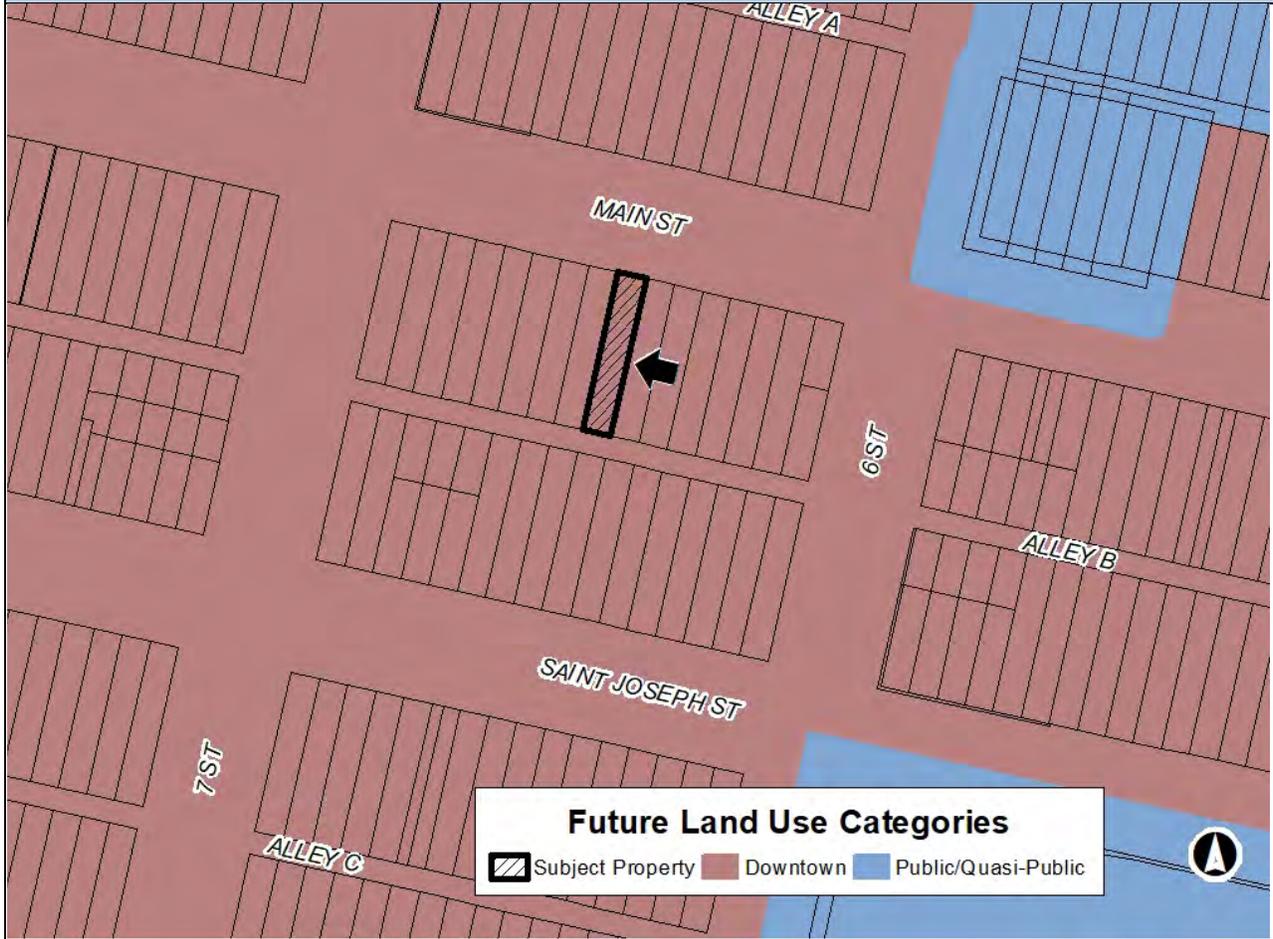
**Zoning Map**



**Existing Land Uses**



### Comprehensive Plan Future Land Use



### Parks or Transportation Plan



### Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
UR 1063	03/16/1992	Conditional Use Permit to allow an on-sale liquor establishment	City Council approved
Relevant Zoning District Regulations			
Central Business District		Required	Proposed
Lot Area		N/A	3,500 square feet
Lot Frontage		N/A	50 feet
Maximum Building Heights		N/A	Two-stories
Maximum Density		100%	73%
Minimum Building Setback:			
• Front		0 feet	0 feet
• Rear		0 feet	0 foot
• Side		0 feet	0 feet
• Street Side		0 feet	N/A
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		50 square feet	New wall sign proposed
Fencing		N/A	No fencing proposed

Planning Commission Criteria and Findings for Approval or Denial	
<p><b>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:</b></p>	
Criteria	Findings
<p>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.</p>	<p>Main Street Square is located 275 feet to the east. 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 park. There are no other schools, parks, playgrounds, or other similar uses within a 500-foot radius of the property.</p>
<p>2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.</p>	<p>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 Central Business District.</p>
<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>A number of properties in proximity to the proposed taproom 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 block. 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</p>

	diminish or impair property values.
4. The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.	See below
<b>Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:</b>	
1. The location, character and natural features of the property:	The property is located at 615 Main Street in a fully developed, mixed-use commercial and residential area of the city typically 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 handicapped persons:	Sidewalk is installed along Main Street. Off-street parking is not required within the boundaries of the Central Business District. No off-street parking is being provided on-site.
6. Existing traffic and traffic to be generated by the proposed use:	Main Street is classified as a Principal 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 a taproom 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 73 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.

<p>12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:</p>	<p>The Central Business District is viewed as the appropriate zoning classification for on-sale liquor 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.</p>
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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**

	<b>A Balanced Pattern of Growth</b>
	N/A
	<b>A Vibrant, Livable Community</b>
LC-3.1C	<p><b>Compatible Infill and Redevelopment:</b> 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 a taproom is appropriate for the types of pedestrian-oriented, activity generating uses appropriate for the downtown and within a Regional Activity Center.</p>
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
	N/A
	<b>Economic Stability and Growth</b>
EC-1.3A	<p><b>Local Business Support:</b> The requested Conditional Use Permit supports a local business and a new style of activity generating use in the downtown.</p>
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<p><b>Public Input Opportunities:</b> 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.</p>

**Comprehensive Plan Conformance – Growth and Reinvestment Chapter**

<p><b>Future Land Use Plan Designation(s):</b></p>	<p>Downtown, Regional Activity Center</p>
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<b>Design Standards:</b>	
GDP-MU9	Adaptive Reuse: The subject property has a kitchen already in place which will allow the applicant to re-use the equipment to serve appetizers. The applicant estimates that 30% of sales will be food.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	Downtown / Skyline Drive Neighborhood Area
<b>Neighborhood Goal/Policy:</b>	
DSD-NA1.1B	Regional Activity Center: The proposed Conditional Use Permit will continue to support the ongoing revitalization of the Downtown as a regional destination for activity and entertainment.

<b>Findings</b>	
<p>Staff has reviewed the Conditional Use Permit to allow an on-sale liquor establishment 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 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 a taproom is appropriate for the types of pedestrian-oriented, activity generating uses desired for the downtown area 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.</p>	

<b>Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulation(s):</b>	
1.	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 Conditional Use Permit. 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; and,
2.	The Conditional Use Permit shall allow an on-sale liquor establishment 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 Central Business District shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the Central Business 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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<b>Companion Case(s) #</b>	N/A
<b>ADVISORIES: Please read carefully!</b>	
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.