



Rapid City Planning Commission

Conditional Use Permit Project Report

February 20, 2020

Item #6
Applicant Request(s)
Case #20UR003 - Major Amendment to the Conditional Use Permit to allow on-sale liquor use in conjunction with a microbrewery
Companion Case(s) #: N/A

Development Review Team Recommendation(s)
Staff recommends approval of the Major Amendment to the Conditional Use Permit with the stipulations noted below.

Project Summary Brief
The applicant is requesting this Major Amendment to the Conditional Use Permit to allow on-sale liquor use in conjunction with a microbrewery on the property located at 505 7 th Street. Specifically, the applicant intends to produce craft beer as part of an on-site microbrewery and sell the beer in conjunction with their existing retail beverage operation, "Lone Pine Kombucha". The property is approximately 0.4 acres in size and is zoned Central Business District. Both on-sale liquor and microbrewery production are listed as Conditional Uses within the Central Business District. The applicant has stated that hours of operation will be 11:00 AM to 8:00 PM, Tuesday through Saturday.

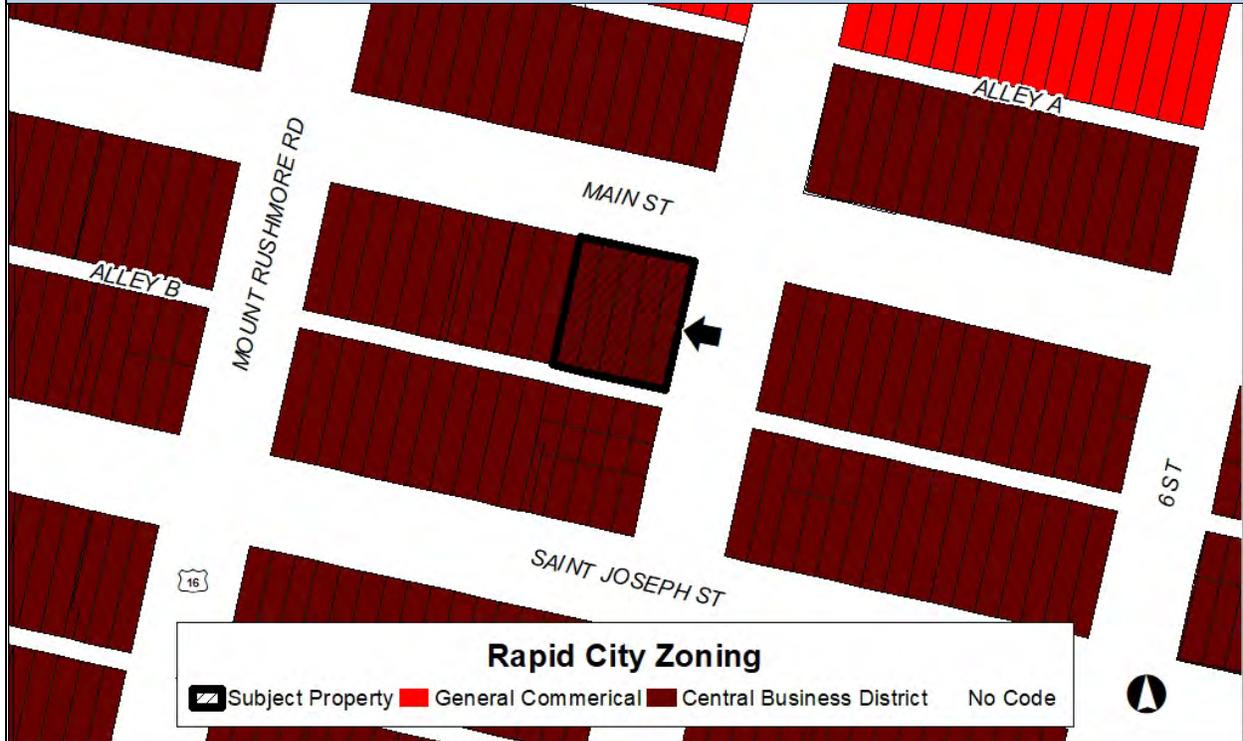
Applicant Information	Development Review Team Contacts
Applicant: Keith Houdashelt	Planner: John Green
Property Owner: Sweeney Building Investments	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	505 7th Street
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Original Town of Rapid City
Land Area	0.4 acres or 17,424 square feet
Existing Buildings	17,424 square-foot retail building
Topography	Level
Access	7 th 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	CBD	DT	Retail
Adjacent North	CBD	DT	Retail
Adjacent South	CBD	DT	Retail
Adjacent East	CBD	DT	Retail
Adjacent West	CBD	DT	Retail

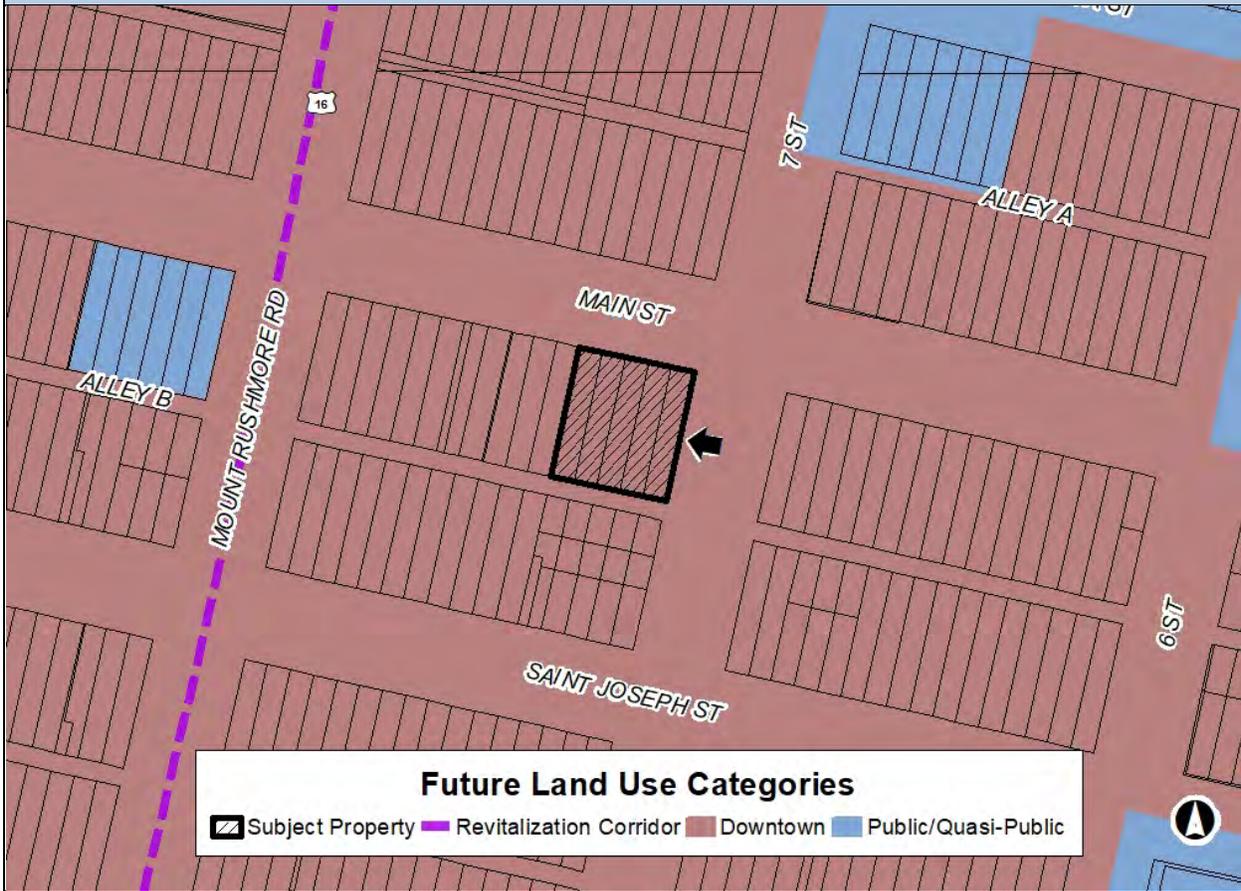
Zoning Map



Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
98UR046	10/30/98	Conditional Use Permit to allow an on-sale liquor establishment	PC approved 11/25/98 CC approved 12/7/98
Relevant Zoning District Regulations			
Central Business District	Required	Proposed	
Lot Area	No minimum required	0.4 acres or 17,424 square feet	
Lot Frontage	No minimum required	Approximately 265 feet	
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	None proposed: 11.1 Historic Review required for future signage	
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 Major Amendment to a Conditional Use Permit:	
	Findings
1. The location, character, and natural features of the property;	The subject property is 0.4 acres in size and is zoned Central Business District. The property is surrounded by mixed use retail and commercial land uses.
2. The location, character, and design of adjacent buildings;	Adjacent properties are developed with 100% lot coverage and consist of mixed-use and retail operations.
3. Proposed fencing, screening, and landscaping;	No screening, fencing, or landscaping is required within the Central Business District.
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;	Minimum 10-foot sidewalks are installed along Main Street and 7 th 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. Transportation staff has noted that the proposed use will not adversely impact traffic in the surrounding area.

7. Proposed signs and lighting;	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 microbrewery and associated tap room is appropriate for the neighborhood and represents an activity generating use appropriate for the Central Business District.
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 100 percent of the lot. There are no setback or lot coverage requirements within the Central Business District. No landscaping or off-street parking is required within the 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;	The proposed on-sale liquor use and microbrewery for production and consumption of craft beer 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.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.	The Central Business District is viewed as the appropriate zoning classification for on-sale alcohol uses. In addition, the applicant is proposing the sale and service of beer 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.

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 First Presbyterian Church is located at 710 7 th Street, approximately 415 feet to the south. The Central Business District is seen as the appropriate district for an on-sale liquor establishment and does not appear to cause any adverse impacts on the surrounding neighborhood. There are no other schools, parks, playgrounds, or other similar uses within a 500-foot radius of the property.
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.
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:	A number of properties in proximity to the proposed microbrewery have an on-sale liquor use approved for the property. Vino 100, The Tinderbox and Canvas 2 Paint are located east of the proposed microbrewery. 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. As previously mentioned, 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.
4. The proposed use complies with the standards of Chapters 5.12 and 17.54.030 of the Rapid City Municipal Code:	As noted above, the requested Major Amendment to the Conditional Use Permit complies with the standards of Chapter 5.12 and Chapter 17.54.030 of the Rapid City Municipal Code.
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	N/A
 A Vibrant, Livable Community	
LC-4.1B	Diverse Mix of Uses: The proposed Major Amendment will create an activity-generating use to promote growth and vibrancy in the Downtown area.
 A Safe, Healthy, Inclusive, and Skilled Community	
N/A	N/A
 Efficient Transportation and Infrastructure Systems	
TI-2.1A	Major Street Plan Integration: The subject property is accessed via 7 th Street on the west and Main Street on the north. Main Street is listed as a Principal Arterial Street on the City's Major Street Plan while 7 th Street is a Local Street.
 Economic Stability and Growth	
N/A	
 Outstanding Recreational and Cultural Opportunities	
N/A	N/A
 Responsive, Accessible, and Effective Governance	
GOV-2.1A	Public Input Opportunities: The Major Amendment to a 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 proposed on-sale liquor establishment.
Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Downtown, Regional Activity Center
Design Standards:	
GDP-MU1	Relationship of Uses: The proposed on-sale liquor use operated in conjunction with a microbrewery is an activity generating use that will promote enhanced pedestrian activity and vibrancy in the Downtown area.
Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	

Neighborhood:	Downtown/Skyline Drive Neighborhood
Neighborhood Goal/Policy:	
DSD-NA1.1B	Regional Activity Center: The proposed Major Amendment will continue to support the ongoing revitalization of the Downtown as a regional destination for entertainment.
Findings	
<p>Staff has reviewed the Major Amendment to a Conditional Use Permit to allow on-sale liquor use in conjunction with a microbrewery pursuant to 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 subject property is located within the Central Business District and does not appear to cause any adverse impacts on surrounding land uses. The proposed expansion of use in the suite to include craft beer production and on-sale liquor use is appropriate for the downtown area. 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>	
Staff recommends that the requested Major Amendment to the Conditional Use Permit to allow on-sale liquor use in conjunction with a microbrewery be approved with the following stipulations:	
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 Major Amendment. 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 requested Major Amendment to the Conditional Use Permit shall allow on-sale liquor use operated in conjunction with a microbrewery on the property operated in compliance with the submitted operations plan. Any change in operator shall require a Major Amendment to the Conditional Use Permit. All requirements of the Central Business District shall be continually maintained. Any permitted use in the Central Business District shall be allowed with a Building Permit. Conditional uses in the Central Business District or any expansion of the on-sale liquor use on the property shall require 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.*

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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 initial and Major Amendment to a 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 Major Amendment to a 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.	