



Rapid City Planning Commission

Conditional Use Permit Project Report

July 23, 2020

Item #5
Applicant Request(s)
Case #20UR015 – Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant
Companion Case(s) # N/A

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

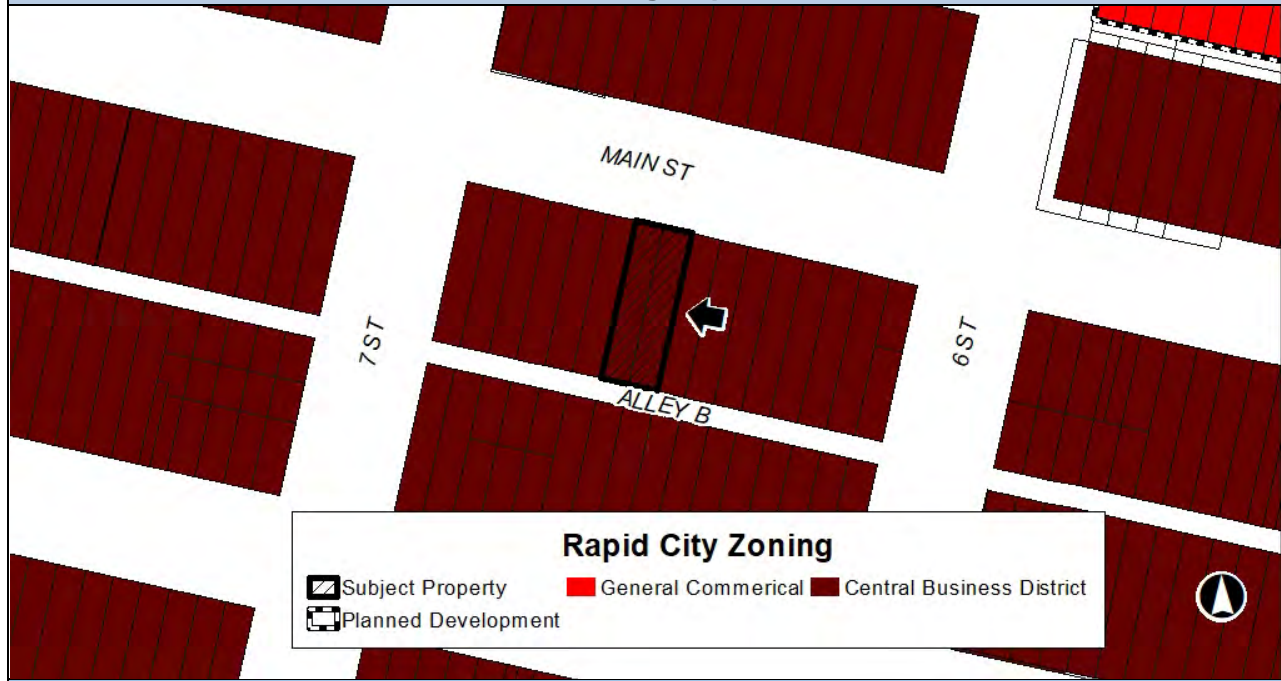
Project Summary Brief	
<p>The applicant has submitted a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a new restaurant called “Sabatino’s”. The applicant is proposing to serve beer and wine to restaurant customers. The proposed hours of operation are Monday through Thursday 11:00 a.m. to 10:00 p.m. and Friday through Sunday 7:00 a.m. to 10:00 p.m. There will be twelve full-time and part-time employees.</p> <p>The property is located at 617 Main Street and is developed with a three-story mixed-use commercial building.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Alessio Di Sabatino	Planner: Fletcher Lacock
Property Owner: Workop SD LLC	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	617 Main Street
Neighborhood	Downtown / Skyline Drive Neighborhood Area
Subdivision	Original Town of Rapid City
Land Area	7,000 square feet
Existing Buildings	7,000 square fee
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	Commercial building
Adjacent North	CB	DT	Micro-brewery and winery
Adjacent South	CB	DT	Commercial building
Adjacent East	CB	DT	Commercial building
Adjacent West	CB	DT	Commercial building

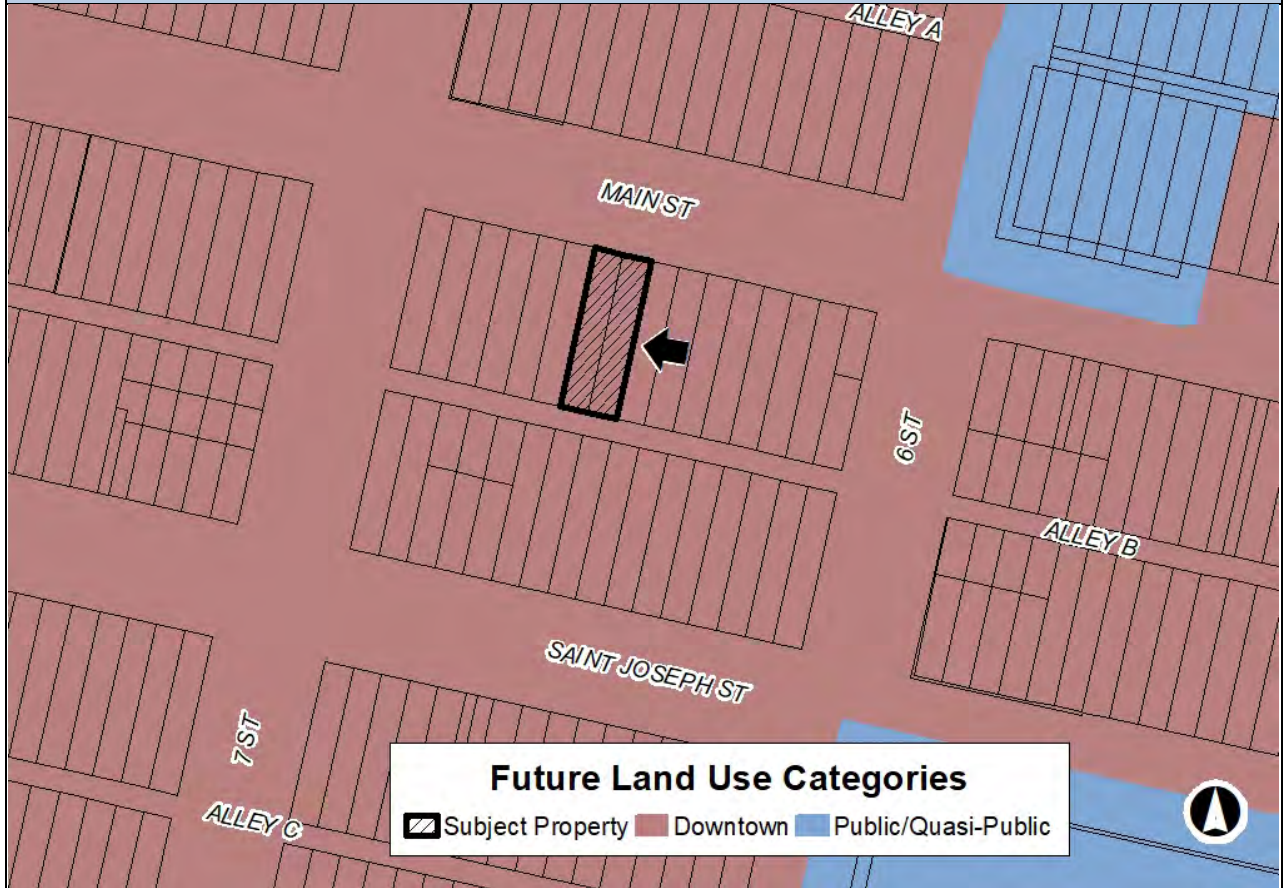
Zoning Map



Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Central Business District	Required	Proposed	
Lot Area	N/A	7,000 square feet	
Lot Frontage	N/A	50 feet	
Maximum Building Heights	N/A	Three-stories	
Maximum Density	100%	100%	
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>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:</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 300 feet to the east of the subject property. The Central Business District is seen as the appropriate district for an on-sale liquor establishment. In addition, the proposed on-sale liquor use will be in conjunction with a restaurant. Based on these reasons, it does not appear that the proposed on-sale use will have an adverse effect on the square. 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>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 restaurant have an on-sale liquor use approved for the property. Vino 100, Pour 54, 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, 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 diminish or impair property values.</p>

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 617 Main Street in a fully developed, mixed-use commercial and residential area of the city typically comprised of lots with 100 percent coverage and zero foot setbacks.
2. The location, character and design of adjacent buildings:	Properties in all directions are 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 or required 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 should note that 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 restaurant is appropriate for the types of pedestrian-oriented, activity generating uses appropriate for the downtown area 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:	There are no setback or lot coverage requirements for a three-story 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 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 liquor uses. In addition, the applicant is proposing the sale and service of beer and wine in conjunction with a restaurant. 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.
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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

	A Balanced Pattern of Growth
	N/A
	A Vibrant, Livable Community
LC-3.1C	Compatible Infill and Redevelopment: 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 restaurant is appropriate for the types of pedestrian-oriented, activity generating uses appropriate for the downtown and within a Regional Activity Center.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
	N/A
	Economic Stability and Growth
EC-1.3A	Local Business Support: The requested Conditional Use Permit supports a new restaurant in the downtown.
	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):	Downtown, Regional Activity Center
Design Standards:	
GDP-MU9	Adaptive Reuse: The applicant is proposing to open a new restaurant in the established downtown core.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive Neighborhood Area
Neighborhood Goal/Policy:	
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.

Findings	
<p>Staff has reviewed the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant 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 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 on-sale liquor establishment in conjunction with a restaurant 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>	

Staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant with the following stipulation(s):	
1.	Prior to issuance of a sign permit, the sign(s) 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 in conjunction with a restaurant 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

<i>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.</i>	
	Applicant Request(s)
Case # 20UR015	Conditional Use Permit to expand an on-sale liquor establishment in conjunction with a restaurant
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.