



# Rapid City Planning Commission

## Conditional Use Permit Project Report

August 27, 2020

<b>Item #13</b>
<b>Applicant Request(s)</b>
Case #20UR017 – Conditional Use Permit to allow on-sale liquor use in conjunction with a barber shop
Companion Case(s) # N/A

<b>Development Review Team Recommendation(s)</b>
Staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with a barber shop with stipulation(s) as noted below.

<b>Project Summary Brief</b>
The applicant has submitted a Conditional Use Permit to allow on-sale liquor use in conjunction with an existing barber shop on the property located at 516 6 <sup>th</sup> Street. Specifically, the applicant intends to serve beer or wine to customers waiting for a hair appointment at “Black Hills Barbershop”. The applicant intends to serve patrons receiving a haircut. The subject property is zoned Central Business District and is approximately 0.11 acres in size. The existing building has a footprint of approximately 4,792 square feet and is split into two separate units, with the barber shop occupying the northern half of the building.

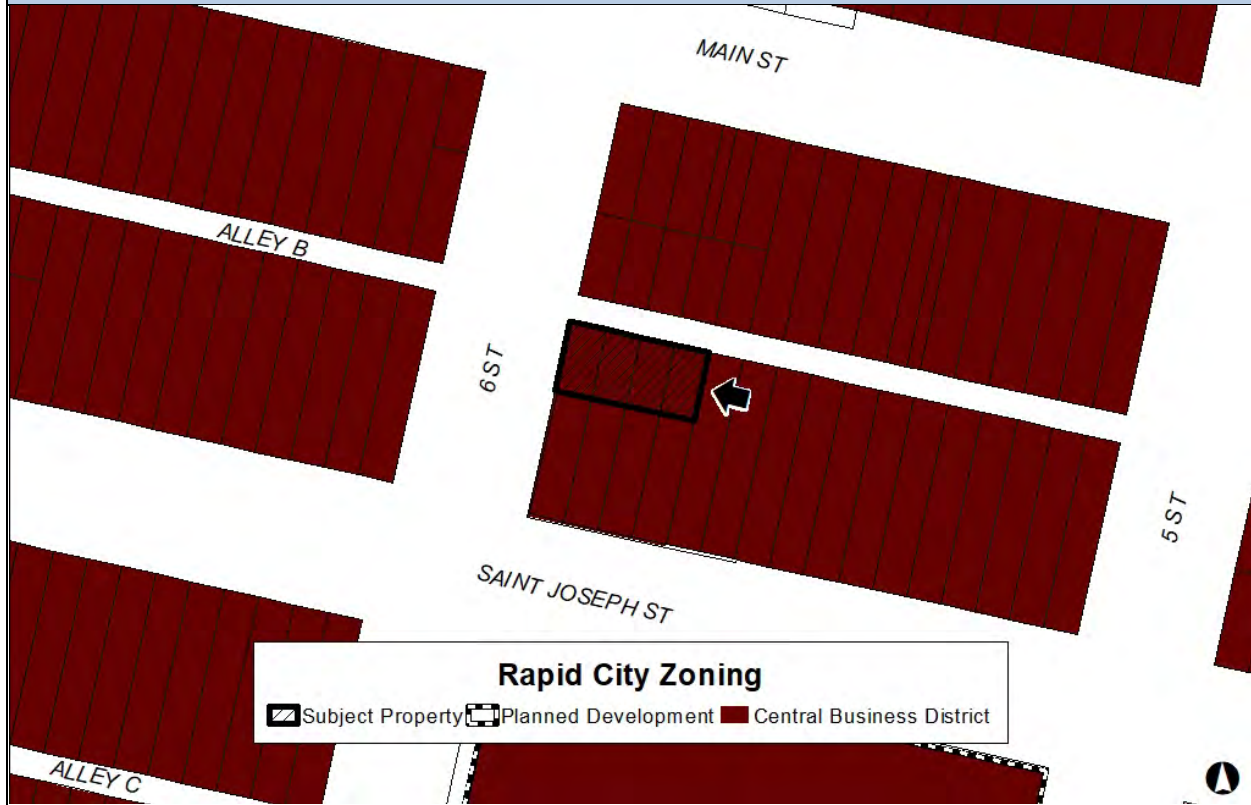
Applicant Information	Development Review Team Contacts
Applicant: Black Hills Barbershop	Planner: John Green
Property Owner: Bade Family Partnership LLP	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	516 6 <sup>th</sup> Street
Neighborhood	Downtown/Skyline Drive
Subdivision	Original Town of Rapid City
Land Area	0.11 acres or 4,792 square feet
Existing Buildings	4,792 square-foot commercial structure
Topography	Relatively flat
Access	6 <sup>th</sup> 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 Shops/Personal Service
Adjacent North	CBD	DT	Retail Shops/Personal Service
Adjacent South	CBD	DT	Retail Shops/Personal Service
Adjacent East	CBD	DT	Retail Shops/Personal Service
Adjacent West	CBD	DT	Retail Shops/Personal Service

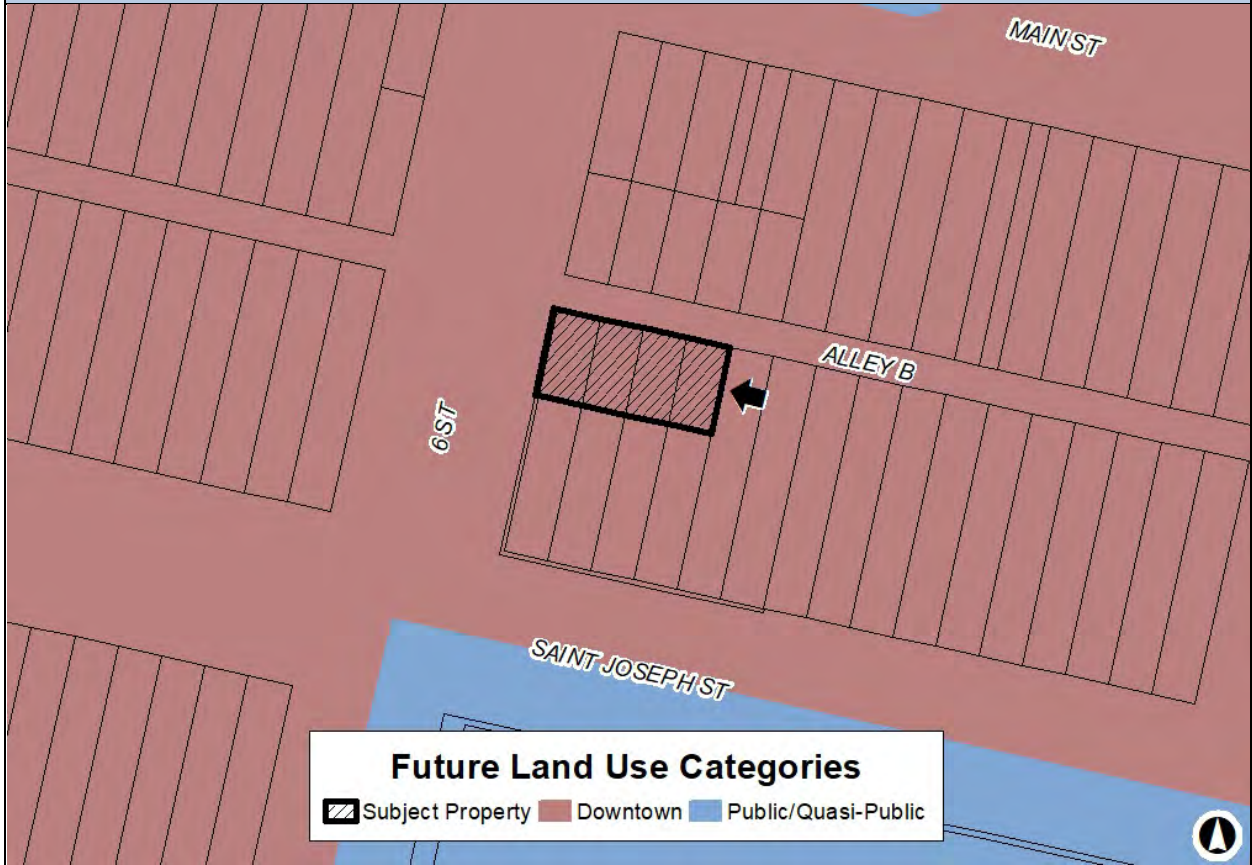
**Zoning Map**



**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			
Central Business District	Required	Proposed	
Lot Area	N/A	4,792 square feet	
Lot Frontage	N/A	100 feet	
Maximum Building Heights	None	Two story	
Maximum Density	100%	100%	
Minimum Building Setback:			
• Front	0 feet	0 feet	
• Rear	0 feet	0 feet	
• Side	0 feet	0 feet	
• Street Side	0 feet	N/A	
Minimum Landscape Requirements:			
• # of landscape points	None Required in Central Business District	0	
• # of landscape islands	N/A	0	
Minimum Parking Requirements:			
• # of parking spaces	None Required in Central Business District	0	
• # of ADA spaces	1 space per 25 off-street spaces provided	0	
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. In addition, there are a number of on-sale liquor establishments operating in conjunction with full-service restaurants in the Central Business District. 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 barbershop.
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 Downtown commercial corridor and is not adjacent to any residential districts or residential areas. The nearest residential district is approximately 1,000 feet south of the subject property. The property is surrounded by restaurants, retail shops, and parking structures. 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	Within the Central Business District, there are multiple bars, restaurants, and organizations operating with on-sale liquor use. Specifically, there are 18 on-sale liquor establishments

<p>“blight, deterioration, or substantially diminish or impair property values.”</p>	<p>operating within 500 feet of the subject property. “Wobbly Bobby Pub”, “Philly Ted’s, and “Quintessence Salon &amp; Spa” all have on-sale liquor and are located approximately 400 feet northeast of the subject property. “Que Pasa Cantina” also has on-sale liquor and is located approximately 450 feet northeast of the subject property. There are also two on-sale liquor permits operating within “The Shops at Main Street Square”, northeast of the subject property. “Curry Masala” restaurant is located 300 feet southeast of the subject property and operates with an on-sale liquor permit. “Botticelli” restaurant is located 250 feet east of the subject property. Additionally, “Tally’s Silver Spoon”, “Paddy O’Neil’s Pub”, and the “Vertex Sky Bar” are all located approximately 100 feet west of the subject property. “Firehouse Brewing Company” and “Firehouse Wine Cellars” operate with on-sale liquor licenses 300 feet northwest of the subject property. Approximately 300 feet northwest of the subject property, “Delmonico Grill” operates with an on-sale liquor permit. Approximately 500 feet east of the subject property, “5<sup>th</sup> and Main Furniture by Freed’s” operates with an on-sale liquor license. “Independent Ale House”, “the Tinder Box”, and “The Brass Rail” are all located approximately 400 feet west of the subject property and operate with on-sale liquor. The Central Business 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 barbershop.</p>
<p>4. The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.</p>	<p>See below</p>
<p><b>Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:</b></p>	
<p>1. The location, character and natural features of the property:</p>	<p>The property is located at 516 6<sup>th</sup> Street and is zoned Central Business District. The existing building has a footprint of 4,792 square feet and is part of the Downtown Historic District. The proposed on-sale liquor use will operate in conjunction with an existing barbershop.</p>
<p>2. The location, character and design of adjacent buildings:</p>	<p>The surrounding properties are all zoned Central business District.</p>
<p>3. Proposed fencing, screening and landscaping:</p>	<p>The subject property is zoned Central Business District, which does not require fencing, screening, or minimum landscaping.</p>
<p>4. Proposed vegetation, topography and natural drainage:</p>	<p>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.</p>
<p>5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:</p>	<p>The subject property is zoned Central Business District and is not required to provide any off-street parking spaces. On-street parking adjacent to the west side of the building is available in the 6<sup>th</sup> Street right-of-way.</p>

6. Existing traffic and traffic to be generated by the proposed use:	The existing building is occupied by a barbershop and a retail store. The proposed use should not have any transportation impacts if operated in conjunction with the existing barbershop.
7. Proposed signs and lighting:	No additional signage is proposed as part of this Conditional Use Permit application. All additional signage will require Historic Preservation review prior to issuance of a sign permit.
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 Central Business District is intended to serve as the metropolitan center of the City through concentrated retail, government, financial, and commercial activities. The applicant is proposing to allow on-sale liquor use in order to serve customers a glass of wine or beer while they wait for an upcoming appointment. The proposed on-sale liquor use is a conditional use in the Central Business 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 barbershop.
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 barbershop 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:**

<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
BPG-3.1A	<b>Balanced Uses:</b> The proposed on-sale liquor use is intended to be served to customers at the barbershop awaiting an appointment. The proposed use will help to create a unique atmosphere for the business.
	<b>A Vibrant, Livable Community</b>
LC-4.1B	<b>Diverse Mix of Uses:</b> The subject property is located in the Downtown/Skyline Drive Neighborhood. The proposed on-sale liquor use is intended to provide a glass of beer or wine to patrons of the barbershop while they wait for an upcoming hair appointment.

	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	<b>Major Street Plan Integration:</b> The property is accessed via 6 <sup>th</sup> Street, which is a Local Street.
	<b>Economic Stability and Growth</b>
	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<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 planned development 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.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	<b>Downtown</b>
<b>Design Standards:</b>	
GDP-MU1	<b>Relationship of Uses:</b> The proposed on-sale liquor use operated in conjunction with a barbershop creates a unique atmosphere for customers waiting for a hair appointment and generates additional activity in the surrounding Downtown area.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	<b>Downtown/Skyline Drive Neighborhood</b>
<b>Neighborhood Goal/Policy:</b>	
DSD-NA1.1C	<b>Mixed Use Development:</b> The proposed on-sale liquor use operated in conjunction with the barbershop provides a unique atmosphere for patrons of the business.

<b>Findings</b>	
Staff has reviewed the Conditional Use Permit to allow on-sale liquor use in conjunction with an existing barbershop 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 beer and wine to customers waiting for a hair appointment. The proposed on-sale liquor establishment should not have a negative impact on the area if operated in conjunction with the existing barbershop.	

<b>Staff recommends that the Conditional Use Permit to allow on-sale liquor use in conjunction with a barbershop be approved with the following stipulation(s):</b>	
1.	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; and,
2.	The Conditional Use Permit shall allow on-sale liquor in conjunction a barbershop. 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 Central Business 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 Central Business 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

<i>Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. <b>This is not a complete list.</b> All City, District, State, and Federal requirements must be continually met.</i>	
<b>Applicant Request(s)</b>	
<b>Case # 20UR017</b>	Conditional Use Permit to allow on-sale liquor use in conjunction with a barbershop
<b>Companion Case(s)</b> N/A	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 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.