



Rapid City Planning Commission

Conditional Use Permit Project Report

January 7, 2020

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| Item #6 |
| Applicant Request(s) |
| Case #20UR025 – Conditional Use Permit to allow on-sale liquor use in conjunction with a salon |
| Companion Case(s) # N/A |

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| Development Review Team Recommendation(s) |
| Staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with a salon with stipulations as noted below. |

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| Project Summary Brief |
| <p>The applicant has submitted a Conditional Use Permit to allow on-sale liquor use in conjunction with a proposed nail salon at property located within Baken Park at 705 Mountain View Road. Specifically, the applicant proposes to serve beer or wine to accompany the manicures and pedicures intended to be the flagship product of the business, to be known as “The Nail Bar”. The subject property is zoned Community Shopping Center District 2 and is approximately 15.19 acres in size. The space to be occupied by The Nail Bar is situated in the central part of the strip mall, with storefront facing the parking lot to the east, and has a footprint of 1,550 square feet. Other existing businesses located at this property include Buffalo Wild Wings and Family Thrift.</p> |

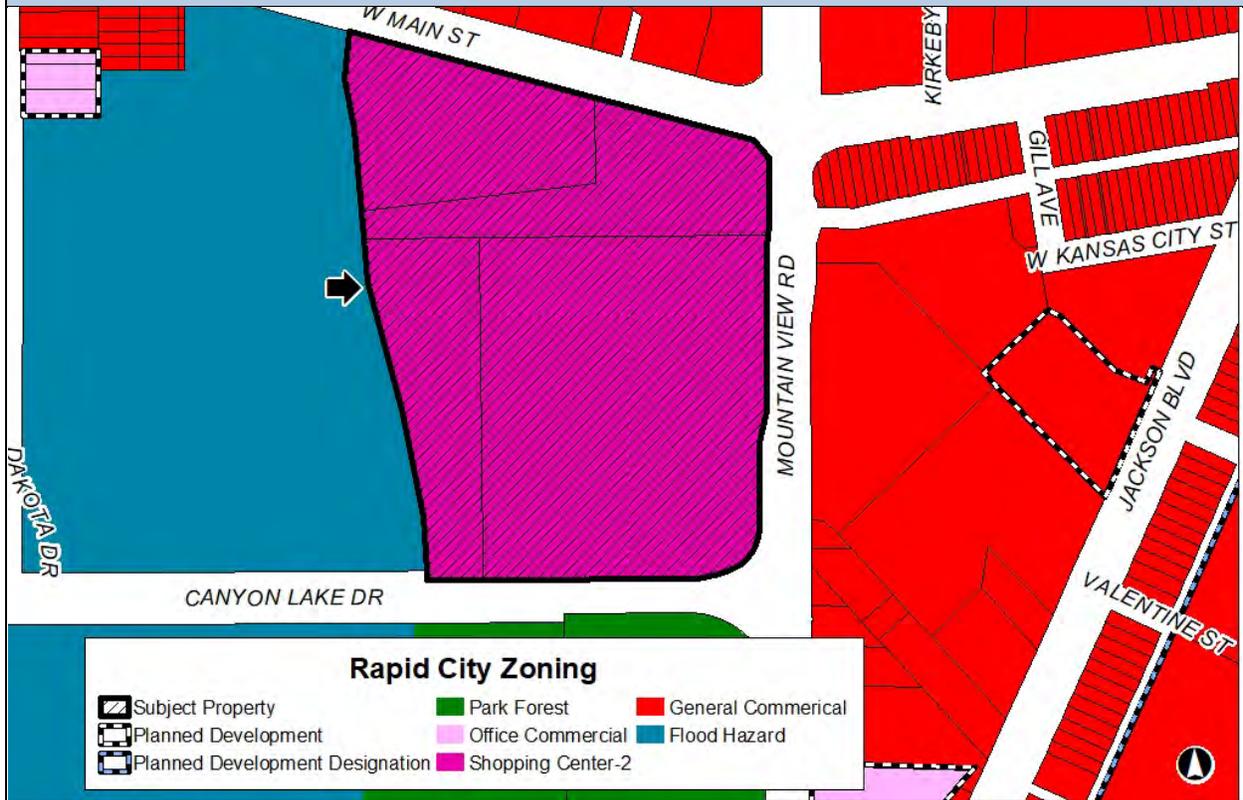
| Applicant Information | Development Review Team Contacts |
|---|----------------------------------|
| Applicant: Nancy Nguyen, dba The Nail Bar | Planner: Marty Gillies |
| Property Owner: M.G. Oil Company | Engineer: Todd Peckosh |
| Architect: N/A | Fire District: Tim Behlings |
| Engineer: N/A | School District: Janet Keiser |
| Surveyor: N/A | Water/Sewer: Todd Pecksoh |
| Other: N/A | DOT: Stacy Bartlett |

| Subject Property Information | |
|------------------------------|---|
| Address/Location | 705 Mountain View Road |
| Neighborhood | West Rapid Neighborhood Area |
| Subdivision | Baken Park Subdivision |
| Land Area | 15.19 acres (1,550 sf to be occupied by applicant) |
| Existing Buildings | Approximately 170,000 square-foot multi-unit commercial structure |
| Topography | Relatively flat |
| Access | Mountain View Road, West Main Street, Canyon Lake Drive |
| 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 | CSC-2 | MUC | Retail Shops/Personal Service |
| Adjacent North | GC | MUC | Retail Shops/Personal Service |
| Adjacent South | PF | FC | Sioux Park |
| Adjacent East | GC | MUC | Undeveloped Floodplain |
| Adjacent West | FH | PG | Retail Shops/Personal Service |

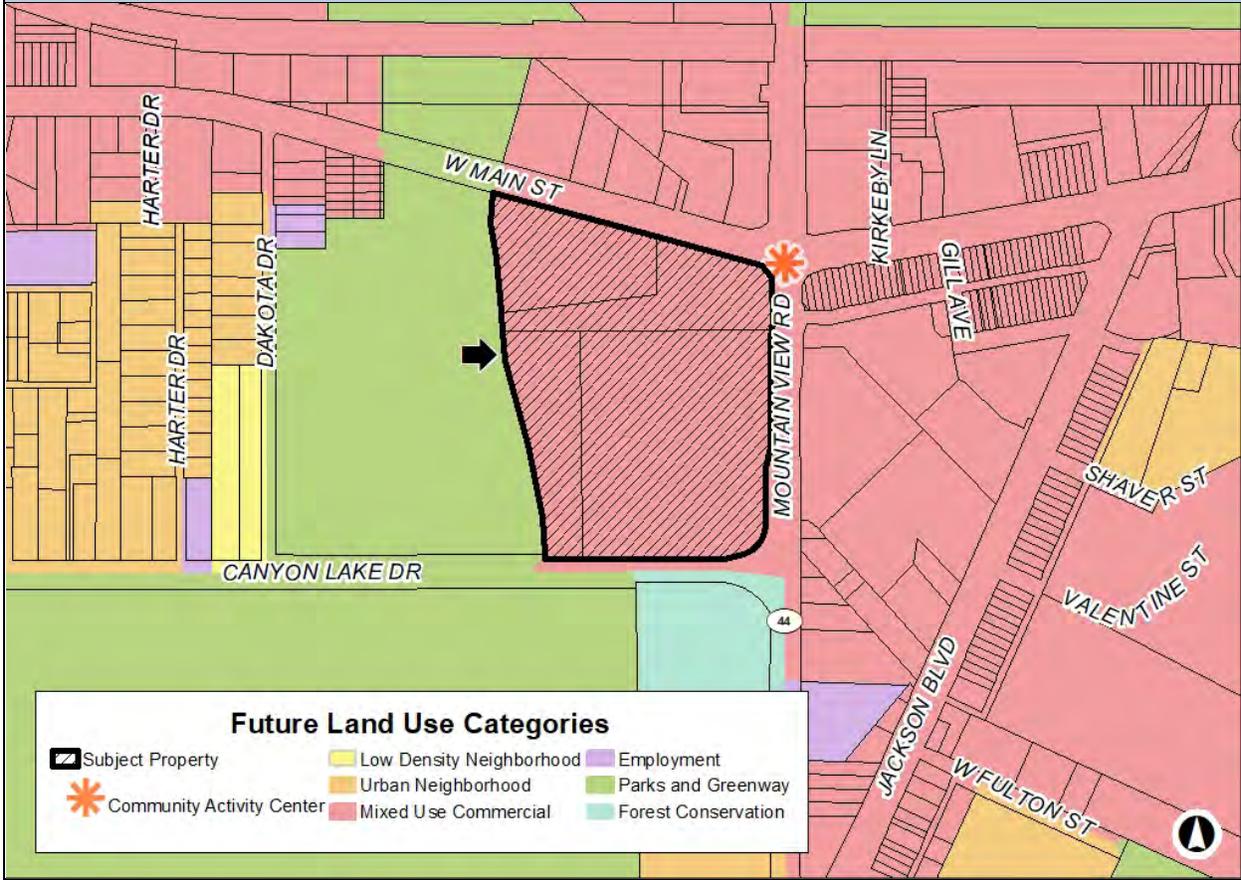
Zoning Map



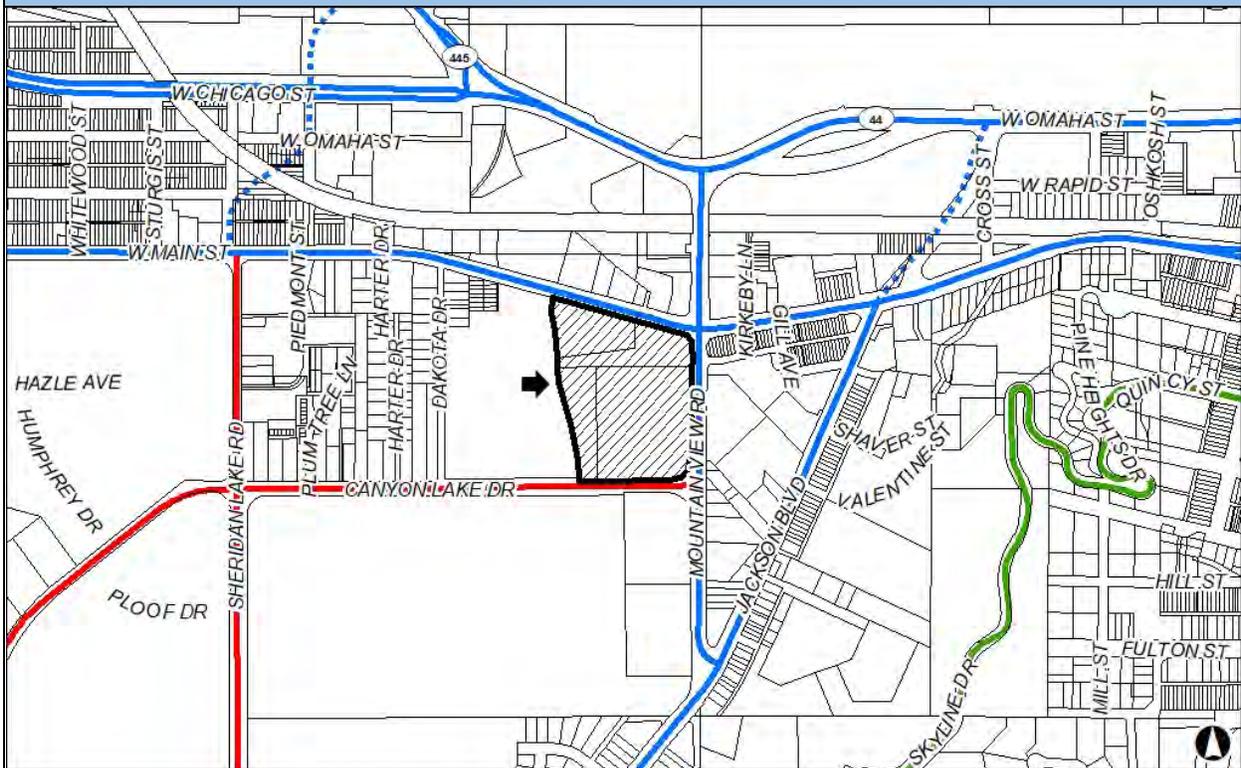
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

- Subject Property
- Collector
- Minor arterial
- Principal arterial
- Proposed principal arterial

| Relevant Case History | | | |
|--------------------------------------|---|-------------------------------------|--------|
| Case/File# | Date | Request | Action |
| N/A | N/A | N/A | N/A |
| Relevant Zoning District Regulations | | | |
| Community Shopping Center-2 | Required | Proposed | |
| Lot Area | 4 acres | 1,550 square feet | |
| Lot Frontage | N/A | 89.5 feet | |
| Maximum Building Heights | 35 feet | One story | |
| Maximum Density | 25% | ~1% | |
| Minimum Building Setback: | | | |
| • Front | 25 feet | ~350 feet | |
| • Rear | 30 feet | ~160 feet | |
| • Side | 25 feet | ~440 feet | |
| • Street Side | 25 feet | ~40 feet | |
| Minimum Landscape Requirements: | | | |
| • # of landscape points | As per 17.50.300 | Legal non-conforming | |
| • # of landscape islands | 1 per 50 parking spaces | Legal non-conforming | |
| Minimum Parking Requirements: | | | |
| • # of parking spaces | 4.5/SFGFA | 7 spaces for salon | |
| • # of ADA spaces | 1 space per 25 off-street spaces provided | 1 space | |
| Signage | As per 17.50.080 | 3' x 14' wall sign | |
| Fencing | N/A | No new fencing proposed or required | |

| Planning Commission Criteria and Findings for Approval or Denial | |
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| 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 salon. |
| 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 Baken Park commercial complex, zoned Community Shopping Center District 2, and is not adjacent to any residential districts. The property is adjacent to restaurants, retail shops, and personal service uses. The subject property does not require any screening. |
| 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.” | Within Baken Park, there are two other establishments operating with on-sale liquor use. “Buffalo Wild Wings” has an on-sale liquor permit and is located roughly 180 feet south of the subject property. Additionally, a proposed 35,110 square-foot entertainment venue (which will include a casino, dance club, restaurant, reception space, and banquet area) was approved for an on-sale liquor permit in March of 2020. The proposed on-sale liquor use is considered an appropriate district for this Community Shopping Center District-2, and it does not appear that the |

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| | proposed use will create an undue concentration of similar uses so as to cause blight, deteriorations, or substantially diminish or impair property values. This use is being operated in conjunction with a proposed salon. |
| 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 705 Mountain View Road and is zoned Community Shopping Center District 2. The suite which the applicant intends to occupy is 1,550 square feet and is located within the Baken Park shopping center. The proposed on-sale liquor use will operate in conjunction with a proposed salon. |
| 2. The location, character and design of adjacent buildings: | The adjacent units in the Baken Park shopping center are zoned Community Shopping Center District 2. |
| 3. Proposed fencing, screening and landscaping: | The subject property is zoned Community Shopping Center District 2. The unit in question does not require fencing, screening, or minimum landscaping. |
| 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 not noted any 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 zoned Community Shopping Center District 2 and has a sufficient amount of off-street parking available, with an appropriate number of ADA-accessible parking spaces available. The salon requires 7 parking spaces based on the parking ratio of 4.5 spaces per 1,000 square feet of gross floor area in the Community Shopping Center 2 District. The on-sale liquor use does not require any additional parking be provided. |
| 6. Existing traffic and traffic to be generated by the proposed use: | The existing shopping center is anchored by a Family Thrift store which generates a significant amount of traffic. The proposed use should not have any transportation impacts if operated in conjunction with the proposed salon. |
| 7. Proposed signs and lighting: | The name of the salon will be displayed on the exterior front wall in letters in an area measuring three feet in height by fourteen feet in length. The letters of this sign will be black and outlined in a luminescent manner so that the sign will glow at night. The letter 'i' in "The Nail Bar" will be stylized as a nail brush. |
| 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 Community Shopping Center District 2 is intended to serve as a unified grouping of retail shops and stores to provide for the regular needs and convenience of people residing in adjacent residential neighborhoods. The applicant is proposing to allow on-sale liquor use in order to serve customers a glass of wine or beer as they enjoy a manicure or pedicure. The proposed on-sale liquor use is a conditional use in the Community Shopping Center District 2. |

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| 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 a proposed salon. |
| 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 proposed salon 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 | |
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|  | A Balanced Pattern of Growth |
| N/A | N/A |
|  | A Vibrant, Livable Community |
| LC-4.1B | Diverse Mix of Uses: The subject property is located in the West Rapid Neighborhood Area. The proposed on-sale liquor use is intended to provide a glass of beer or wine to patrons of the salon to accompany manicures and pedicures. |
|  | 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 West Main Street and Mountain View Drive, which are both designated as Principal Arterial streets on the City's Major Street Plan and are both designed to accommodate commercial traffic. |
|  | 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 |

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| | 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. |
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| Comprehensive Plan Conformance – Growth and Reinvestment Chapter | |
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| Future Land Use Plan Designation(s): | Mixed Use Commercial |
| Design Standards: | |
| GDP-MU7 | Rehabilitation of Existing Activity Centers: The proposed on-sale liquor use operated in conjunction with a salon will provide a unique atmosphere for patrons and will help enhance the character and function of the Baken Park shopping center. |

| Comprehensive Plan Conformance – Neighborhood Area Policies Chapter | |
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| Neighborhood: | West Rapid Neighborhood Area |
| Neighborhood Goal/Policy: | |
| WR-NA | Revitalization of Commercial Centers: The proposed on-sale liquor use operated in conjunction with the salon will provide a unique atmosphere for patron and will generate additional activity in the redeveloping Baken Park shopping center |

| Findings | |
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| Staff has reviewed the Conditional Use Permit to allow on-sale liquor use in conjunction with a proposed salon pursuant to Chapter 17.32, 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 accompany manicures and pedicures provided at the business to be known as “The Nail Bar”. The proposed on-sale liquor establishment should not have a negative impact on the area if operated in conjunction with the proposed salon. | |

| 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): | |
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| 1. | All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign; 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 with a salon. 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 Community Shopping Center 2 District shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use 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.*

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|---|---|
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| 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. | ADA accessibility shall be provided throughout the structure and site as necessary; |
| 5. | 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; |
| 6. | 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, |
| 7. | All applicable provisions of the adopted International Fire Code shall continually be met. |