



Rapid City Planning Commission

Conditional Use Permit Project Report

April 8, 2021

Item #7
Applicant Request(s)
Case #21UR003 – Conditional Use Permit to allow on-sale liquor use in conjunction with a nail salon
Companion Case(s) # N/A

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

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 Haines Station Plaza at 2255 Haines Avenue. Specifically, the applicant proposes to serve complimentary beer or wine to accompany manicures and pedicures offered at the business known as “NV Nails”. The subject property is zoned General Commercial District and is approximately 4.18 acres in size. The suite presently occupied by NV Nails is situated in the southern part of the strip mall, with storefront facing the parking lot to the east, and has a footprint of 1,600 square feet.</p> <p>The beer and wine served at “NV Nails” will only be served as a complimentary beverage to accompany manicures and pedicures. “NV Nails” will not serve anyone who is not receiving a manicure or pedicure and will ensure that all customers who receive beer or wine are at least 21 years of age.</p>

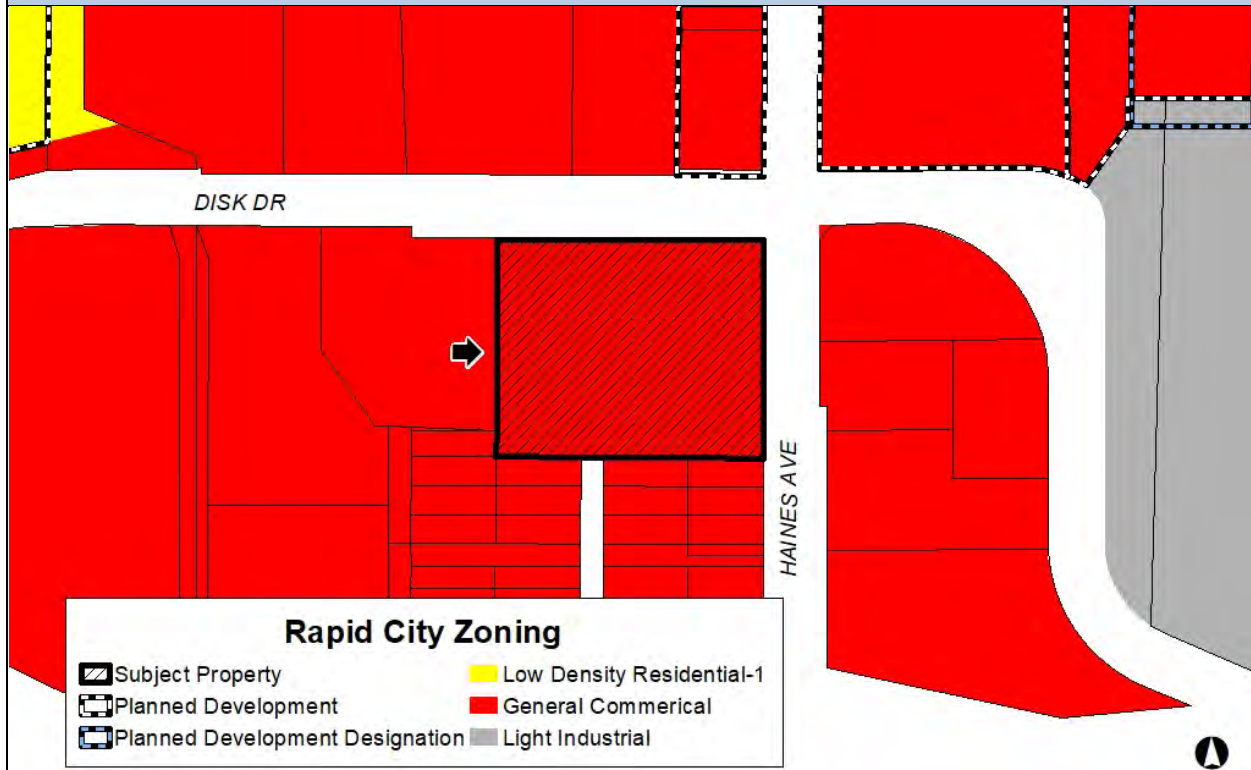
Applicant Information	Development Review Team Contacts
Applicant: Hoang Thuy Quyen Nguyen, dba NV Nails	Planner: Marty Gillies
Property Owner: Dana Meadows Company	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	2255 Haines Avenue
Neighborhood	Deadwood Avenue Neighborhood Area
Subdivision	Roush Subdivision
Land Area	4.18 acres (1,600 sf presently occupied by applicant)
Existing Buildings	Approximately 45,000 square-foot multi-unit commercial structure
Topography	Relatively flat
Access	Haines Avenue, Disk Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	N/A

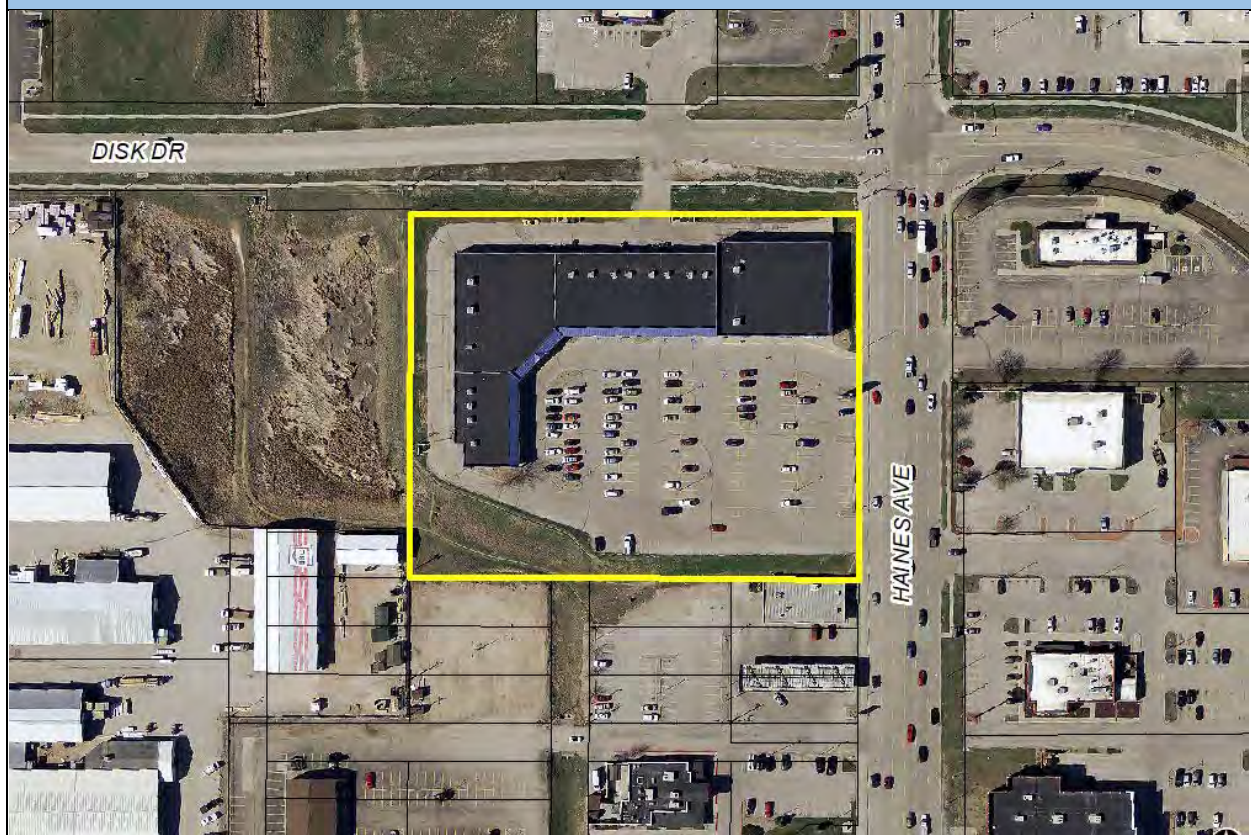
Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Multi-unit Commercial Center
Adjacent North	GC - PD	MUC	Restaurants/Personal Service
Adjacent South	GC	MUC	Retail Shops/Personal Service
Adjacent East	GC	MUC	Restaurants/Retail Shops
Adjacent West	GC	MUC	Void of Structural Development

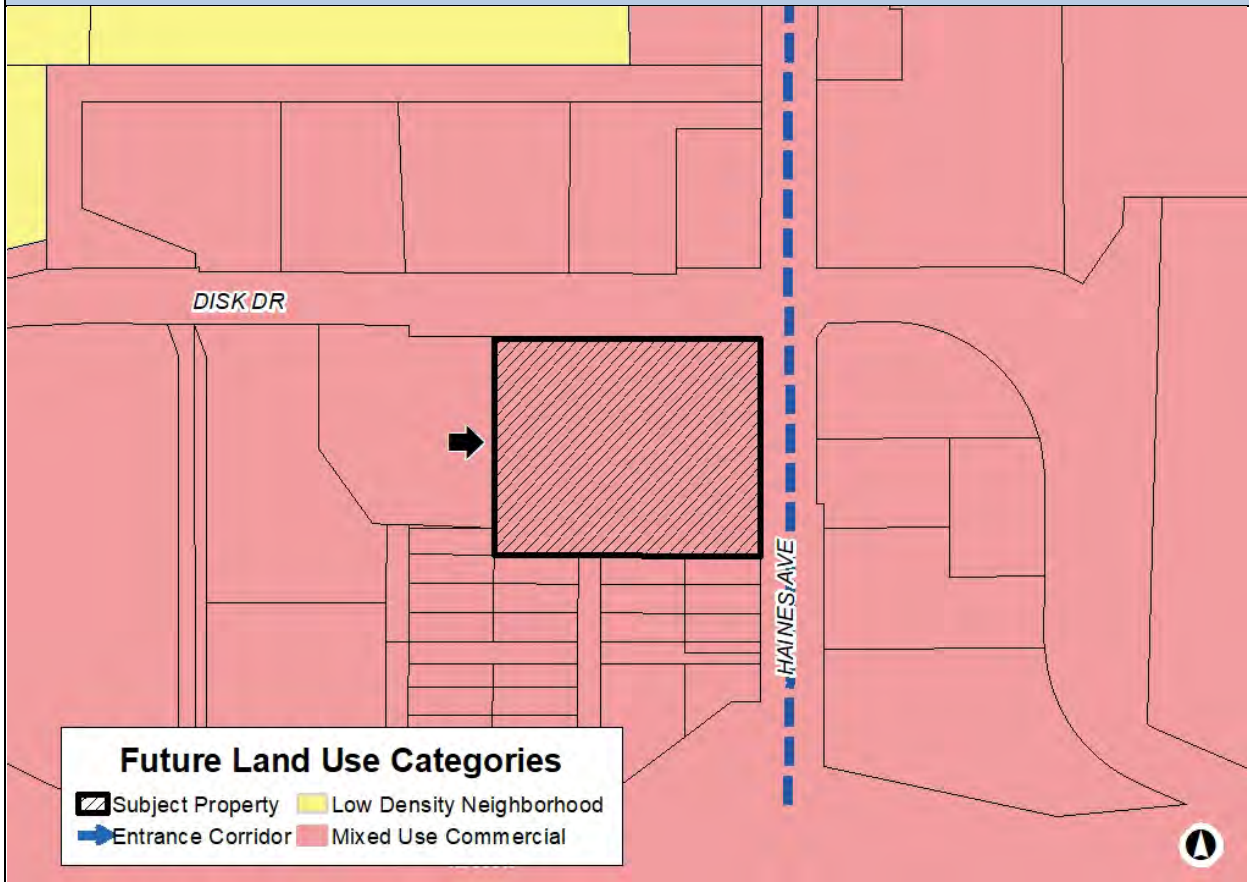
Zoning Map



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			
General Commercial District		Required	Proposed
Lot Area		N/A	1,600 square feet
Lot Frontage		N/A	~27 feet
Maximum Building Heights		4 stories, 45 feet	One story
Maximum Density		75%	~24%
Minimum Building Setback:			
Front		25 feet	~26 feet
Rear		0 feet	~50 feet
Side		0 feet	~115 feet
Street Side		25 feet	~30 feet
Minimum Landscape Requirements:			
# of landscape points		135,455 points	137,060 points
# of landscape islands		4 islands	4 islands
Minimum Parking Requirements:			
# of parking spaces		18 spaces	20 spaces
# of ADA spaces		1 van-accessible space	1 van-accessible space
Signage		As per RCMC Chapter 17.50.100	No new signage proposed or required
Fencing		As per RCMC Chapter 17.50.340	No new fencing proposed or required

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. 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 nail 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 Haines Station Plaza commercial complex, zoned General Commercial District, 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.”	There is one other establishment operating with on-sale liquor nearby. “Chili’s” has an on-sale liquor permit and is located roughly 400 feet south of the subject property. The proposed on-sale liquor use is considered an appropriate use for the General Commercial District 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. This use is being operated in conjunction with a proposed nail 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 2255 Haines Avenue and is zoned General Commercial District. The suite which the applicant occupies is 1,600 square feet and is located within the Haines Station Plaza shopping center. The proposed on-sale liquor use will operate in conjunction with "NV Nails", an existing nail salon.
2. The location, character and design of adjacent buildings:	The adjacent properties are all zoned General Commercial District.
3. Proposed fencing, screening and landscaping:	The subject property is zoned General Commercial District. The operation of an on-sale liquor use in conjunction with the existing nail salon does not require any additional fencing, screening, or 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. The operation of an on-sale use in conjunction with the existing nail salon does not require any additional landscaping.
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 General Commercial District and has a sufficient amount of off-street parking available, with an appropriate number of ADA-accessible parking spaces available. The nail salon, with six stations, requires 18 parking spaces based on the parking ratio of 3 spaces per station. 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 proposed use should not have any transportation impacts on the existing shopping center if operated in conjunction with the proposed nail salon.
7. Proposed signs and lighting:	No signage is being proposed at this time. Any future signage must be in compliance with Chapter 17.50.100 of the Rapid City Municipal Code.
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 General Commercial District is intended to serve as a home for retail shops and stores to provide for the needs and convenience of people residing in residential neighborhoods. The applicant is proposing to allow on-sale liquor use in order to serve customers complimentary wine or beer as they enjoy a manicure or pedicure. The proposed on-sale liquor use is a conditional use in the General Commercial 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 "NV Nails", an existing nail 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 nail 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

	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 Deadwood Avenue Neighborhood Area. The proposed on-sale liquor use is intended to provide complimentary beer or wine to patrons of the nail 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 Haines Avenue, which is designated as a Principal Arterial streets on the City's Major Street Plan and is 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 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.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

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 nail salon will provide a unique atmosphere for patrons and will help enhance the character and function of the Haines Station Plaza shopping center.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Deadwood Avenue Neighborhood Area
Neighborhood Goal/Policy:	
DA-NA	Revitalization of Commercial Centers: The proposed on-sale liquor use operated in conjunction with the nail salon will provide a unique atmosphere for patrons and will generate additional activity in the Haines Station Plaza shopping center

Findings	
<p>Staff has reviewed the Conditional Use Permit to allow on-sale liquor use in conjunction with an existing nail 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 complimentary beer and wine service to accompany manicures and pedicures provided at the business “NV Nails”. The proposed on-sale liquor establishment should not have a negative impact on the area if operated in conjunction with the existing nail salon.</p>	

Staff recommends that the Conditional Use Permit to allow on-sale liquor use in conjunction with a nail salon be approved with the following stipulation(s):	
1.	Any future 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 nail salon, as per the applicant’s operational plan. 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 General Commercial 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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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.