



# Rapid City Planning Commission

## Conditional Use Permit Project Report

January 6, 2022

<b>Item#18</b>
<b>Applicant Request(s)</b>
Case #21UR046 - Conditional Use Permit to allow an on-sale liquor in conjunction with a tapas bar.
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 tapas bar with the stipulations noted below.

<b>Project Summary Brief</b>
The property is located at 2001 Hope Court within SD Highway 16 corridor. It is comprised of 0.28 acres and is developed with a 9,028 square foot commercial structure containing five suites. The proposed use will be located in Suite 1, a 2,000 square-foot area. The existing uses within the building include an insurance office, a restaurant (Gyro Hub) and two vacant suites. There are no schools, playgrounds, churches, or residential areas within 500 feet of the proposed use. The property is zoned General Commercial District and has a Future Land Use designation of Mixed-Use Commercial.

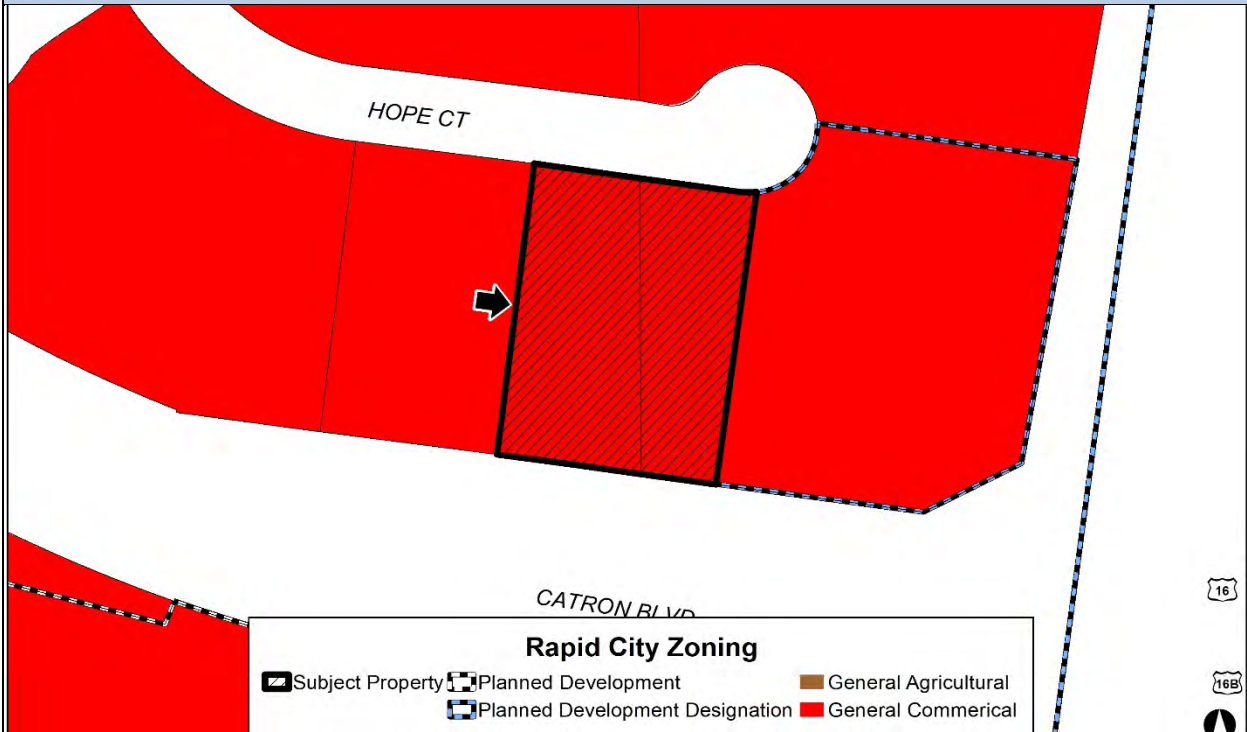
Applicant Information	Development Review Team Contacts
Applicant: Jeff Salter	Planner: Sarah Hanzel
Property Owner: AP10 Holdings, LLC	Engineer: Emily Fisher
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: City of Rapid City
Project Planner - Agent: Canada Salter	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	2001 Hope Court
Neighborhood	US Highway 16 Neighborhood Area
Subdivision	Hope Court Condominiums
Land Area	2,000 square feet
Existing Buildings	Multi-suite commercial structure
Topography	Relatively flat
Access	Promise Road/Hope Court
Water Provider	City of Rapid City
Sewer Provider	City of Rapid City
Electric/Gas Provider	Black Hills Energy/Black Hills Cooperative
Floodplain	Not applicable
Other	N/A

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Commercial
Adjacent North	GC	MUC	Void of structural development
Adjacent South	GC w/ PD	MUC	Black Hills Energy Campus
Adjacent East	GC	MUC	Commercial
Adjacent West	GC	MUC	Void of structural development

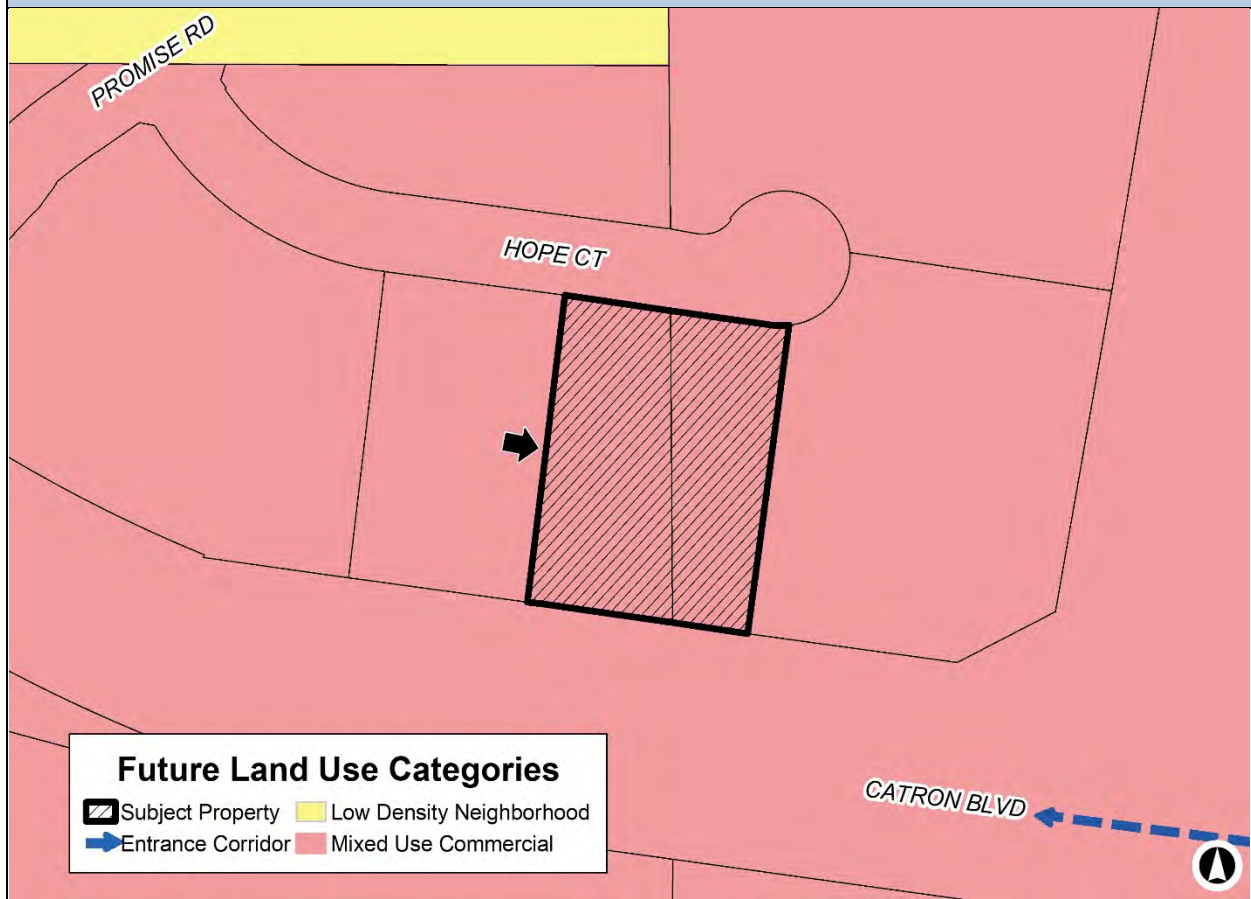
**Zoning Map**



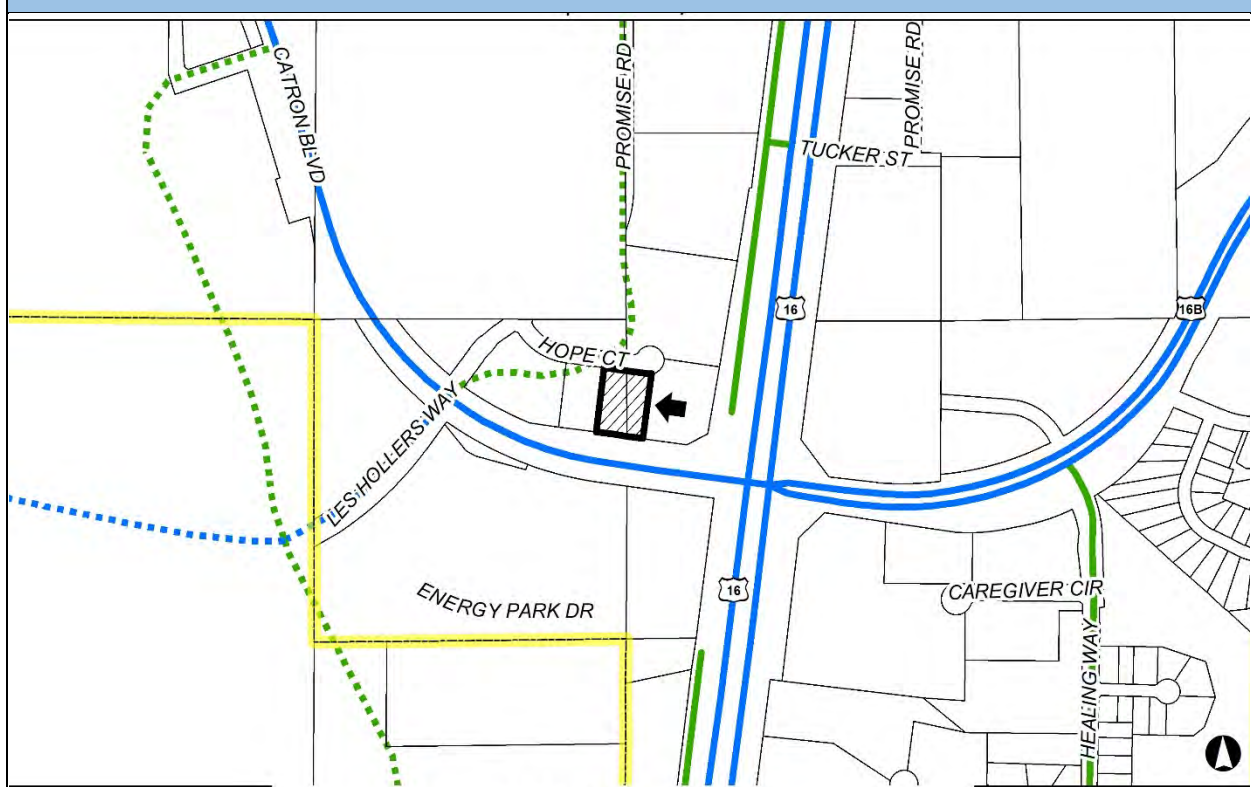
**Existing Land Uses**



## Comprehensive Plan Future Land Use



## Parks or Transportation Plan



### Major Street Plan

- Subject Property (hatched box)
- Rapid City Limits (yellow dashed line)
- Collector (solid green line)
- Principal arterial (solid blue line)
- Proposed collector (dotted green line)
- Proposed principal arterial (dotted blue line)

<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
21ZE024	12/4/21	Administrative Zoning Exception to reduce parking from 67 spaces to 61 spaces	Approved
<b>Relevant Zoning District Regulations</b>			
<b>General Commercial District</b>	<b>Required</b>	<b>Proposed</b>	
Lot Area	N/A	0.28 acres	
Lot Frontage	N/A	191 feet	
Maximum Building Heights	4 stories or 45 feet	1 story	
Maximum Density	75%	75%	
Minimum Building Setback:			
• Front	25 feet	25 feet	
• Rear	0 feet	0 feet	
• Side	0 feet	0 feet	
• Street Side	25 feet		
Minimum Landscape Requirements:			
• # of landscape points	45,322 required	46,028 provided	
• # of landscape islands	1	1	
Minimum Parking Requirements:			
• # of parking spaces	67	Exception to provide 61 in lieu of 67 was approved.	
• # of ADA spaces	3	3	
Signage	As per Sign Code	None proposed	
Fencing	As per RCMC Chapter 17.50.150	None proposed	

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>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 Conditional Use Permit:</b>	
	<b>Findings</b>
1. The location, character, and natural features of the property;	The property is located at 2001 Hope Court within SD Highway 16 corridor. It is comprised of 0.28 acres and is developed with a 9,028 square-foot commercial structure containing five suites. The property is zoned General Commercial District. The proposed use will be located in Suite 1, a 2,000 square foot area. The existing uses within the building include an insurance office, a restaurant (Gyro Hub) and two vacant suites.
2. The location, character, and design of adjacent buildings;	A bank/professional office structure is being constructed on the adjacent property to the east. The adjacent property to the west is zoned General Commercial District and is void of structural development. The adjacent property to the north is zoned General Commercial District and is void of structural development.
3. Proposed fencing, screening, and landscaping;	The proposed use does not require fencing or screening. The required landscaping points for this site is 45,322. 46,028 landscaping points are being provided.
4. Proposed vegetation, topography, and natural drainage;	The subject property is fully developed. No changes to the vegetation, topography, or natural drainage will occur as a result of the proposed use.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered	The subject property is located along Hope Court, which is accessed via Promise Road from Catron Boulevard. Hope Court and Promise Roads are commercial streets and Catron Boulevard is a principal arterial street on the City's Major Street Plan. Sidewalks are provided along Hope Court








vehicles and provisions for handicapped persons;	and Promise Road. Sidewalk is not constructed along Catron Boulevard. Upon submittal of a building permit, the site plan must be revised to provide sidewalk along Catron Boulevard or a Variance must be obtained from the City Council. The applicants have submitted an administrative zoning exception to reduce the parking from 67 spaces to 61 spaces. This request was approved. Three ADA spaces are being provided in accordance with the parking regulations.
6. Existing traffic and traffic to be generated by the proposed use;	The proposed use does not require a traffic impact study. The subject property is located in a commercial area. Hope Court, Promise Road, and Catron Boulevard can accommodate the traffic generated by the proposed on-sale liquor establishment.
7. Proposed signs and lighting;	No new lighting is proposed as part of this request. Any new signage shall be in compliance with the City's Sign Code. The applicant has identified a proposed 6-foot x 20-foot wall sign advertising the name of the business "Bin 605."
8. The availability of public utilities and services;	The subject property is served by City water and sewer utilities.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;	The subject property has a Future Land Use designation of Mixed-Use Commercial. The proposed use is consistent with the City's Comprehensive Plan neighborhood goals for the US Highway 16 Neighborhood Area.
10. The overall density, yard, height, and other requirements of the zone in which it is located;	The existing commercial structure meets area regulations of the Rapid City Municipal Code for the General Commercial Zoning 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 use consists of on-sale liquor within a tapas bar. In addition to beer and wine, tapas (small plates of food) will be sold to customers. The proposed use is consistent with a commercial corridor and will complement the existing office and commercial businesses within the area, as well as the residential neighborhoods located outside of the commercial corridor. The proposed use will not create 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 proposed use will have peak hours of operation that are outside of the business hours of the office uses within the same suite. This will reduce any potential conflicts arising from parking or noise generated by the proposed use. No adverse impacts are anticipated.
<b>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:</b>	
	<b>Findings</b>
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:	There are no schools, playgrounds, churches, or residential areas within 500 feet of the proposed use. The proposed use is located approximately 2,000 feet from the nearest residential district. The First Assembly of God Church is located approximately 8,000 square feet to the north.
2. The requested use is sufficiently buffered with regard to residential areas so as not to adversely affect the areas:	The residential district located approximately 2,000 feet to the east is separated by Catron Boulevard, a principal arterial street, and US Highway 16/Mount Rushmore Road. The proposed use is sufficiently buffered by distance.
3. The proposed use will not create an undue concentration of similar uses, so as to cause blight,	The proposed wine, beef, and tapas bar will offer a variant of wines, beefs, and tapas such as flatbread and cheese boards. The hours of operation will be Monday through Thursday from 3pm to 9pm, Friday from 2pm to 10 pm,

deterioration, or substantially diminish or impair property values:	Saturday from 12pm to 10pm, and Sunday from 11am to 7pm. The proposed use will be staffed by 5 employees. There are no other on-sale liquor uses currently located on this site. The primary hours of operation of the proposed use are occurring as the office use is approaching closing time. There is no undue concentration of similar uses which could cause blight, deterioration, or 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:	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**

	<b>A Balanced Pattern of Growth</b>
BPG-1.2C	Priority Revitalization Corridors: This goal supports targeted development/redevelopment along priority corridors, including Mount Rushmore Road. The proposed use will enhance the mixture of businesses currently located in the Catron Boulevard/US Highway 16 corridor.
	<b>A Vibrant, Livable Community</b>
N/A	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
N/A	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	Major Street Plan Integration: This goal supports integrating the Major Street Plan into land use planning and the development review process. The subject property is located along Hope Court, which is accessed via Promise Road from Catron Boulevard. Hope Court and Promise Road are commercial streets and Catron Boulevard is a principal arterial street on the City's Major Street Plan. The proposed use does not require a traffic impact study. The subject property is located in a commercial area. Hope Court, Promise Road, and Catron Boulevard can accommodate the traffic generated by the proposed on-sale liquor establishment.
	<b>Economic Stability and Growth</b>
N/A	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
N/A	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	Public Input Opportunities: The 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.
<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	Mixed-Use Commercial
<b>Design Standards:</b>	
N/A	N/A
<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	US Highway 16 Neighborhood Area
<b>Neighborhood Goal/Policy:</b>	
US16-NA1.1C	Employment Areas: This goal supports the continuation and expansion of mixed-use employment and supporting activities around the Regional Health Center. The proposed use will complement the many businesses and professional offices in the surrounding area.
<b>Findings</b>	
Staff has reviewed the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment 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 Mixed-Use Commercial Development. The proposed use of the suite as a wine bar does not conflict with neighboring commercial land 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.	
<b>Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:</b>	
1.	All plans and construction shall comply with South Dakota Codified Law 36-18A and all adopted codes and ordinances. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2.	Upon submittal of a building permit, the site plan shall be revised to provide a sidewalk along Catron Boulevard or a Variance shall be obtained from the City Council;
3.	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 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; and,
4.	The requested Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a tapas bar to be located on the property and operated in compliance with the submitted operations plan. Any change in use shall require a Major Amendment to the Conditional Use Permit. Any expansion of the use of proposal for outdoor consumption shall require a Major Amendment to the Conditional Use Permit. All requirements of the General Commercial District shall be continually maintained. Any permitted in the General Commercial District shall be allowed with a Building Permit. Conditional uses in the General Commercial 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.*

<b>Applicant Request(s)</b>	
<b>Case # 21UR046</b>	Conditional Use Permit to allow on-sale liquor
<b>Companion Case(s) #</b>	N/A
<b>ADVISORIES: Please read carefully!</b>	
1.	A historic review shall be completed prior to submittal of a building permit.
2.	A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to use;
3.	All requirements of the currently adopted Building Code, Mechanical and Electric Codes and the International Fire Code shall be met;
4.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
5.	ADA accessibility shall be maintained throughout the site as necessary;
6.	All parking shall be installed and maintained in compliance with the requirements of the Rapid City Parking Ordinance; and,
7.	All lighting shall be designed to preclude shining on adjacent properties and rights-of-ways, so as not to create a nuisance to neighboring properties and traffic.