



Rapid City Planning Commission

Conditional Use Permit Project Report

January 27, 2022

Item #17
Applicant Request(s)
Case #21UR053 – Conditional Use Permit to expand an on-sale liquor use in conjunction with a restaurant
Companion Case(s) # N/A

Development Review Team Recommendation(s)
Staff recommends approval of the Conditional Use Permit to expand an on-sale liquor use in conjunction with a restaurant with stipulation(s) as noted below.

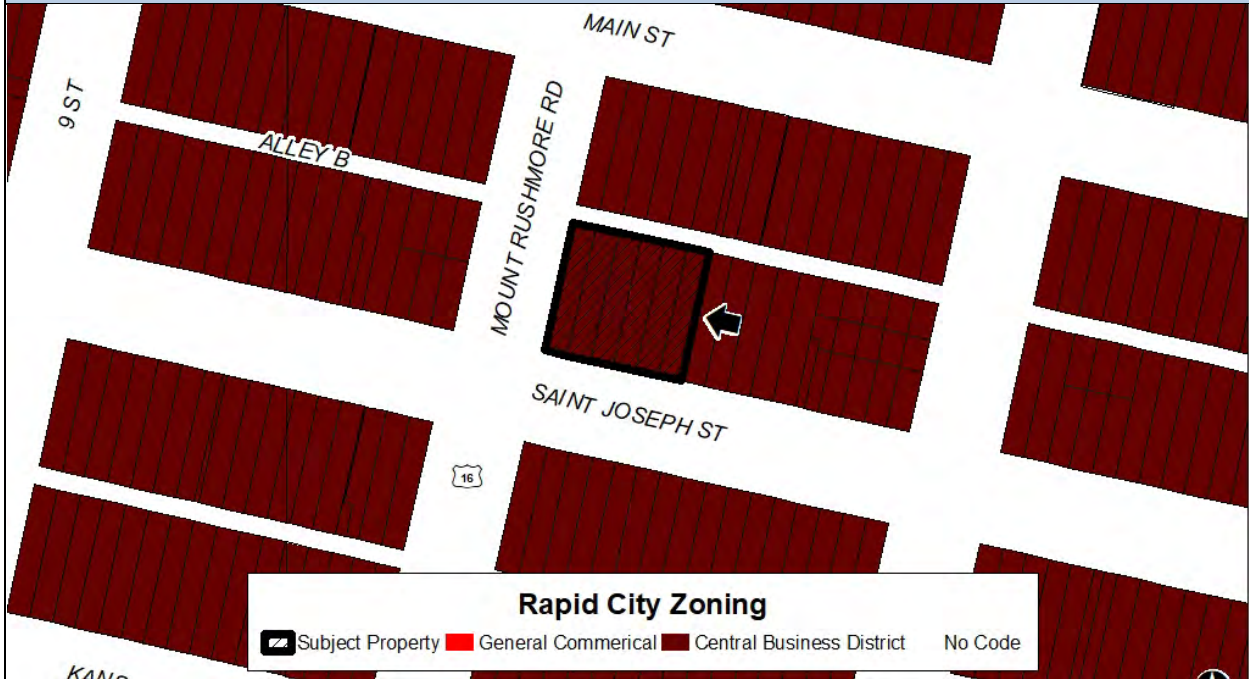
Project Summary Brief	
<p>The applicant has submitted a Conditional Use Permit to expand an on-sale liquor use in conjunction with a ramen restaurant at property located at 516 & 518 Mount Rushmore Road. Specifically, the applicant proposes to expand the footprint of the restaurant into an adjacent suite and to serve beer or wine to accompany the food that is the main product of the business, known as “Bokujo Ramen”. The subject property is zoned Central Business District and is approximately 0.53 acres in size. The space currently occupied by Bokujo Ramen is situated in the northwestern part of the building, with storefront facing Mount Rushmore Road to the west, and has a footprint of approximately 2,772 square feet. The proposed 1,388 square foot expansion is located in a suite in the southern portion of the building and is connected to the current suite by a hallway. Other businesses located at this property include Black Hills Works Foundation and Suzie Cappa Art Center.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Happy Family Co., dba Bokujo Ramen	Planner: Kip Harrington
Property Owner: Black Hills Workshop Foundation, Inc.	Engineer: Emily Fisher
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Emily Fisher
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	516 & 518 Mount Rushmore Road and 724 Saint Joseph Street
Neighborhood	Downtown/Skyline Drive
Subdivision	Original Town of Rapid City
Land Area	0.48 acres or 20,909 square feet (2,772 currently occupied by applicant, 1,388 additional proposed)
Existing Buildings	20,909 square-foot multi-unit commercial structure
Topography	Relatively flat
Access	Mount Rushmore Road and Saint Joseph 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	Multi-Unit Residential
Adjacent West	CBD	DT	Retail Shops/Personal Service

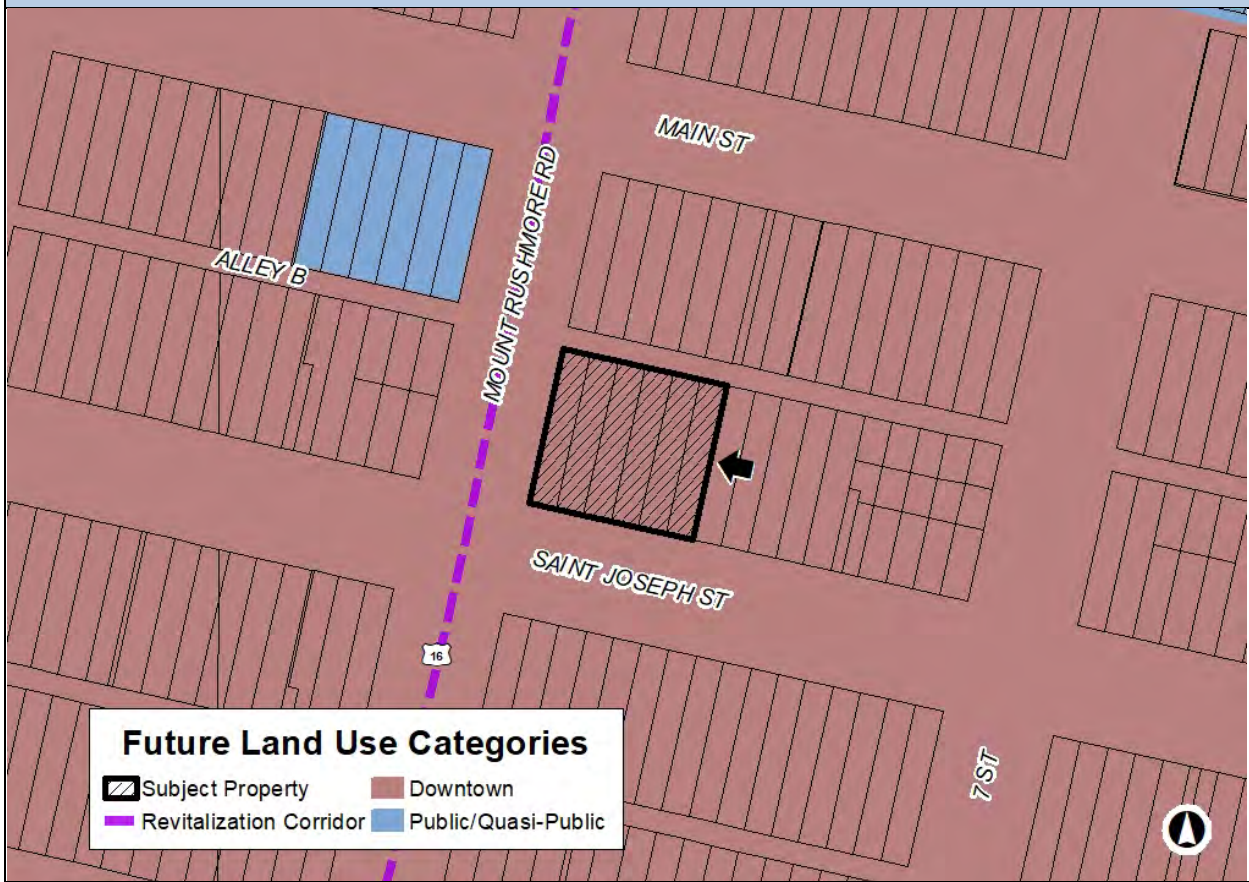
Zoning Map



Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan








Relevant Case History			
Case/File#	Date	Request	Action
20UR024	December 10, 2020	Conditional Use Permit to allow on-sale liquor use in conjunction with a restaurant	Approved with stipulations
Relevant Zoning District Regulations			
Central Business District		Required	Proposed
Lot Area		N/A	2,772
Lot Frontage		N/A	42 feet
Maximum Building Heights		None	One 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 restaurant.
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. There is an apartment complex across Mount Rushmore Road from this property, but this complex faces Saint Joseph Street to the south. The property is adjacent to restaurants, retail shops, and personal service uses. The subject property does not require any screening and, given the separation of uses created by Mount Rushmore Road, a state highway, is sufficiently buffered from the adjacent residential use.
3. The proposed use will not create an undue concentration of	Within the Central Business District, there are multiple bars, restaurants, and other establishments operating with on-sale

similar uses, so as to cause “blight, deterioration, or substantially diminish or impair property values.”	liquor use. Specifically, there are eight on-sale liquor establishments operating within 500 feet of the subject property. “Murphy’s Pub and Grill”, “Teddy’s Sports Grill” and “Thirsty’s” all have on-sale liquor licenses and are located approximately 500 feet northwest of the subject property. “445 Martini Lounge” and “Enigma” also have on-sale liquor licenses and are located approximately 450 feet northwest of the subject property. “Press Start” is located approximately 150 feet north of the subject property and operates with an on-sale liquor license. Approximately 500 feet east of the subject property, “Tinder Box Rapid City” operates with an on-sale liquor license. Finally, “Oasis Lounge” operates with an on-sale liquor license 350 feet northeast of the subject property. 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. This use is being operated in conjunction with a proposed restaurant.
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 516 & 518 Mount Rushmore Road and 724 Saint Joseph Street and is zoned Central Business District. The units within the property which the applicant intends to occupy are a combined 4,160 square feet and are located within the Downtown Historic District environs. The proposed on-sale liquor use will operate in conjunction with a proposed restaurant.
2. The location, character and design of adjacent buildings:	The surrounding properties are all zoned Central Business District.
3. Proposed fencing, screening and landscaping:	The subject property is zoned Central Business District, which 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 that there are 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 Central Business District and is not required to provide any off-street parking spaces. On-street parking is available along Saint Joseph Street and the property is adjacent to a relatively wide sidewalk. In addition, a bus stop is located adjacent to the storefront on Mount Rushmore Road.
6. Existing traffic and traffic to be generated by the proposed use:	The existing building is occupied by a community advocacy organization and an art studio. The proposed use should not have any transportation impacts if operated in conjunction with the proposed restaurant.
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	The property is currently served by public utilities including

and services:	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 to accompany the restaurant's cuisine. 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 a proposed restaurant.
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 restaurant 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 Downtown/Skyline Drive Neighborhood. The proposed expansion of an on-sale liquor use is intended to provide a glass of beer or wine to patrons of the restaurant to accompany the food, which will be Japanese-inspired, noodle-based cuisine.
 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 Mount Rushmore Road and Saint Joseph Street, which are designated as Principal Arterial streets on the City's Major Street Plan. The storefront is pedestrian-accessible and adjacent to a bus stop.
 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):	Downtown
Design Standards:	
GDP-MU1	Relationship of Uses: The proposed expansion of an on-sale liquor use operated in conjunction with a Japanese-style restaurant will provide a unique atmosphere for patrons and will generate additional activity in the surrounding Downtown area.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown/Skyline Drive Neighborhood
Neighborhood Goal/Policy:	
DSD-NA1.1C	Mixed Use Development: The proposed expansion of an on-sale liquor use operated in conjunction with the Japanese-style restaurant will provide a unique atmosphere for patrons.

Findings	
Staff has reviewed the Conditional Use Permit to allow on-sale liquor use in conjunction with a proposed restaurant pursuant to Chapter 17.16, 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 expand the on-sale liquor use to accompany the food served at the business known as “Bokujo Ramen”. The proposed expansion of an on-sale liquor establishment should not have a negative impact on the area if operated in conjunction with the proposed restaurant.	

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):	
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 use in conjunction with a restaurant. 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

*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 construction. A Certificate of Occupancy shall be obtained prior to use;
2.	All requirements of the currently adopted Building Code, Mechanical and Electric Codes and the International Fire Code shall be met;
3.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
4.	ADA accessibility shall be maintained throughout the site as necessary;
5.	All parking shall be installed and maintained in compliance with the requirements of the Rapid City Parking Ordinance; and,
6.	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.