



Rapid City Planning Commission

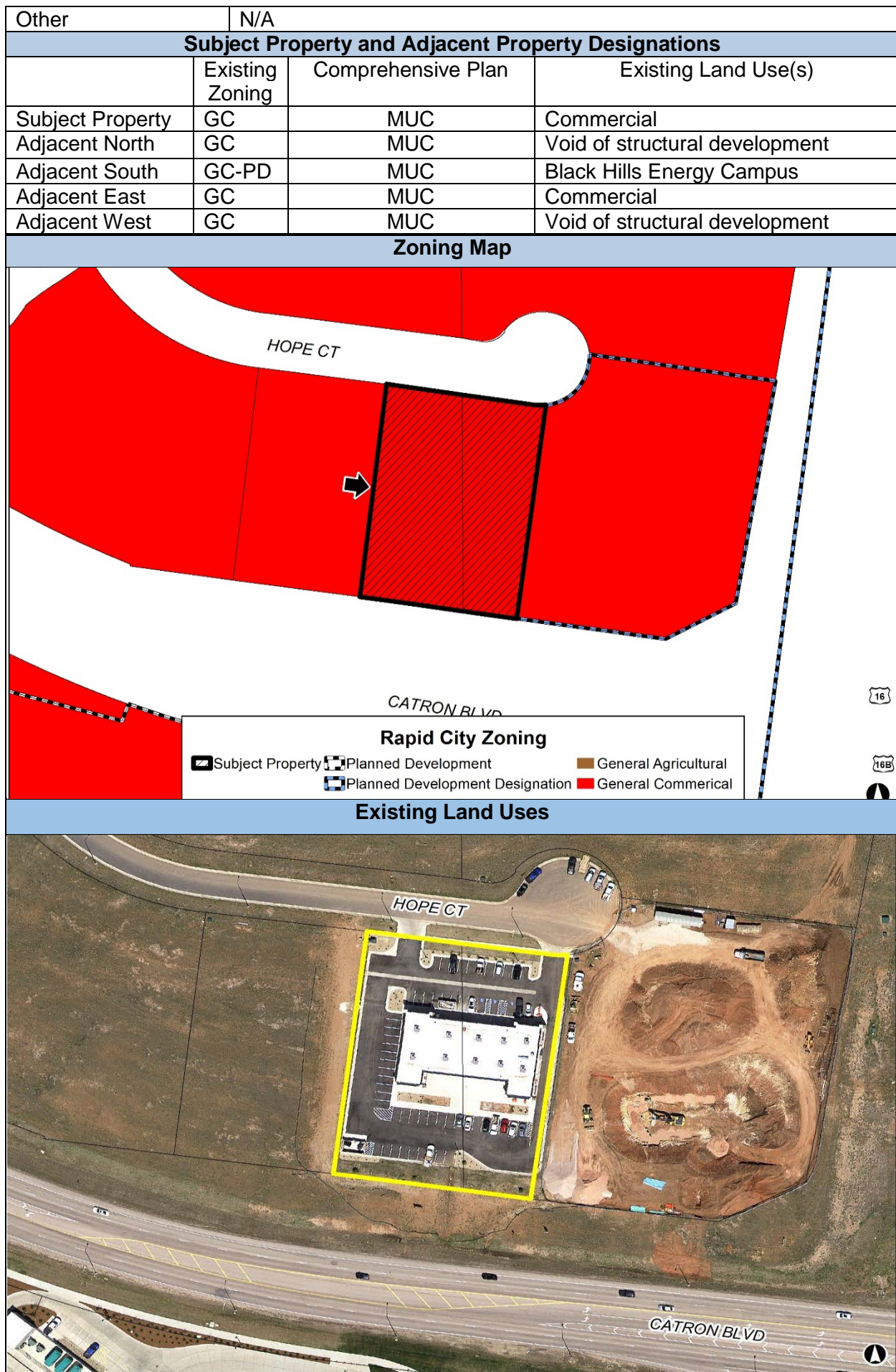
Conditional Use Permit Project Report

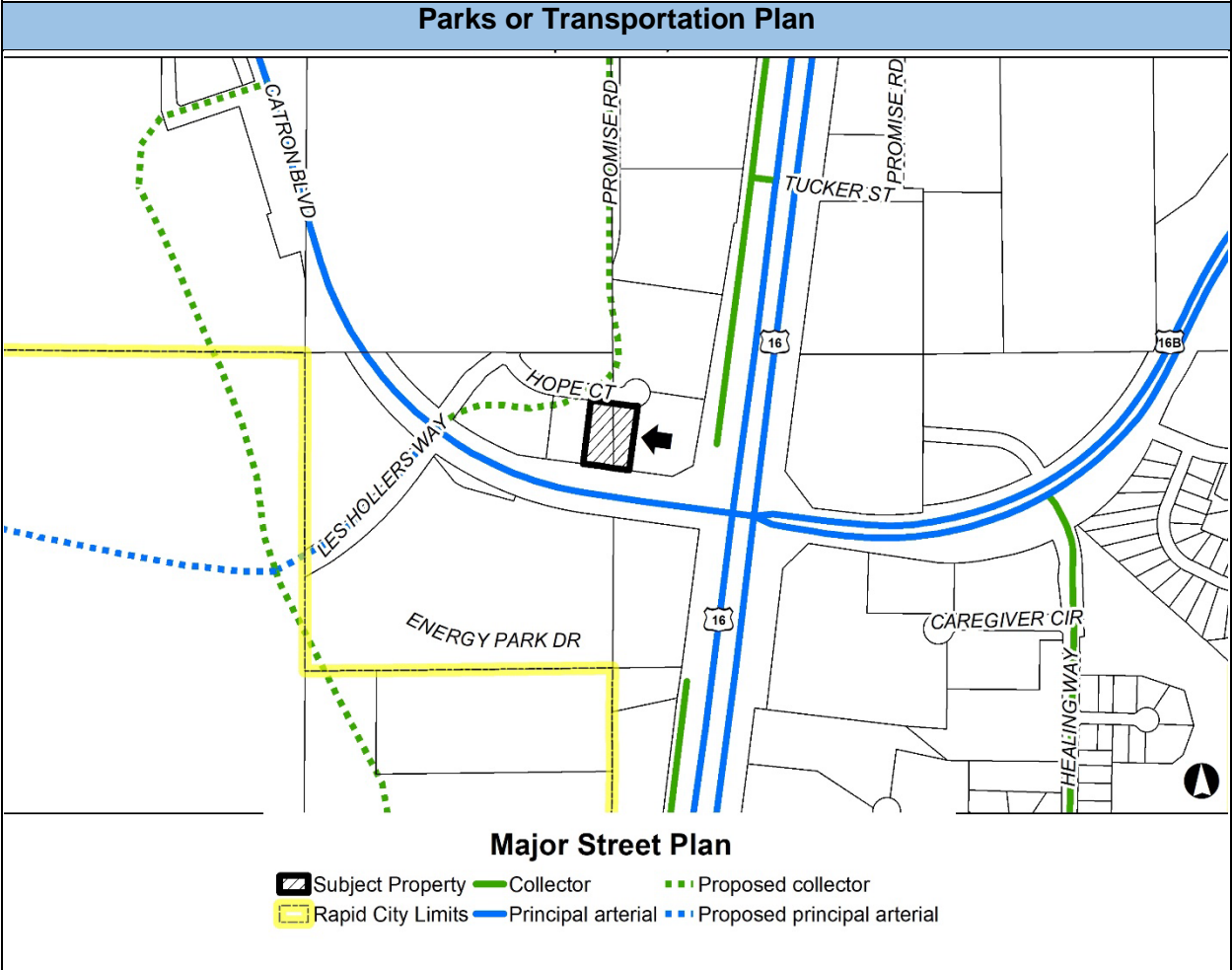
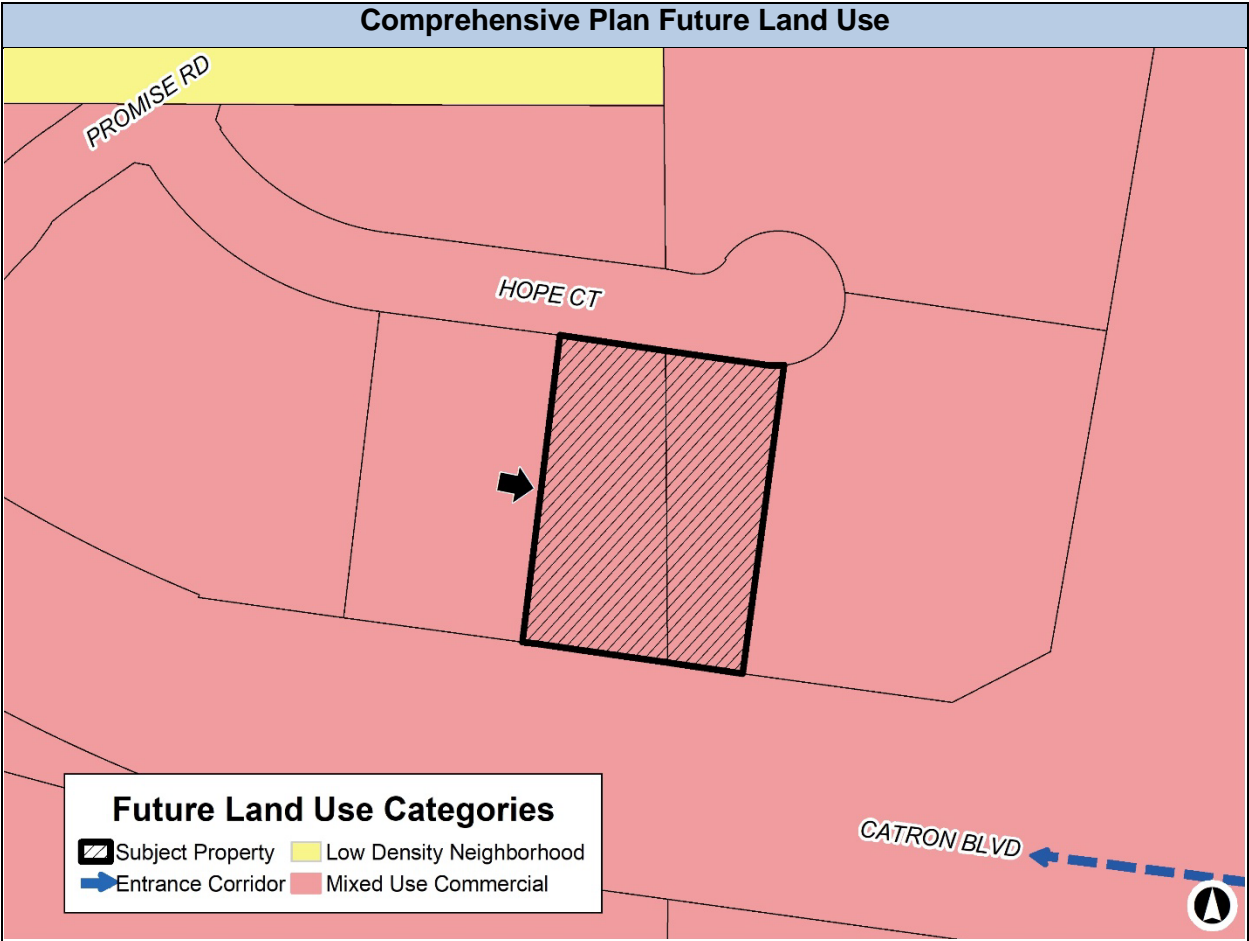
June 23, 2022

Item #7
Applicant Request(s)
Case #22UR013 – Major Amendment to a Conditional Use Permit to expand on-sale liquor in conjunction with an existing restaurant.
Companion Case(s) #: N/A

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

Project Summary Brief	
<p>The applicant has submitted a Major Amendment to a Conditional Use Permit to expand on-sale liquor in conjunction with Bin 605, an existing restaurant. On January 6, 2022, a Conditional Use Permit (File #21UR046) was approved to allow beer and wine sales at the restaurant. The applicant is now proposing to expand the use to include a 300 square-foot outdoor dining space to be used during the warm months of the year. The outdoor dining space would be accessible only through the interior of the restaurant. Additionally, the outdoor dining space would be fully fenced to ensure customers can only enter and exit through the restaurant. The fence includes a gate which would remain locked at all times.</p> <p>The existing uses within the commercial building include an insurance office, a restaurant (Gyro Hub), a chiropractic office, and one vacant suite. 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.</p> <p>The subject property is located east of the intersection of Promise Road and Hope Court at 2001 Hope Court along the 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.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Canada Salter	Planner: Marlo Kapsa
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












Relevant Case History			
Case/File#	Date	Request	Action
22ZE006	6/14/2022	Administrative Zoning Exception to reduce parking from 72 spaces to 61 spaces	Approved
21UR046	1/6/2022	Conditional Use Permit to allow on-sale liquor	Approved
Relevant Zoning District Regulations			
General Commercial District		Required	Proposed
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	86 feet
• Rear		0 feet	107 feet
• Side		0 feet	18 feet
• Street Side		25 feet	N/A
Minimum Landscape Requirements:			
• # of landscape points		45,322 required	46,234 provided
• # of landscape islands		1	1
Minimum Parking Requirements:			
• # of parking spaces		72	Exception to provide 61 in lieu of 72 was approved.
• # of ADA spaces		3	3
Signage		As per Sign Code	None proposed
Fencing		As per RCMC Chapter 17.50.150	None proposed

Planning Commission Criteria and Findings for Approval or Denial	
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:	
	Findings
1. The location, character, and natural features of the property;	The property is located at 2001 Hope Court within the Mount Rushmore 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 existing wine and tapas bar is located in Suite 1, a 2,000 square foot area. The existing uses within the building include an insurance office, a restaurant (Gyro Hub), a chiropractic office, and one vacant suite.
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. The property to the south, across Catron Boulevard, is developed with Black Hills Energy office space.
3. Proposed fencing, screening, and landscaping;	A 5-foot cedar fence has been proposed along the west and south sides of the patio and a 4-foot cedar fence with a latching gate has been proposed along the east side of the patio. A total of 4,794 landscaping points are being removed to construct the patio space and 4,000 landscaping points are being added to the site to replace those removed. The required number of landscaping points for this site 45,322

	and 46,234 points are being provided.
4. Proposed vegetation, topography, and natural drainage;	The subject property is fully developed. No changes to the topography, or natural drainage will occur as a result of the proposed expansion of use. Vegetation to be removed will be replaced as proposed on the applicant's landscape plan which is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code.
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 located along Hope Court, which is constructed as a commercial street. Sidewalks are provided along Hope Court. The applicants have submitted an administrative zoning exception to reduce the parking from 72 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 subject property is located along a commercial street designed to accommodate commercial traffic. The proposed use does not require a traffic impact study
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.
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 existing use consists of on-sale liquor with the sale of tapas, small plates of food. The proposed expansion to include outdoor dining space 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 fencing will serve as a screen to the adjacent uses and help to ensure that drinks are not taken off of the premises.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.	The existing wine, beer, and tapas bar has 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.
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:	
	Findings
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	The wine, beer, and tapas bar is existing. The proposed expansion will allow customers to utilize the outdoor patio

similar uses, so as to cause blight, deterioration, or substantially diminish or impair property values:	space during the warm months of the year. There are no other on-sale liquor uses currently located on this site. The closest on-sale liquor establishment, Wings and Rings, is located approximately 1.5 miles to the northwest of the subject property along Sheridan Lake Road. 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	
 A Balanced Pattern of Growth	
BPG-1.2C	Priority Revitalization Corridors: This goal supports targeted development/redevelopment along priority corridors, including Mount Rushmore Road. The proposed outdoor dining area enhances the mixture of uses currently located along the Catron Boulevard/US Highway 16 corridor.
 A Vibrant, Livable Community	
N/A	N/A
 A Safe, Healthy, Inclusive, and Skilled Community	
N/A	N/A
 Efficient Transportation and Infrastructure Systems	
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.
 Economic Stability and Growth	
N/A	N/A
 Outstanding Recreational and Cultural Opportunities	
N/A	N/A
 Responsive, Accessible, and Effective Governance	
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.
Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed-Use Commercial
Design Standards:	
GDP-MU1	The subject property is located just northwest of the key intersection of Highway 16 and Catron Boulevard. Concentrating uses such as shops and restaurants at key intersections is in line with the City's Comprehensive Plan.
Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	US Highway 16 Neighborhood Area
Neighborhood Goal/Policy:	
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.
Findings	
Staff has reviewed the Major Amendment to a Conditional Use Permit to expand on-sale liquor in conjunction with an existing restaurant 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 expanded use of the existing wine, beer, and tapas 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.	
Staff recommends that the Major Amendment to a Conditional Use Permit to expand on-sale liquor in conjunction with an existing restaurant be approved with the following stipulations:	
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;
2.	The requested Major Amendment to a Conditional Use Permit to expand on-sale liquor in conjunction with an existing restaurant shall allow the expansion of the on-sale liquor use to allow a 300 square-foot outdoor dining space to be used during the warm months of the year. The outdoor dining space shall be fenced as proposed. Any change in use shall require a Major Amendment to the Conditional Use Permit. All requirements of the General Commercial District shall be continually maintained. Any permitted use within in the General Commercial District shall be allowed with a Building Permit. Conditional uses in the General Commercial District, or any additional 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.*

Applicant Request(s)	
Case # 22UR013	Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with an existing restaurant
Companion Case(s) #	N/A
ADVISORIES: Please read carefully!	
1.	A building permit shall be obtained prior to any construction;
2.	All requirements of the currently adopted Building Code, Mechanical and Electric Codes and the International Fire Code shall be met;
3.	ADA accessibility shall be maintained throughout the site as necessary; and,
4.	All parking shall be installed and maintained in compliance with the requirements of the Rapid City Parking Ordinance.