



Rapid City Planning Commission

Conditional Use Permit Project Report

January 5, 2023

Item #14
Applicant Request(s)
Case #22UR029 – Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with a 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 a restaurant with stipulations as noted below.

Project Summary Brief
The applicant has submitted a Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant at property located at 725 Saint Joseph Street. Specifically, the applicant proposes to serve beer or wine to accompany the food that is the main product of the business, known as “Ugly Graffiti Downtown”. The subject property is zoned Central Business District and is approximately 0.08 acres in size. The space previously occupied by Ifrits Hookah Lounge is situated in the first floor of the building, with the storefront facing Saint Joseph Street, and has a footprint of approximately 2,903 square feet. The second floor of the building is currently used as commercial office space.

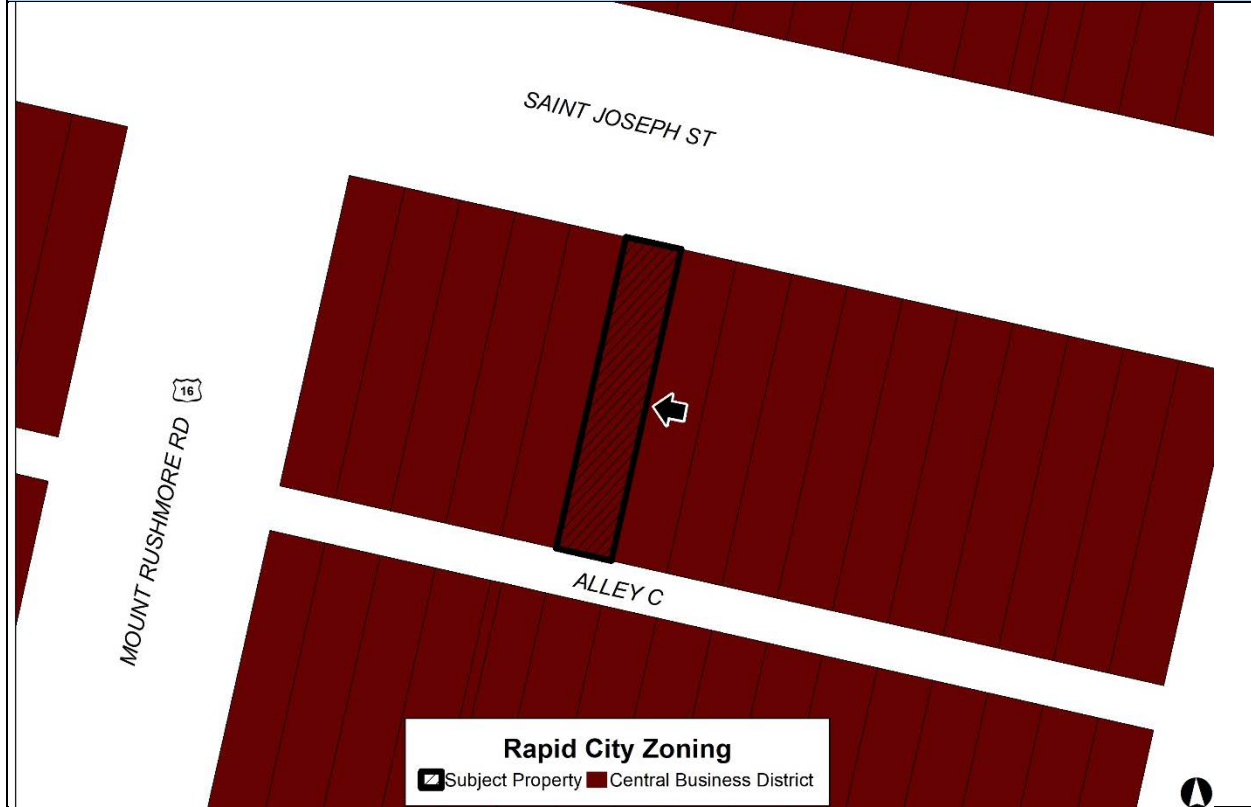
Applicant Information	Development Review Team Contacts
Applicant: Nathan Dahl	Planner: Kip Harrington
Property Owner: WORKOP SD, LLC	Engineer: Emily Fisher
Architect: N/A	Fire District: Chip Premus
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Emily Fisher
Other: N/A	DOT: Mike Carlson

Subject Property Information	
Address/Location	725 Saint Joseph Street
Neighborhood	Downtown/Skyline Drive
Subdivision	Original Town of Rapid City
Land Area	0.08 acres
Existing Buildings	5,806 square-foot two story commercial structure
Topography	Relatively flat
Access	Saint Joseph Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	N/A

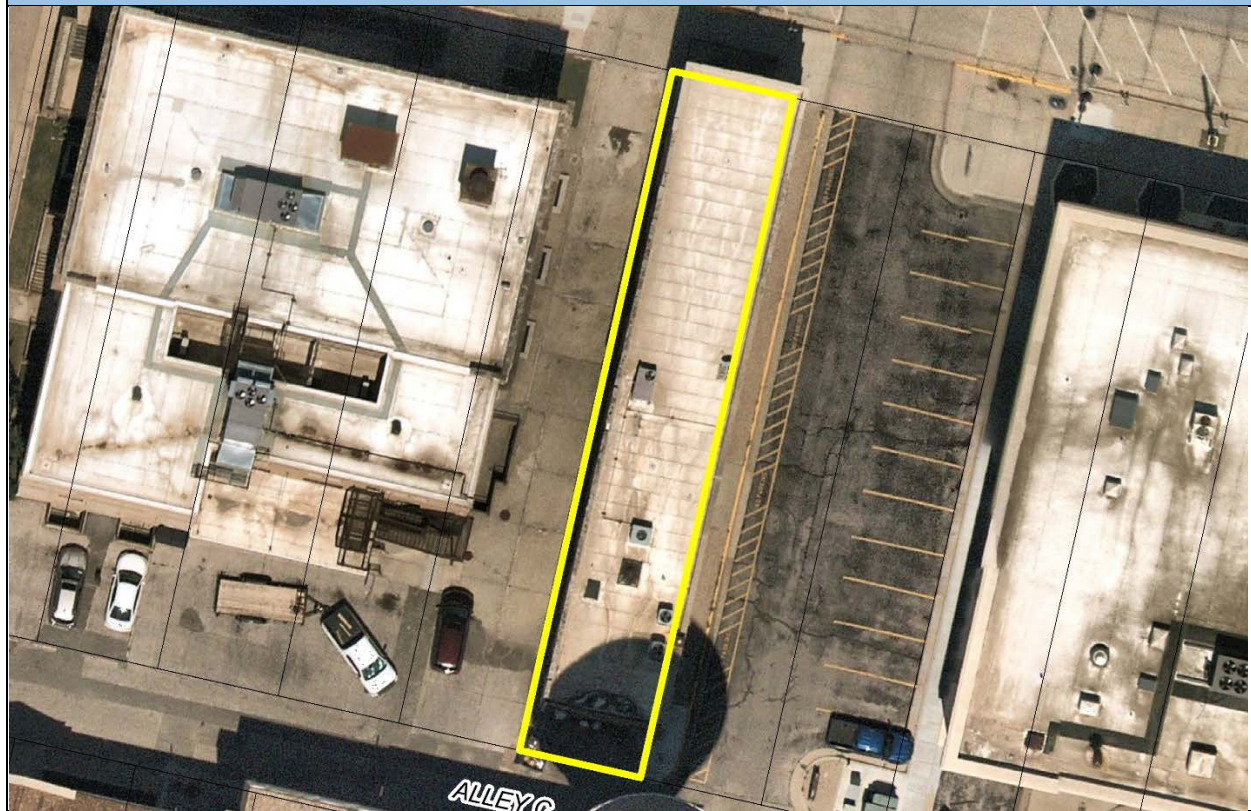
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	CBD	DT	Restaurant/Commercial Office
Adjacent North	CBD	DT	Commercial Office

Adjacent South	CBD	DT	Commercial Office
Adjacent East	CBD	DT	Commercial Bank
Adjacent West	CBD	DT	Commercial Office

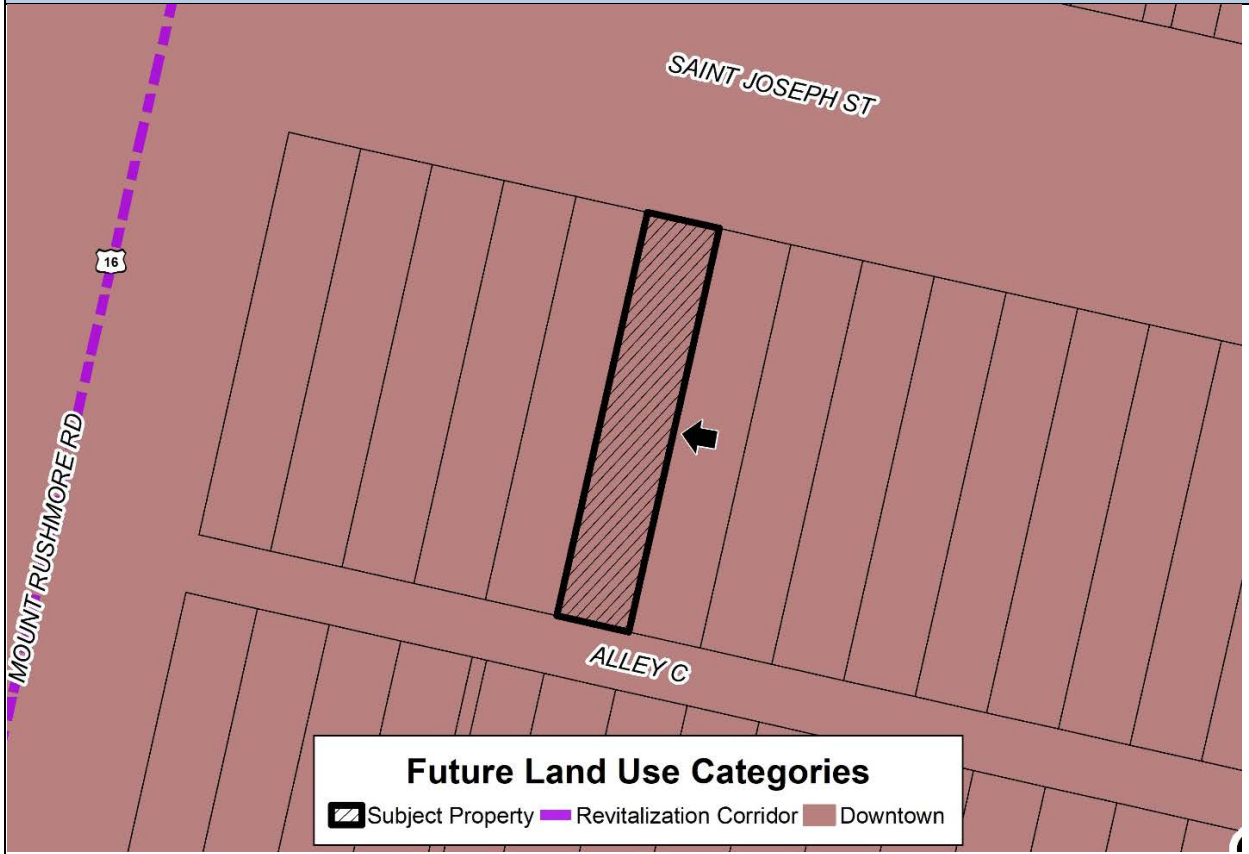
Zoning Map



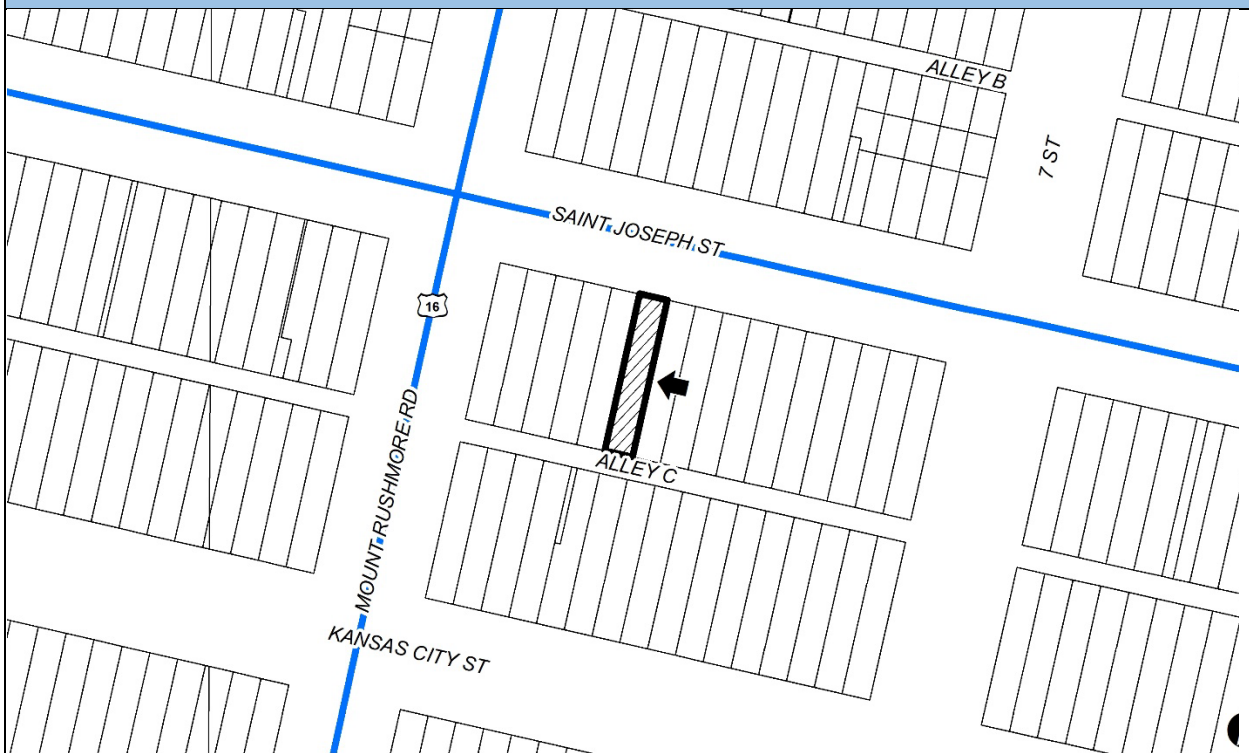
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan










Relevant Case History			
Case/File#	Date	Request	Action
09UR026	November 19, 2009	Conditional Use Permit to allow an on-sale liquor establishment	Approved with stipulations
10UR016	July 22, 2010	Major Amendment to a Conditional Use Permit to expand on-sale liquor service	Approved with stipulations
Relevant Zoning District Regulations			
Central Business District		Required	Proposed
Lot Area		N/A	2,903 square feet
Lot Frontage		N/A	23 feet
Maximum Building Heights		None	Two 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	8 square feet
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 schools, parks, playgrounds, or other similar uses within 500 feet of the subject property. There are four places of religious worship located to the south and southeast of the property within 500 feet. However, 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. The property is adjacent to restaurants, retail shops, and personal service uses.
3. The proposed use will not create an undue concentration of similar uses, so as to cause	Within the Central Business District, there are multiple bars, restaurants, and other establishments operating with on-sale liquor use. Specifically, there are eight on-sale liquor

<p>“blight, deterioration, or substantially diminish or impair property values.”</p>	<p>establishments operating within 500 feet of the subject property. “Bokujo Ramen”, “bb’s natural”, “Press Start”, and “Oasis Lounge” all have on-sale liquor licenses and are located within 500 feet north of the subject property. Within 500 feet to the east of the subject property, “Tinder Box Rapid City”, “Brass Rail Lounge”, “Windsor Block Bar”, and “Independent Ale House” operate with on-sale liquor licenses. 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.</p>
<p>4. The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.</p>	<p>See below</p>
<p>Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:</p>	
<p>1. The location, character and natural features of the property:</p>	<p>The property is located 725 Saint Joseph Street and is zoned Central Business District. The unit within the property which the applicant intends to occupy totals 2,903 feet and is located within the Downtown Historic District environs. The proposed on-sale liquor use will operate in conjunction with a proposed restaurant.</p>
<p>2. The location, character and design of adjacent buildings:</p>	<p>The surrounding properties are all zoned Central Business District.</p>
<p>3. Proposed fencing, screening and landscaping:</p>	<p>The subject property is zoned Central Business District, which does not require fencing, screening, or minimum landscaping.</p>
<p>4. Proposed vegetation, topography and natural drainage:</p>	<p>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.</p>
<p>5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:</p>	<p>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.</p>
<p>6. Existing traffic and traffic to be generated by the proposed use:</p>	<p>The existing building was previously occupied by a hookah lounge, and also contains commercial office space on the second floor. The proposed use should not have any transportation impacts if operated in conjunction with the proposed restaurant.</p>
<p>7. Proposed signs and lighting:</p>	<p>An eight square-foot sign is proposed as part of this Conditional Use Permit application. All signage will require Historic Preservation review prior to issuance of a sign permit.</p>
<p>8. The availability of public utilities and services:</p>	<p>The property is currently served by public utilities including Rapid City sewer and water.</p>
<p>9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:</p>	<p>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</p>

	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 American 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 Saint Joseph Street, which is designated as Principal Arterial street on the City's Major Street Plan. The storefront is pedestrian-accessible and in proximity to a transit 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.
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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 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 restaurant will provide a unique atmosphere for patrons.

Findings

Staff has reviewed the Major Amendment to a Conditional Use Permit to allow on-sale liquor 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 serve beer and wine to accompany the food served at the business known as “Ugly Graffiti Downtown”. The proposed on-sale liquor establishment should not have a negative impact on the area if operated in conjunction a restaurant.

Staff recommends that the Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with a restaurant 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. All signs, including banners or grand opening or special event advertisements are subject to historic review; and, |
| 2. | The Conditional Use Permit shall allow on-sale liquor 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. |