



Rapid City Planning Commission

Major Amendment to a Conditional Use Permit Report

March 9th, 2023

Item #12

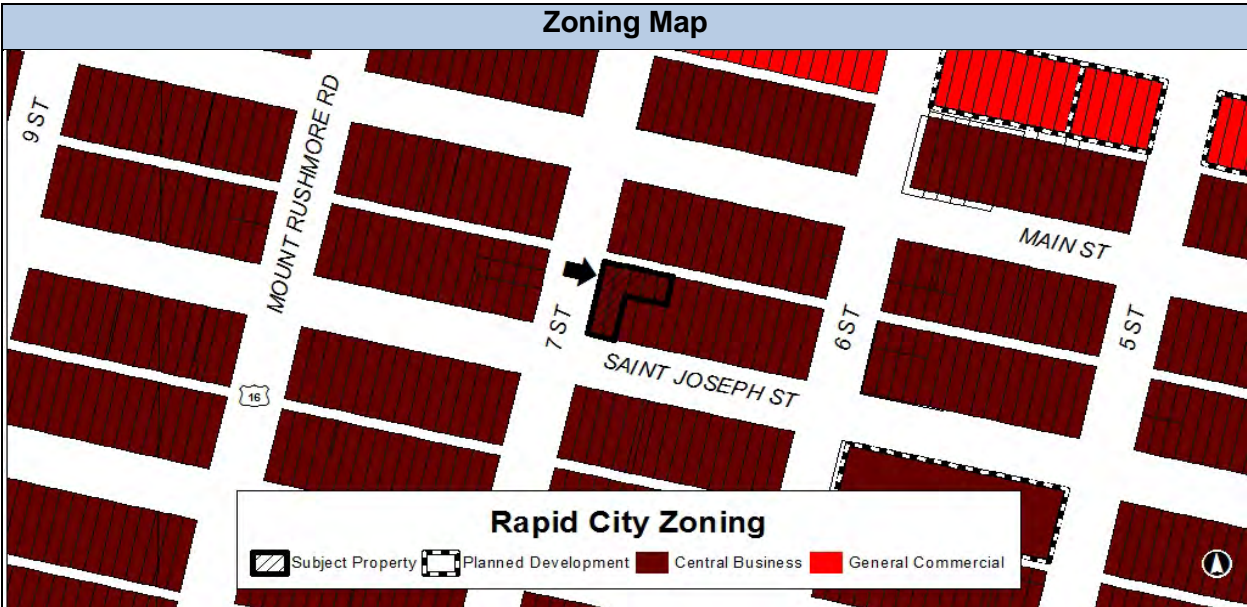
Applicant Request(s)
Case #23UR001 – Conditional Use Permit to allow on-sale liquor in conjunction with an entertainment lounge.
Companion Case(s) N/A

Development Review Team Recommendation(s)
The Development Review Team recommends approval with stipulations as noted at the end of the report.

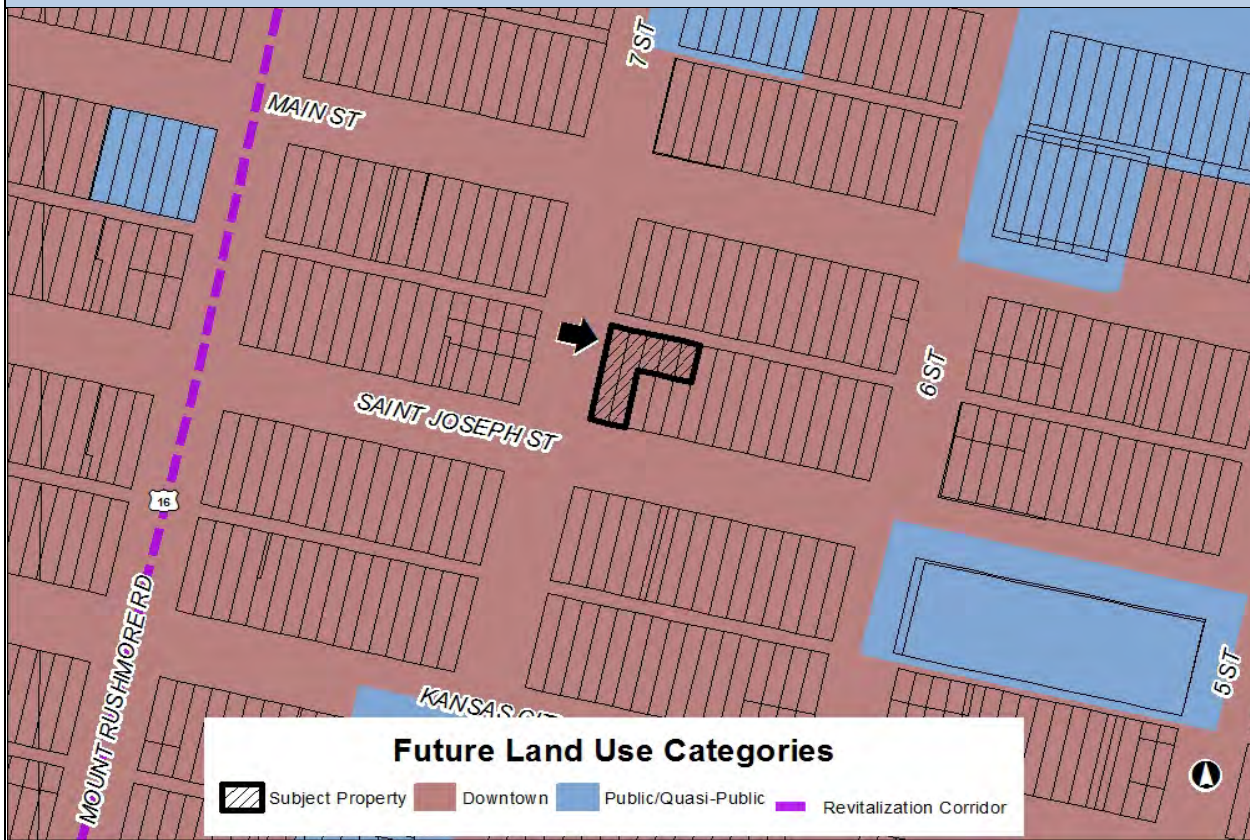
Project Summary Brief	
The applicant has submitted this request for a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an entertainment lounge. A previous Conditional Use Permit to allow an On-sale Liquor Establishment was approved on site in 2017 (File #17UR010). The previous Conditional Use Permit has since lapsed due to the discontinuation of operations. Therefore, a new Conditional Use Permit is required. The applicant is proposing to open a 2,180 square-foot 1940's style wine and beer lounge with live music and entertainment. The hours of operation will be from 4 pm to 12 am Wednesday through Saturday. The establishment will be known as "The Coupe".	
Applicant Information	Development Review Team Contacts
Applicant: Dustin Mulvey	Planner: Alex Osborne
Property Owner: Lakota Building LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Chip Premus
Engineer: N/A	School District: Janet Kaiser
Surveyor: N/A	Water/Sewer: Dan Kools
Other:	DOT: Brandon Soulek

Subject Property Information	
Address/Location	516 7 th Street, between Main Street and Saint Joseph Street
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Original Township of Rapid City
Land Area	0.26 acres, approximately 11,326 sq ft (Suites approximately 2,180 sq ft)
Existing Buildings	Existing mixed use commercial building with 100% lot coverage
Topography	Level
Access	7 th Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	Contributing structure, Downtown Historic District.

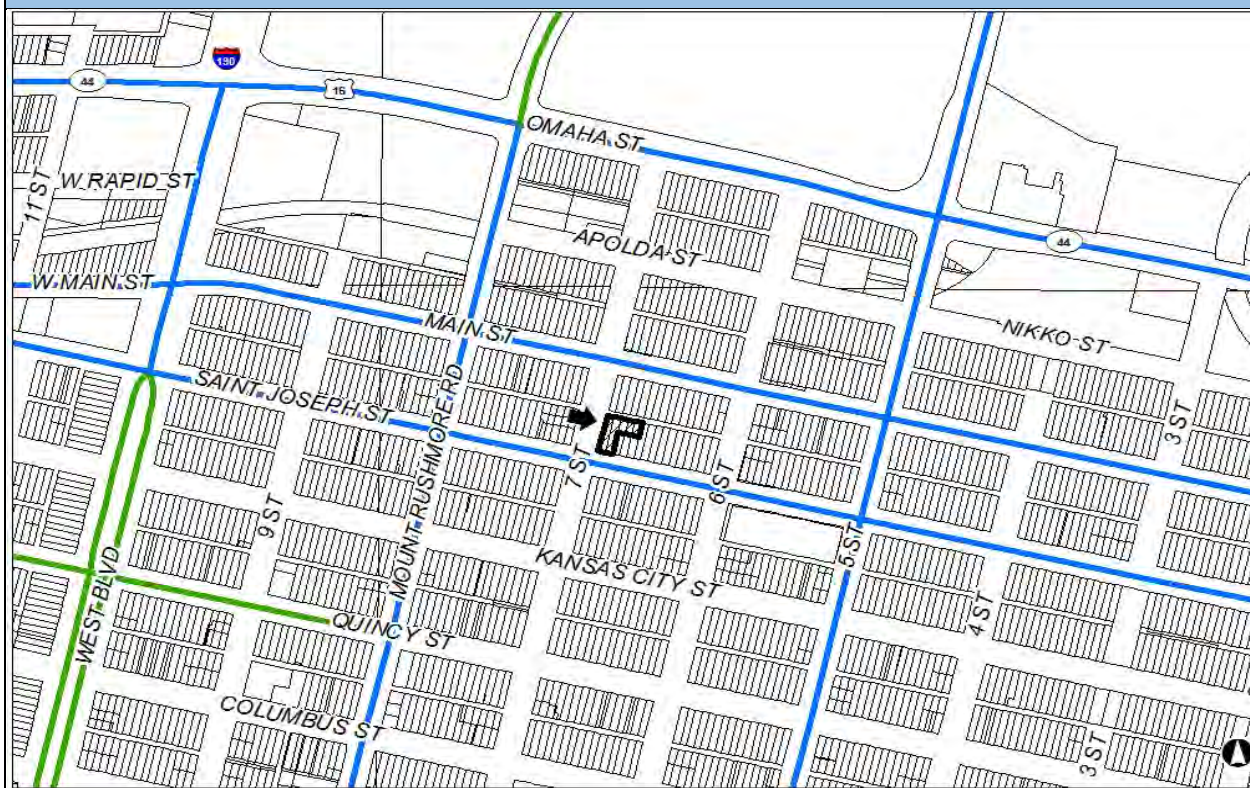
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	CBD	Downtown, Regional Activity Center	Existing commercial retail and services
Adjacent North	CBD	Downtown, Regional Activity Center	Existing commercial retail and services
Adjacent South	CBD	Downtown, Regional Activity Center	Existing commercial retail and services
Adjacent East	CBD	Downtown, Regional Activity Center	Existing commercial retail and services
Adjacent West	CBD	Downtown, Regional Activity Center	Existing commercial retail and services



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
11SC001	5/26/11	Sidewalk Café Permit	Planning Commission approved w/ stipulations
17UR010	5/25/17	Conditional Use Permit	Planning Commission approved w/ stipulations
Relevant Zoning District Regulations			
Central Business District		Required	Proposed
Lot Area		No minimum required	0.26 ac, approximately 11,326 sq ft. (Approximately 3,500 sq ft in-suite)
Lot Frontage		No minimum required	Unknown
Maximum Building Heights		No maximum required	2 stories
Maximum Density		100%	100%
Minimum Building Setback:			
• Front		0 ft	0 ft
• Rear		0 ft	0 ft
• Side		0 ft	0 ft
• Street Side		0 ft	0 ft
Minimum Landscape Requirements:			
• # of landscape points		N/A	N/A
• # of landscape islands		N/A	N/A
Minimum Parking Requirements:			
• # of parking spaces		N/A	N/A
• # of ADA spaces		N/A	N/A
Signage		Per RCMC	No changes proposed
Fencing		Per RCMC	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 comprised of 0.26 acres located in a densely developed, commercially zoned neighborhood. The property is level.
2. The location, character, and design of adjacent buildings;	Property in all directions is densely developed with a variety of commercial, retail, and services.
3. Proposed fencing, screening, and landscaping;	No additional or altered fencing, screening, and landscaping is proposed.
4. Proposed vegetations, topography, and natural drainage;	No additional vegetation or alteration of topography or natural drainage is proposed.
5. Proposed pedestrian and vehicular access, circulation and	Off-street parking is not required within the Central Business District. On-street parking is located adjacent to




parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;	the building. Minimum 10-foot wide sidewalks about the property along 7 th Street.
6. Existing traffic and traffic to be generated by the proposed use;	Transportation Planning staff has noted that the proposed on-sale liquor establishment does not impact the existing transportation network in the area.
7. Proposed signs and lighting;	No changes to the existing lighting is being proposed as a part of this request. All signage will be provided in compliance with Chapter 17.50.080 of the Rapid City Municipal Code and Historic Sign Review Approval.
8. The availability of public utilities and services;	The site is serviced by Rapid City water and sewer. Public Works staff has not noted any utility capacity issues for the proposed on-sale liquor use.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;	The Rapid City Comprehensive Plan notes that the property is designated for downtown development and is located within a Regional Activity Center and in proximity to revitalization corridors located on Main Street and Saint Joseph Street. The downtown and Regional Activity Centers are seen as appropriate for activity-generating, pedestrian-oriented uses including on-sale liquor establishments. The proposed on-sale liquor establishment is in compliance with the adopted Comprehensive Plan and the purpose of the Ordinance.
10. The overall density, yard, height, and other requirements of the zone in which it is located;	The existing structure on the site meets all requirements with regard to setbacks, building height, lot coverage, parking, and landscaping.
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 requested on-sale liquor establishment will operate as an accessory use to a full service entertainment lounge. The use will not generate significant noise, odor, dust, air pollution, or water pollution. This Conditional Use Permit will serve as the tool to ensure that future potential impacts of this use are mitigated to the greatest extent possible.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.	The Planning Commission has previously determined that the Central Business District is the appropriate location for on-sale liquor establishments. The Conditional Use Permit will serve as the tool to ensure that potential impacts associated with this on-sale liquor establishment are adequately addressed.
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:	The property is located within 500 feet of three churches located south of Saint Joseph Street on Kansas City Street: The First Presbyterian Church located at 710 Kansas City Street, the Faith Temple Church of God in Christ located at 715 Kansas City Street, and First United Methodist Church located at 629 Kansas City Street. As previously noted, the Central Business District is comprised of a wide variety of uses. The Planning Commission has determined in the past that the Central Business District is the appropriate location for on-sale liquor establishments, especially when operated in conjunction with another primary use.

<p>2. The requested use is sufficiently buffered with regard to residential areas so as not to adversely affect the areas:</p>	<p>There are no residentially zoned properties located within 500 feet of the subject property. It should be noted that the Central Business District does allow entertainment uses and the Planning Commission has determined in the past that the Central Business District is the appropriate location for on-sale liquor establishments, especially when operated in conjunction with another primary use. The requested use is sufficiently buffered with regard to residentially zoned areas.</p>
<p>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:</p>	<p>There are a number of on-sale liquor establishments located within 500 feet of the subject property. As previously noted, the Planning Commission has determined in the past that the Central Business District is the appropriate location for on-sale liquor establishments, especially when operated in conjunction with another primary use. Based on its location within the Central Business District, the proposed on-sale liquor establishment in conjunction with an entertainment lounge does not create an undue concentration of similar uses and does not cause blight, deterioration, or substantially diminish or impair property values.</p>
<p>4. The proposed use complies with the standards of Chapters 5.12 and 17.54.030 of the Rapid City Municipal Code:</p>	<p>As noted above, the requested on-sale liquor establishment complies with all the requirements for a conditional use. A liquor license must be obtained for the operator of the establishment prior to commencement of the use on the property.</p>

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-1.2B	Priority Activity Centers for Reinvestment: A primary Downtown Regional Activity Center objective is to expand the variety of uses within the Center while retaining the character of the buildings.
 A Vibrant, Livable Community	
LC-4.1B	Diverse Mix of Uses: The proposed on-sale liquor establishment in conjunction with an entertainment lounge will add to the mix of commercial, retail, service, and residential uses desirable in the downtown and in surrounding neighborhoods.
 A Safe, Healthy, Inclusive, and Skilled Community	
N/A	N/A
 Efficient Transportation and Infrastructure Systems	
N/A	N/A

 Economic Stability and Growth	
EC-1.3A	Local Business Support: The requested Conditional Use Permit will continue to encourage the creation and expansion of local businesses. In particular, the proposed entertainment lounge will be a locally owned business that promotes local artists.
 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 requested Conditional Use Permit.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Downtown, Regional Activity Center
Design Standards:	
GDP-MU1	Relationship of Uses: The requested Conditional Use Permit encourages the concentration of activity-generating uses near transit stops such as the Rapid City Bus Depot, as well as public spaces, such as Main Street Square, both located approximately one block northeast of the existing storefront.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown/Skyline Drive Neighborhood
Neighborhood Goal/Policy:	
DSD-NA1.1C	Mixed-Use Development: The requested Conditional Use Permit will encourage mixed-uses within the Central Business District.

Findings	
<p>Staff has reviewed the Conditional Use Permit to allow on-sale liquor use in conjunction with an entertainment lounge to ensure compliance with Chapter 17.50.100 and Chapter 17.50.050(F)5 of the Rapid City Municipal Code as well as the goals, policies, and objectives of the adopted Comprehensive Plan. The Rapid City Comprehensive Plan identifies the property as appropriate for the Downtown/Skyline Drive Neighborhood. The proposed entertainment lounge and on-sale liquor establishment is an appropriate use for the Downtown/Skyline Drive Neighborhood. 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.</p>	

Planning-Commission Recommendation and Stipulations of Approval:	
Staff recommends approval of the Conditional Use Permit to allow on-sale liquor in conjunction with an entertainment lounge:	
1.	Prior to any construction, a Building Permit shall be obtained;
2.	Prior to occupancy and operation of business, a Certificate of Occupancy shall be obtained;
3.	Any future signage on site shall require a Sign Permit and Historic Review approval; and,
4.	The requested Conditional Use Permit shall allow an on-sale liquor establishment to be operated in conjunction with entertainment lounge and in compliance with the applicant's

	operational plan. Uses permitted in the Central Business District shall be permitted. All conditional uses in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit.
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**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 #23UR001	Initial Major Amendment to a Conditional Use Permit to allow on-sale liquor in conjunction with an entertainment lounge located at 516 7 th Street in downtown Rapid City
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 construction plans shall be signed and sealed by a registered professional pursuant to SDCL 36-18A;
3.	All requirements of the currently adopted Building Code shall be met;
4.	All requirements of the International Fire Code shall be met;
5.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
6.	All erosion and sediment control measures shall be installed and continually maintained as necessary;
7.	ADA compliant accessibility shall be maintained as necessary; and,
8.	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.