



Rapid City Planning Commission

Planned Development Project Report

November 23, 2016

Item 14
Applicant Request(s)
Case # 16UR022, a Major Amendment to the Conditional Use Permit to allow expansion of an existing microbrewery and to provide additional outdoor seating

Development Review Team Recommendation(s)
The Development Review Team recommends that the Major Amendment to the Conditional Use Permit to allow expansion of an existing microbrewery and to provide additional outdoor seating be approved with the stipulations noted below.

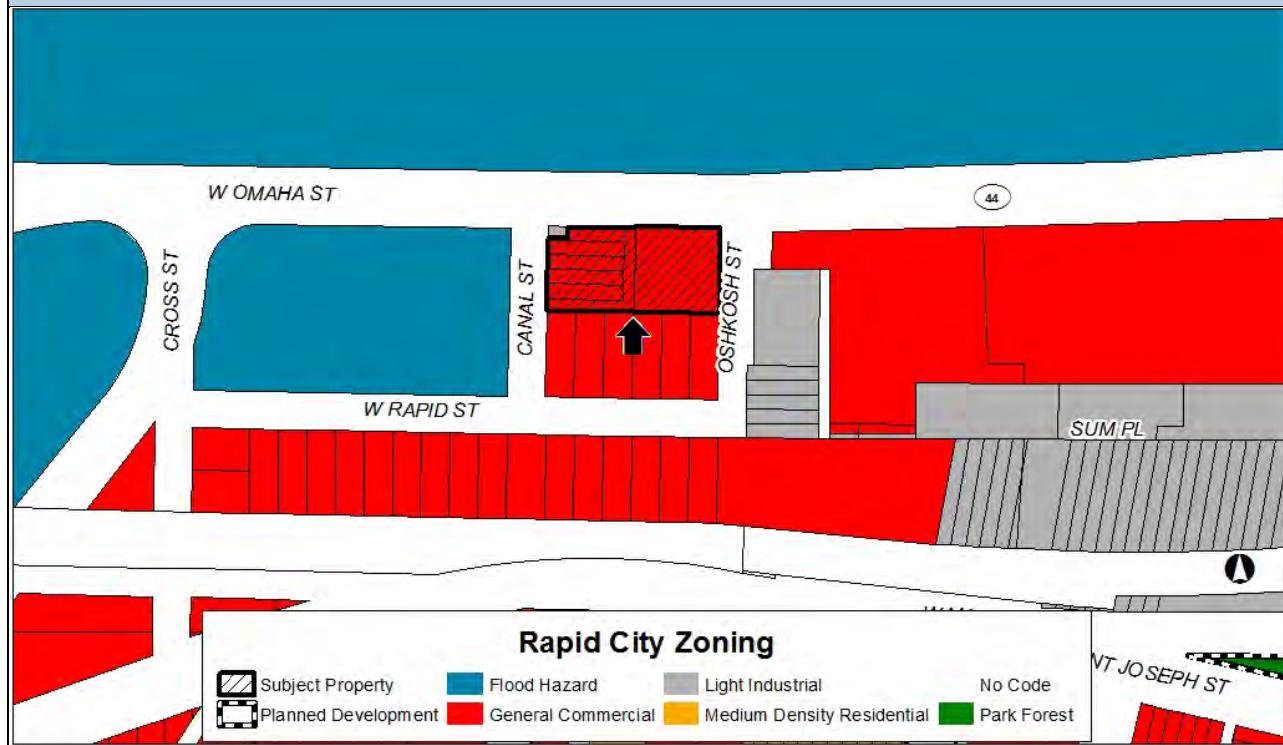
Project Summary Brief	
<p>The applicant is requesting a Major Amendment to the Conditional Use Permit to allow expansion of an existing microbrewery with additional storage space and to allow additional outdoor seating. In 2015, a Conditional Use Permit (File #15UR016) was approved for the Lost Cabin Beer Company to open and operate a microbrewery on the property. Now, the applicant is proposing to expand into an adjacent suite in the existing building for storage purposes only. In addition, the applicant is requesting to allow an outdoor seating area for the microbrewery to be located adjacent to the parking lot. The adjacent suite was previously used as a health club which has recently relocated. Portions of the vacant suite are being utilized by the bike shop located on the property for shop and storage space. The applicant is proposing to utilize the balance of the vacated suite for keg/brewing supply storage and it is not anticipated that additional seating or capacity will result from the proposed expansion.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Lost Cabin Beer Company	Planner: Robert Laroco
Property Owner: M Hill Business Plaza, LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Janet Kaiser
Surveyor: Kennedy Design Group, Inc.	Water/Sewer: Dan Kools
Other:	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	1410 West Omaha Street, southeast of the intersection of Canal Street and West Omaha Street
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Gateway Subdivision
Land Area	1.01 acres (approximately 43,996 square feet)
Existing Buildings	Existing commercial/retail/service center
Topography	Level
Access	Omaha Street, Canal Street, Oshkosh Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	100 Year, 500 Year Federally Designated Floodplains
Other	

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Commercial/retail/service center
Adjacent North	FH	PG	Hanson-Larson Memorial Park
Adjacent South	GC	MUC	Retail/repair/services center
Adjacent East	LI, GC	LI, MUC	Retail/repair/services center
Adjacent West	FHD	PG	Park/green space

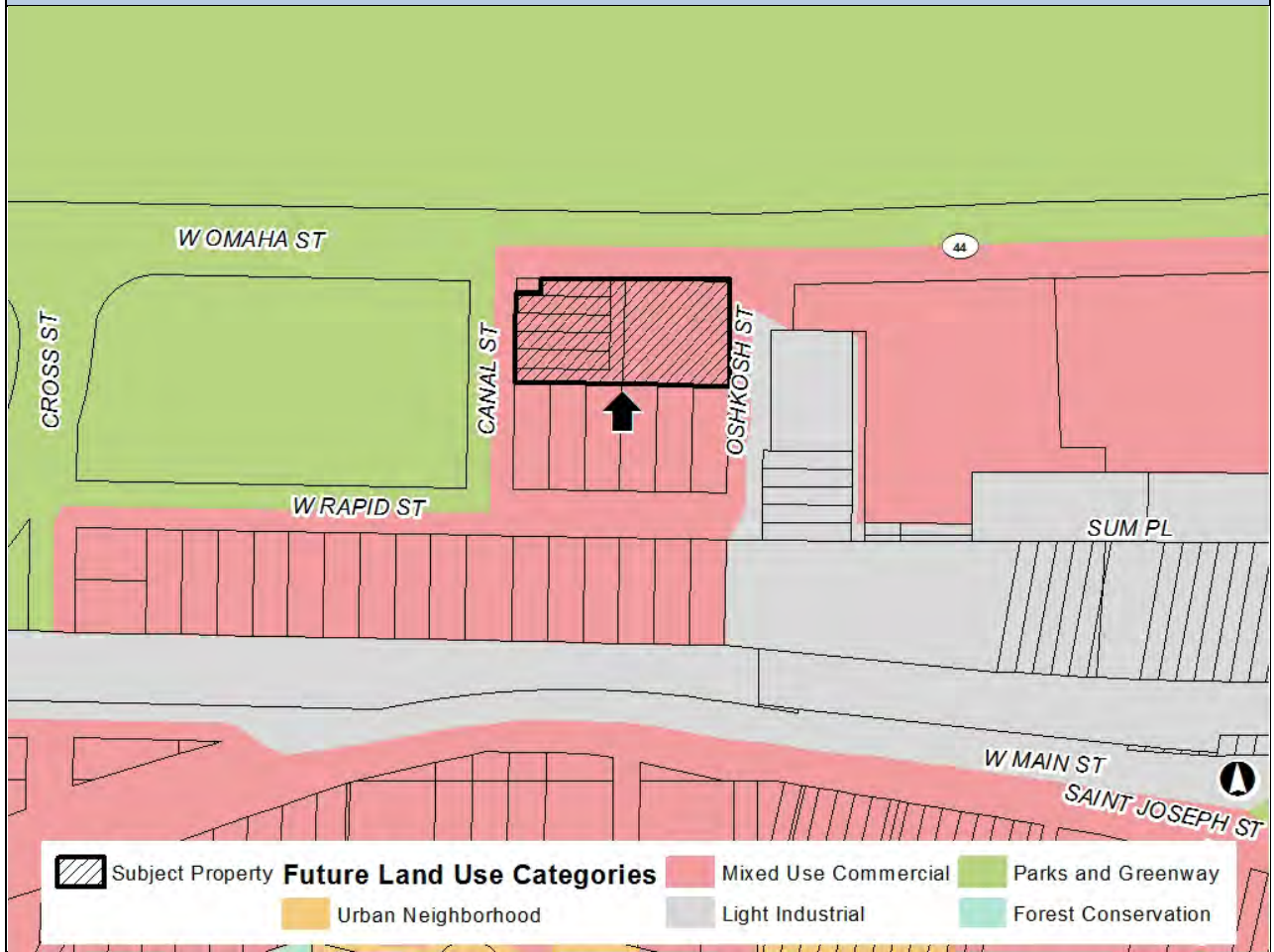
Zoning Map



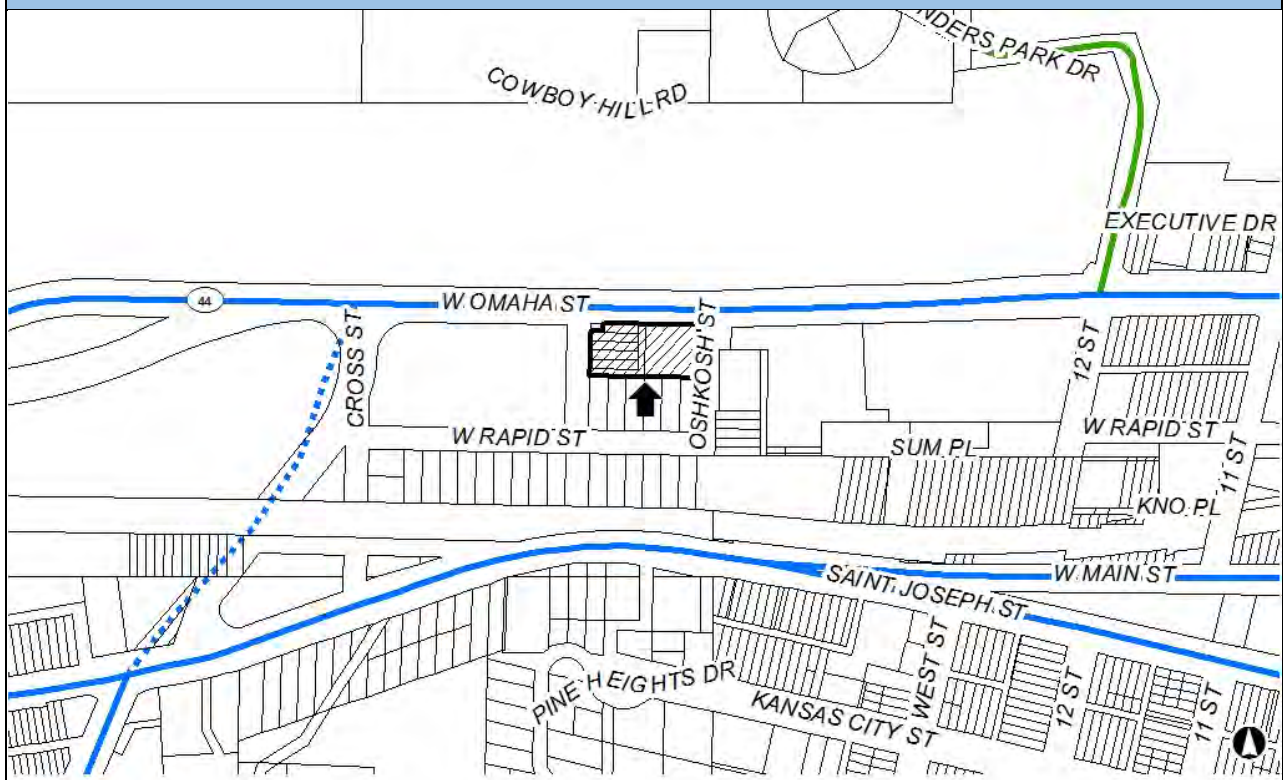
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
15UR016	8/6/2015	CUP to allow a microbrewery	Approved with stipulations
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	No Minimum required	1.01 ac (approximately 43996 sq ft)	
Lot Frontage	No Minimum required	450 ft	
Maximum Building Heights	4 stories, < 45 ft	1 story, < 45 ft	
Maximum Density	75%	Approximately 24%	
Minimum Building Setback:			
• Front	25 ft	0 ft (legally nonconforming)	
• Rear	0 ft	0 ft	
• Side	N/A	N/A	
• Street Side	25 ft	0 ft (legally conforming)	
Minimum Landscape Requirements:			
• # of landscape points	22,290 points (per previous permits)	22,290 points (by previous permit)	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	45	45 provided	
• # of ADA spaces	2 ADA, 1 van accessible	2 ADA, 1 van accessible	
Signage	Pursuant to RCMC	Pursuant to RCMC	
Fencing	Pursuant to RCMC	Half wall proposed to screen/buffer proposed outdoor seating area	

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.18.030.31 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a microbrewery;	
	Findings
1. A microbrewery is defined as an establishment which manufactures less than 5,000 barrels of malt beverages a year.	The applicant submitted operations plan notes that the facility will have an initial capacity of 1,000 barrels a year. Additional brewing capacity is not expected as a part of this request. However, the anticipated brewing capacity for the facility falls well below the criteria for a microbrewery.
2. A malt beverage license required by SDCL 35-4-2-(14) must be obtained. A City liquor license must be obtained if the applicant is selling product for consumption directly to the public.	All state and local licensing requirements have been met as a part of the initial licensing and permitting of the use on the property.
3. Accessory uses to a microbrewery include, but are not limited to, selling of food, operation of restaurant, and/or selling of products associated with the microbrewery or manufacture of beer.	The applicant's initial submitted operations plan notes the sale of prepackaged foods, requiring no previous preparation, is proposed as a part of this microbrewery. Growlers are being offered for sale of package, or off-sale malt beverage. No changes to the operation of the facility are proposed as a part of this amendment.

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 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.	<p>Hanson-Larson Memorial Park is located across Omaha Street to the north of the property. However, Omaha Street is a principal arterial street on the City's Major Street Plan. Commercial uses should be concentrated adjacent to arterial streets in the City. In addition, Omaha Street will serve as a natural buffer between the proposed on-sale liquor establishment and the park. The Planning Commission has previously determined that the General Commercial District is the appropriate zoning district for on-sale liquor establishments, especially in conjunction with other uses. The existing tasting room and proposed outdoor seating is limited in size and is accessory to the primary microbrewery use. It appears that the proposed on-sale liquor establishment will not have an adverse impact on the adjacent park.</p> <p>The proposed 13-foot by 23-foot outdoor seating area will be located in place of two parking spaces in the parking lot as a part of this request. However, based on the square footages and uses now proposed in the previously vacated suite, the minimum required off-street parking requirements will continue to be met as a part of this request.</p>
2. The requested use is sufficiently buffered with respect to residential areas so as not to adversely affect the areas.	There are no residentially zoned properties located within 500 feet of the subject property.
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.	There are not other on-sale liquor establishments located within 500 feet of the subject property.
4. The proposed use complies with the standards of 5.12.140 and 17.54.030 of this code.	The proposed microbrewery complies with all the requirements of the Rapid City Municipal Code as noted below.

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.54.030.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 generally flat, and fully developed with an existing commercial structure and parking. The existing structure is legally non-conforming with regards to setbacks. No expansions or additions of the structure are being proposed. The structure remains legally non-conforming with regard to setbacks. However, the applicant should note that if expansions or alterations of the existing structure are proposed in the future, the property must be brought into compliance with the requirements of the Rapid City








	Municipal Code.
2. The location, character, and design of adjacent buildings;	The properties to the east and south are developed with a variety of commercial and light industrial uses. Property to the north and west is currently developed with parks and green space.
3. Proposed fencing, screening, and landscaping;	A removable vinyl fence is proposed to be located around the proposed outdoor seating as required by Rapid City Municipal Code. No additional screening or landscaping is proposed as a part of this request.
4. Proposed vegetations, topography, and natural drainage;	No additional planting, grading, or drainage improvements are being proposed as a part of this Conditional Use Permit.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;	One of the existing suites in the structure is the location of Black Hills Bicycles. Pedestrian access is located along Canal Street located on the west side of the property, Omaha Street to the north of the property, and Oshkosh Street to the east of the property.
6. Existing traffic and traffic to be generated by the proposed use;	Transportation Planning staff has noted that the proposed expansion will generate approximately 13 additional peak hour trips per weekday. The total number of trips generated from the use still falls well below the threshold for a Traffic Impact Study. Omaha Street is identified as a principal arterial street on the City's Major Street Plan, capable of accommodating residential, commercial, and industrial traffic.
7. Proposed signs and lighting;	All signage appears to comply with the requirements of the Rapid City Municipal Code. No additional signage is being proposed as a part of this request.
8. The availability of public utilities and services;	Public Works staff has noted that there is an existing private sewer line located in Oshkosh Street. Staff has also noted that agreements have been recorded holding the City harmless in the event that the private sewer line should fail. In addition, Public Works staff has noted that the private sewer line is scheduled for replacement in the next five years.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;	The Comprehensive Plan shows this property as appropriate for Mixed Use Commercial development. In addition, Omaha Street is noted as a principal arterial street on the City's Major Street Plan. Commercial uses should be located along arterial streets and the Mixed Use Commercial land use designation supports the variety of commercial uses proposed for the property. The proposed microbrewery is consistent with the 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;	As previously noted, the structures on the property are legally non-conforming with regard to the front yard setbacks required along Omaha Street and Oshkosh Street. All other density and height requirements are currently being met.
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 applicant is proposing to include any outdoor seating as a part of this Conditional Use Permit. The property is located adjacent to a principal arterial street and is not adjacent to any residential districts. In the past, the Planning Commission has noted that the General Commercial District is the appropriate zoning district for on-sale liquor establishment uses. The existing establishment has been operating on the property for the last year and includes the sale and service of beer only. It does not appear that the proposed outdoor seating will create any undue noise, 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.	This Major Amendment to the Conditional Use Permit will ensure that the potential impacts of the existing microbrewery and proposed outdoor seating are being mitigated to the greatest extent possible. It does not appear that the proposed use will have a negative impact on the neighborhood, on traffic, or on any residential districts. As such, staff recommends that the request for a Major Amendment to the Conditional Use Permit to allow expansion of the existing microbrewery and to allow an outdoor seating area be approved.
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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-3.1C	<u>Compatible Infill and Redevelopment:</u> The existing microbrewery is an adaptive reuse of an existing building in an established commercial and industrial neighborhood. The area has recently been undergoing redevelopment. The proposed expansion and outdoor seating will contribute to the ongoing redevelopment of the area.
 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	<u>Local Business Support:</u> The existing microbrewery is owned and operated by Lost Cabin Beer Company, a local business.
 Outstanding Recreational and Cultural Opportunities	
N/A	N/A
 Responsive, Accessible, and Effective Governance	
GOV-2.1A	<u>Public Input Opportunities:</u> The Conditional Use Permit requires notification of surrounding property owners within 250 feet 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 Major Amendment.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Mixed Use Commercial
Design Standards:	
GDP-MU1:	Relationship of Uses: The existing microbrewery is located along a principal

	arterial street on the City's Major Street Plan, adjacent to Hanson-Larson Memorial Park, a major public space and a part of the Rapid City Greenway Tracts and the bicycle/pedestrian trails system. Activity-generating uses should be concentrated in areas with high levels of visibility and accessibility.
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Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Downtown/Skyline Drive Neighborhood
Neighborhood Goal/Policy:	
DSD-NA1.1C	<u>Mixed-Use Development:</u> The continued use and expansion of the microbrewery encourages the adaptive reuse of an existing structure for a new commercial uses along a primary corridor of the City and near the Central Business District.

The Development Review Team Recommends that the request for a Major Amendment to the Conditional Use Permit be approved for the following reasons:

•	The proposed expansion of the microbrewery, including the addition of an outdoor seating area, will meet all requirements for a microbrewery, an on-sale liquor establishment, and a conditional use as identified in the Rapid City Municipal Code.
•	The microbrewery is an activity-generating use located adjacent to a major commercial corridor as well as close proximity to a public space with connectivity to the local bicycle/pedestrian trail network.
•	Potential negative impacts of the proposed expansion and the addition of outdoor seating are mitigated by the location of the establishment in a commercial/industrial neighborhood as well as the limited size and scale of the proposed facility.
•	The Conditional Use Permit is in support of local business.

Staff recommends that the requested Major Amendment to the Conditional Use Permit to allow expansion of the existing microbrewery and to allow an outdoor seating area be approved with the following stipulation:

1.	This Major Amendment to the Conditional Use Permit shall allow for expansion of an existing microbrewery and addition of an outdoor seating area in the General Commercial District. All requirements of the General Commercial District shall be continually maintained. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Conditional Use Permit.
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Rapid City Community Planning & Development Services

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 #16UR022	A Major Amendment to the Planned Development to allow expansion of an existing microbrewery and to allow an outdoor seating area
ADVISORIES: Please read carefully!	
1.	A building permit shall be obtained prior to any construction. A certificate of completion shall be obtained prior to use of the facility;
2.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;
3.	All requirements of the currently adopted Building Code shall be met;
4.	All construction plans shall be signed and sealed by a registered professional per SDCL 36-18A;
5.	Erosion and sediment control measures shall be continually provided;
6.	All requirements of the International Fire Code shall be met;
7.	ADA accessibility shall be provided throughout the structure and site as necessary;
8.	All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign, and;
9.	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.
10.	All parking shall continually comply with the requirements of the Rapid City Parking Ordinance.
11.	All landscaping shall continually comply with the requirements of the Rapid City Landscaping Ordinance.