



Rapid City Planning Commission

Conditional Use Permit Project Report

September 7, 2017

Item #6
Applicant Request(s)
Case #17UR018 – Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon
Companion Case(s) # N/A

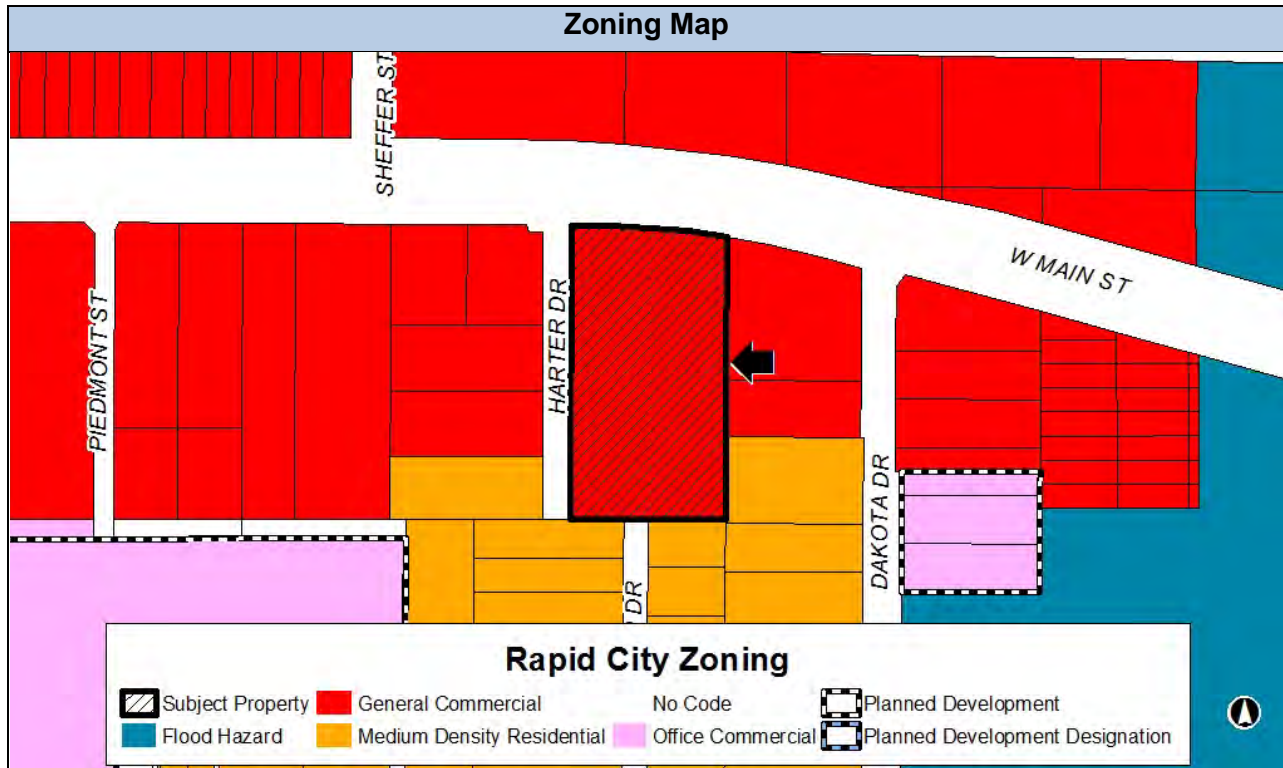
Development Review Team Recommendation(s)
The Development Review Team recommends approval with stipulation(s) as noted below.

Project Summary Brief
The applicant has submitted a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon. In particular, “The Man Salon” is proposing to sell beer or wine to customers while they are waiting for their appointments. The suite is approximately 3,515 square feet in size. The hours of operation are Monday, Wednesday and Thursday from 9:00 a.m. to 8:00 p.m., Friday from 9:00 a.m. to 7:00 p.m., Saturday from 9:00 a.m. to 5:00 p.m., and Sunday from 10:00 a.m. to 5:00 p.m.

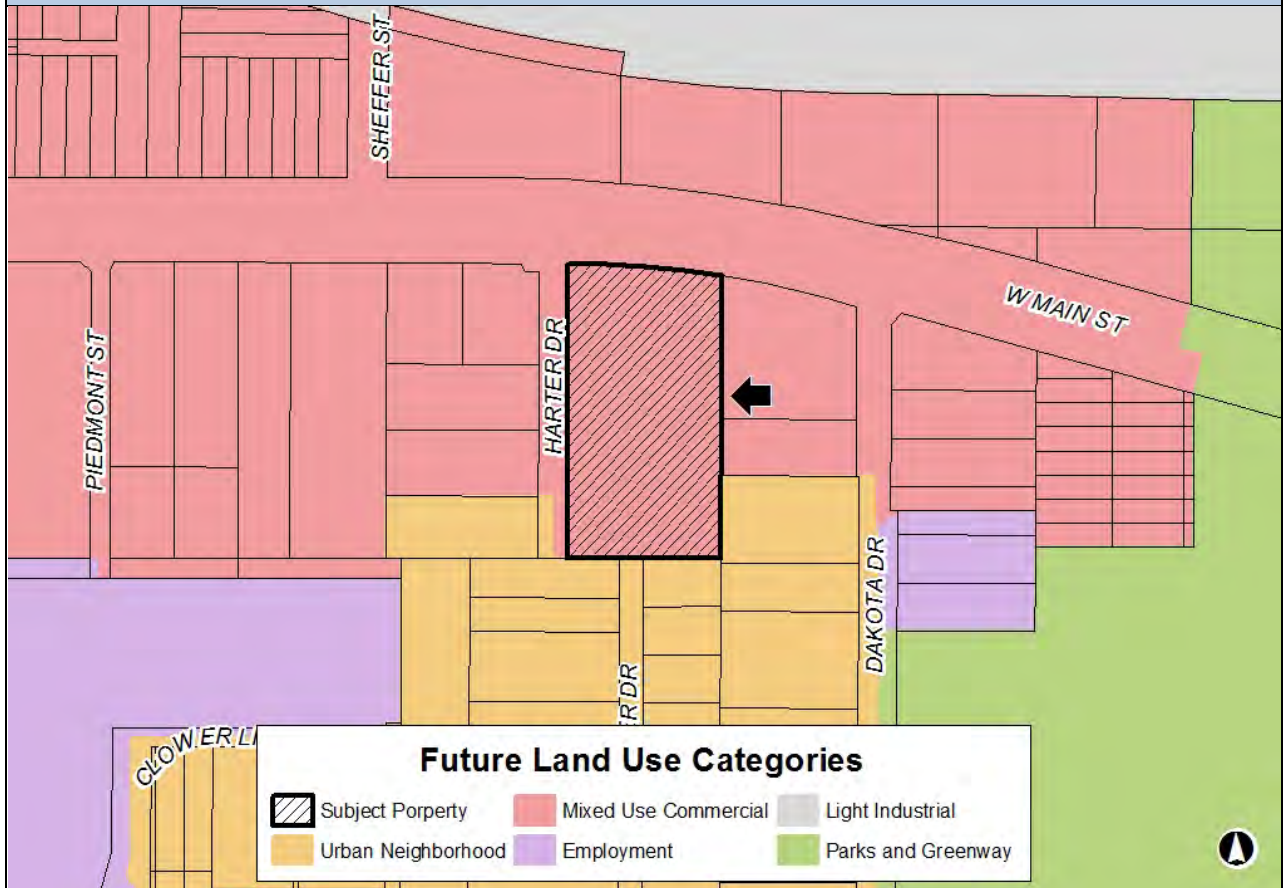
Applicant Information	Development Review Team Contacts
Applicant: The Man Salon	Planner: Fletcher Lacock
Property Owner: Benneco LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: Kennedy Design Group, Inc.	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	2335 West Main Street, Suite 220
Neighborhood	West Rapid
Subdivision	Harter Subdivision
Land Area	1.15 acres
Existing Buildings	9,894 square feet
Topography	Relatively flat
Access	Harter Drive and West Main Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A
Other	N/A

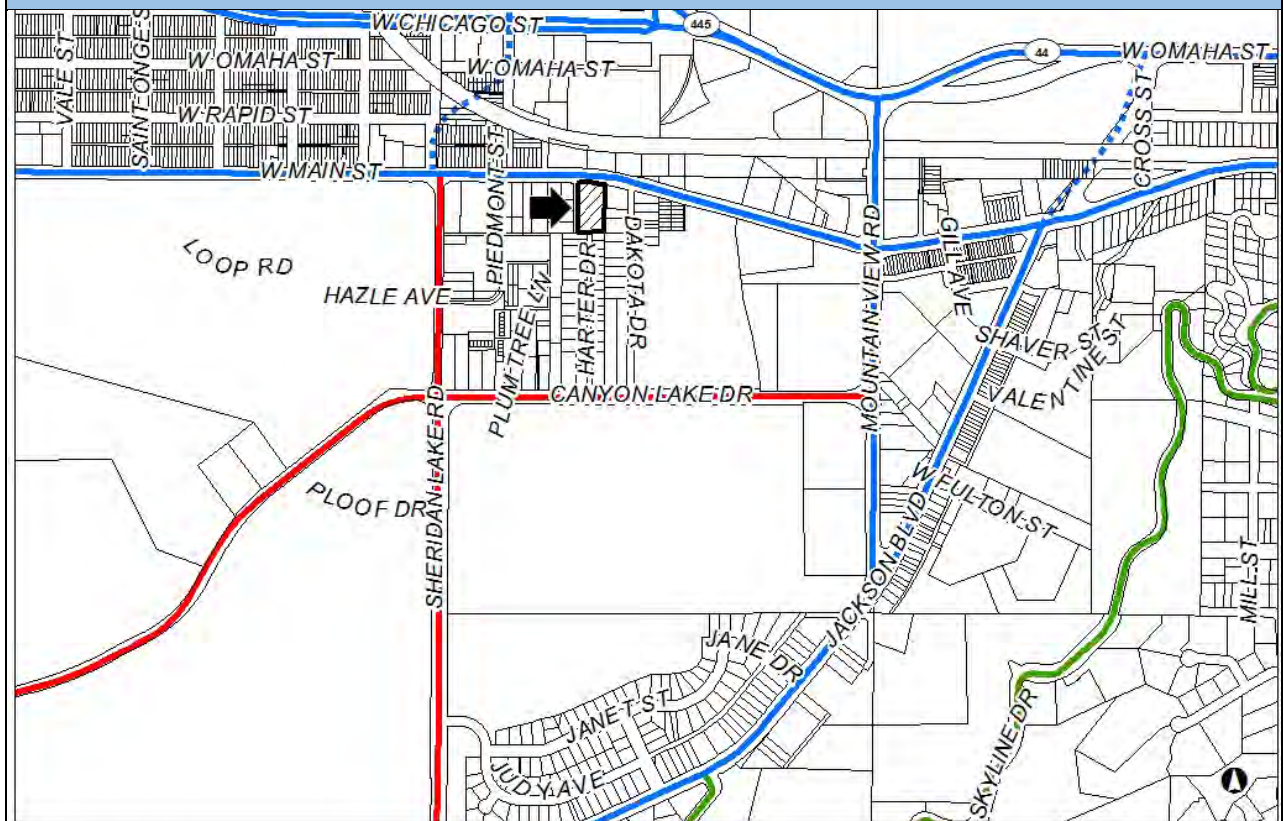
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Commercial strip mall
Adjacent North	GC	MUC	Restaurants
Adjacent South	MDR	UN	Single-family dwellings
Adjacent East	GC and MDR	MUC and UN	Taco Bell and single-family dwelling
Adjacent West	GC and MDR </td <td>MUC and UN</td> <td>Office building and single-family dwellings</td>	MUC and UN	Office building and single-family dwellings



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

- Subject Property
- Collector
- Minor arterial
- Principal arterial
- Proposed principal arterial




Relevant Case History			
Case/File#	Date	Request	Action
12UR024	1/10/2013	Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant	Planning Commission approved with stipulations
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	1.1.5 acres	
Lot Frontage	N/A	Approximately 465 feet	
Maximum Building Heights	4 stories or 45 feet	One story	
Maximum Density	75%	19.7%	
Minimum Building Setback:			
• Front	25 feet	25 feet	
• Rear	0 feet	107 feet	
• Side	0 feet	Approximately 5 feet	
• Street Side	25 feet	75 feet	
Minimum Landscape Requirements:			
• # of landscape points	40,876	41,010	
• # of landscape islands	0	0	
Minimum Parking Requirements:			
• # of parking spaces	62	69	
• # of ADA spaces	3	3	
Signage	Two square feet per linear foot of frontage	No new signage proposed	
Fencing	N/A	No new fencing proposed	





Planning Commission Criteria and Findings for Approval or Denial	
<p>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:</p>	
Criteria	Findings
<p>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.</p>	<p>There are no places of religious worship, schools, parks, playgrounds, or other similar uses in the area. In addition, there are a number of on-sale liquor establishments operating in conjunction with full-service restaurants as well as stand-alone on-sale liquor establishments along the West Main Street commercial corridor as well as in the Baken Park commercial district to the east. 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 salon.</p>
<p>2. The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.</p>	<p>Property abutting the subject property to the south is zoned Medium Density Residential District and is developed with a mix of single family and multi-family housing. An existing 6 foot tall screening fence is located on the south, east, and portions of the western property line and serves as a buffer between the existing and proposed uses on the property and residential uses south of the property. West Main Street is classified as a principal arterial street on the City’s Major Street Plan and anchors a major commercial corridor. The requested on-sale liquor use is in conjunction with a salon, and as such, is not the primary use on the property. Based on the existing conditional uses approved</p>

	for the property in the past, as well as the character of West Main Street as a major commercial corridor, it appears that the existing screening fence should be sufficient to buffer the requested on-sale liquor use from the residential uses to the south.
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."	Currently, there are a number of on-sale liquor establishments operating in conjunction with full-service restaurants in proximity to the subject property. The Golden Phoenix Chinese restaurant is located approximately 200 feet to the west of the property and includes an on-sale liquor use. In addition, Shooters is located on the north side of West Main Street approximately 250 feet to the west, and also includes an on-sale liquor use. In addition, "Z'Mariks" is a restaurant with an on-sale liquor use located in an adjacent suite. While there are several full-service restaurants with on-sale liquor use in the area, the General Commercial District is considered the appropriate district for the proposed on-sale liquor use. In addition, the on-sale liquor use on the property will cease by 8:00 p.m. 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 since it is being operated in conjunction with a salon.
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 2335 West Main Street. The property is developed with a strip mall and the current tenants are "The Man Salon", "Z'Mariks", and "FastSigns".
2. The location, character and design of adjacent buildings:	Property to the east and west located along both sides of West Main Street are zoned General Commercial District. Main Street is classified as a Principal Arterial Street on the City's Major Street Plan. Property located to the south of the development is zoned Medium Density Residential District and is developed with a mix of residential uses.
3. Proposed fencing, screening and landscaping:	The submitted plans include pictures of the existing screening fence located on the southern, eastern and western portions of the property. A minimum of 40,811 landscape points are required for the proposed development. The submitted landscaping plan shows that a minimum of 41,010 landscape points are proposed. The landscaping meets the requirements of the Rapid City Municipal Code. All landscaping must be maintained in a live vegetative state and replaced as required by the City's Adopted Landscaping Ordinance.
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 noted there are no issues with site drainage or grading.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered	A minimum of 62 parking spaces are required for the existing and proposed uses on the property. Plans show that 67 parking spaces are being provided, with three of those spaces handicap spaces being handicap accessible.

vehicles and provisions for handicapped persons:	
6. Existing traffic and traffic to be generated by the proposed use:	The salon is an existing use on the property. The applicant is proposing to sell beer or wine to customers while they are waiting for their appointments. The proposed on-sale liquor use should not have any transportation impacts if operated in conjunction with the salon.
7. Proposed signs and lighting:	The applicant is not proposing any new signage or lighting. Signage consists of wall signs located above the suites. There is also an existing pole sign located along West Main Street. The signage is in compliance with the Sign Code.
8. The availability of public utilities and services:	The property is currently served by public utilities including Rapid City sewer and water.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:	The General Commercial District is intended to be used for the general retail business of the City. The applicant is proposing to allow an on-sale liquor establishment in conjunction with a salon. The proposed on-sale liquor use is a conditional use in the General Commercial 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. The parking, landscaping, and screening required by the Zoning Ordinance are being provided.
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 in conjunction with a salon. Existing screening, fencing and landscaping should suffice to provide a buffer of the on-sale liquor use from neighboring residential development.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	The stipulation of approval will ensure that the on-sale liquor use is only operated in conjunction with a salon 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
BPG-1.2B	Priority Activity Centers for Reinvestment: The subject property is located west of the Baken Park Community Activity Center and is a prime example of reinvestment in an existing commercial corridor. “FastSigns”, “The Man Salon”, and “Z’Mariks” are all newer businesses in the area.
	A Vibrant, Livable Community
LC-4.1B	Diverse Mix of Uses: As noted above, the tenants of the subject property provide a diverse array of uses.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A

	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: The property is located on the south side of West Main Street which is identified as a Principal Arterial Street on the City's Major Street Plan.
	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):	Mixed-Use Commercial
Design Standards:	
N/A	The subject property is located on the south side of West Main Street which is identified as a Principal Arterial Street on the City's Major Street Plan. The property is also located west of the Baken Park Community Activity Center. The subject property is a prime example of reinvestment in a commercial corridor. The property was the location of a service station and car wash. The current tenants are "Z'Mariks", "The Man Salon", and "FastSigns".

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	West Rapid
Neighborhood Goal/Policy:	
WR-NA1.1D	Mixed-Use Development: As noted above, the current tenants of the property support the goal of providing a variety of uses to serve the area.

Findings	
Staff has reviewed the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon pursuant to Chapter 17.18, 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 property is located within an existing commercial corridor located along West Main Street. Sufficient screening and buffering is already located on the property. The applicant is proposing to sell beer or wine to salon customers. The proposed on-sale liquor establishment should not have a negative impact on the area if operated in conjunction with a salon.	

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon be approved with the following stipulation(s):	
1.	No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of

	the Rapid City Sign Code. A sign permit shall be obtained for each sign; and,
2.	The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a salon for the applicant. Any expansion to the on-sale use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the General Commercial District in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.



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.*

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ADVISORIES: Please read carefully!	
1.	A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2.	All provisions of the General Commercial District shall continually be met;
3.	All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,
4.	All applicable provisions of the adopted International Fire Code shall continually be met.