

STAFF REPORT  
April 23, 2009

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**No. 09UR009 - Conditional Use Permit to allow an on-sale liquor establishment**      **ITEM 22**

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GENERAL INFORMATION:

APPLICANT/AGENT	Rapid City Fine Arts Council
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09UR009 - Conditional Use Permit to allow an on-sale liquor establishment</b>
EXISTING LEGAL DESCRIPTION	Lots 1 thru 5 and the north half of the adjacent vacated alley, the east half of Lot 26, Lots 27 thru 32, and the south half of the adjacent vacated alley, Block 103, Original Town of Rapid City, all located in the NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.98 acres
LOCATION	713 Seventh Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/13/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:

- 1. The on-sale liquor establishment shall only be operated in conjunction with special events, fund raisers or other similar activities on an "invitation only" basis;**
- 2. The facility shall be allowed to sell wine and malt beverages only;**
3. Prior to Planning Commission approval of the Conditional Use Permit for an on-sale liquor establishment the required sign permits shall be obtained for the previously installed signage;
4. The on-sale liquor establishment shall be operated in conjunction with an art center and any change in use on the property shall require a Major Amendment to the Conditional

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April 23, 2009

---

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---

Use Permit;

5. The currently adopted International Fire Code shall be continually met;
6. All provisions of the Central Business District shall be met unless an exception is specifically authorized as a stipulation of this Conditional Use Permit application or a subsequent Major Amendment; and,
7. The Conditional Use Permit shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

**GENERAL COMMENTS: (Update, April 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 23, 2009 Planning Commission meeting because of concerns from surrounding properties about the frequency and types of events that will be held at the proposed on-sale liquor establishment. Staff has added stipulations for the types of events to be held at the facility and the types of beverages that can be sold as discussed by the Planning Commission at the April 9, 2009 Planning Commission meeting. In addition, staff contacted the applicant's representative and requested their attendance of the April 23, 2009 Planning Commission meeting as requested by the Commission members. As such, staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the above noted stipulations.**

The applicant has submitted a request for a Conditional Use Permit to allow an on-sale liquor establishment at the Dahl Fine Arts Center. The facility is planning on obtaining a beer and wine license. The property is located at 713 Seventh Street, south of Kansas City Street and east of Mt. Rushmore Road. The property is currently zoned Central Business District and is owned by the City of Rapid City. The property is surrounded by properties zoned Central Business District.

On February 8, 2007, Planning Commission approved a SDCL 11-6-19 Review to allow the remodel and construction of the Dahl Fine Arts Center on the property.

**STAFF REVIEW:** Staff has reviewed this request for a Conditional Use Permit to allow an on-sale liquor establishment as it relates to the applicable provisions of Section 17.54.030 of the Rapid City Municipal Code and has noted the following issues:

1. *The request will not "adversely affect" the use of any place for religious worship, school, park, playground, or similar use within a five hundred foot radius.*

Staff noted that there are at least six places of religious worship located within 500 feet of the facility. However, the on-sale liquor establishment is for the existing art center. The facility has previously obtained numerous special beer and wine licenses for various functions and staff is not aware of conflicts with the surrounding land uses. If the on-sale liquor establishment is operated as an accessory use to the arts center staff does not find that this request for an on-sale liquor use to have an adverse effect on any place of religious worship, school, playground, park, or areas of similar use.

STAFF REPORT  
April 23, 2009

---

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---

2. *The requested use is “sufficiently buffered” with respect to residential areas so as not to adversely affect such areas.*

The property is surrounded by other uses permitted in the Central Business District. There are no residential uses adjacent to the property. The property appears to be sufficiently buffered from residential areas.

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”.*

Since the on-sale liquor establishment will be operated as an accessory use to the arts center staff does not find this request for an on-sale liquor establishment to constitute an undue concentration, which would cause blight or deterioration or diminish land values in the surrounding area.

4. *The proposed use has been reviewed under Chapter 17.54.030 (E) Criteria for Review.*

Parking: The Central Business District does not require off-street parking. There are ten off-street parking stalls located on the west side of the building for staff parking and after-hours event parking to include a handicapped parking space.

Landscaping: The landscaping for this project was previously reviewed and approved through the previous SDCL 11-6-19 Review application.

Signage: Staff noted that signage was installed on the property without the required sign permits. As such, staff recommends that prior to Planning Commission approval of the Conditional Use Permit for an on-sale liquor establishment that the required sign permit shall be obtained.

Fire Code: Staff noted that all applicable provisions of the International Fire Code shall be continually met.