

STAFF REPORT  
January 7, 2010

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**No. 09UR027 - Conditional Use Permit to allow an on-sale liquor establishment**      **ITEM 47**

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GENERAL INFORMATION:

APPLICANT	Someone's in the Kitchen
AGENT	Dave and Betsy Lyons
PROPERTY OWNER	David and Elizabeth L. Lyons
REQUEST	<b>No. 09UR027 - Conditional Use Permit to allow an on-sale liquor establishment</b>
EXISTING LEGAL DESCRIPTION	Lot B of Lot 1, Tract B of Control Data Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.98 acres
LOCATION	2210 Haines Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/11/2009
REVIEWED BY	Karen Bulman / Karley Halsted

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 alcohol use will be operated only in conjunction with cooking classes at the kitchen store;
2. All applicable provisions of the currently adopted International Fire Code shall be continually met;
3. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
4. Prior to Planning Commission approval, a revised parking plan must be submitted for review and approval. A minimum of 24 parking spaces shall be provided with one of the

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- spaces shall be "van" handicap accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
5. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. A sign permit shall also be obtained for any new signs; and,
  6. The Planned Commercial Development shall expire if the use has not commenced 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:** The applicant is requesting a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with cooking classes at a kitchen store. The property is located at 2210 Haines Avenue. Someone's in the Kitchen is currently located on the site. The surrounding general commercial properties include a retail store directly west of the property, a restaurant located south and north of the property, and the previous SCI industrial complex located east and across Disk Drive from the property.

**STAFF REVIEW:** Staff has reviewed this request with respect to the four criteria established for On-Sale Liquor establishments identified in Section 17.50.185:

1. *The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within five hundred (500) foot radius.*

There are no places of religious worship or schools within a 500 foot radius. The area around the property is predominantly commercial. Staff's review of the proposed on-sale liquor establishment finds that the proposed use should have no adverse effect on the surrounding area.

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

There are no single family residences located in the general area of the proposed on-sale liquor establishment. Staff does not anticipate that the proposed use will have a significant negative impact on the residential area because there are no residential areas close by.

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 is one on-sale liquor establishment located in the general area of the proposed use. Applebee's Restaurant, located at 2160 N. Haines Avenue, serves on-sale alcohol. Staff does not have concerns that this proposed use will create an undue concentration of similar uses in this area. In addition, as this on-sale liquor establishment is proposed to operate in conjunction with cooking classes, the effects will be mitigated.

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4. *The proposed use has been reviewed under the Section 17.54.030(E) and Section 5.12.140.*

Staff has reviewed the proposed use with respect to Chapter 17.18 of the Rapid City Municipal Code and notes the following issues:

Land Use: The applicant has indicated that several class instructors would like to serve wine with the class meal at the end of the cooking class. The on-sale alcohol use will be in conjunction only with cooking classes held at various days and times of the year. The classes are generally two or three hours in duration and may be held during the day or evening.

Parking: The parking plan submitted does not accurately indicate what is built on the site. The use of this property requires 24 on-site parking spaces with one being van handicap accessible. The site plan provided indicates 27 parking spaces. However, an aerial of the property indicates that there are 35 parking spaces. In order to determine that stall and aisle requirements are met, a revised parking plan must be submitted for review and approval prior to Planning Commission approval.

Landscaping: Staff noted that the structure is not expanding by 20 percent or more. In accordance with Section 17.50.300 of the Rapid City Municipal Code, additional landscaping is not required for the expansion of the proposed on-sale liquor at this site. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary.

Signage: A complete sign package was submitted with the application. The building elevations provided indicate two wall signs identifying "Someone's In The Kitchen", located on the south and west walls of the building respectively. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development.

Fire Code: Staff noted that as the number of occupants in this structure is less than 50, no additional fire protection features are required at this time. However, all applicable provisions of the International Fire Code shall be continually met.

Notification: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the January 7, 2010 Planning Commission meeting if these requirements have not been met. Staff has not received any objections regarding the proposed Conditional Use Permit at the time of this writing.

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the previously stated stipulations.