

STAFF REPORT
June 10, 2010

No. 10UR012 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 25**

GENERAL INFORMATION:

APPLICANT	Aida Compton Bully Blends Coffee & Tea, Inc.
PROPERTY OWNER	Bully Blends Publick House LLC
REQUEST	No. 10UR012 - Conditional Use Permit to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lots 29R and 30R of Block 71 of the Original Town of Rapid, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.1286 acres
LOCATION	908 Main Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	General Commercial District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	5/12/2010
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 shall be operated only in conjunction with a restaurant;
2. All applicable provisions of the currently adopted International Fire Code shall be continually met;
3. Three parking spaces are indicated on the site plan, with one of the spaces being "van" handicap accessible. As such, all provisions of the Off-Street Parking Ordinance shall be continually met. Until the parking area has been paved, the parking area shall be secured to not allow parking. In addition, the area shall be reclaimed with sod if a parking lot is not going to be built within the 2010 construction season;
4. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. Changes to the proposed sign

STAFF REPORT
June 10, 2010

No. 10UR012 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 25**

- 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 Conditional Use Permit. A sign permit shall also be obtained for any new signs; and,
5. The Conditional Use Permit 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 a restaurant. The property is located at 908 Main Street. Bully Blends is relocating from 5th Street to this site. The surrounding properties include a warehouse directly north of the property, the Federal Building located south of the property, a vacant building located west of the property, and a vacant building for a restaurant that is no longer in business located east of 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 significant 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 any residential area as there are no residential areas in close proximity.

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 four on-sale liquor establishment located in the general area of the proposed use. Thirsty's, Sports Grill and Murphy's all located on Main Street serve on-sale alcohol. Currently, Murphy's is no longer in business. The Radisson has a restaurant and a lounge that serves on-sale alcohol. Staff does not have concerns that this proposed use will create a concentration of similar uses in this area. In addition, as this on-sale liquor establishment is proposed to operate in conjunction with a restaurant, the effects of this use may be mitigated.

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

STAFF REPORT
June 10, 2010

No. 10UR012 - Conditional Use Permit to allow an on-sale liquor establishment ITEM 25

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 on-sale alcohol use will be operated in conjunction only with the restaurant. The restaurant will include the sale of wine and beer and will serve a maximum of 49 customers. The restaurant will be open seven days a week. This property is not included in the boundaries of a moratorium established by the City Council in 1988 to limit liquor licenses that are not operating as a restaurant in the downtown area. Additionally, the proposed use is operating in conjunction with a restaurant. A Sidewalk Café permit has also been approved for the sidewalk adjacent to this location.

Site plans indicate that a micro brewery will be located on this site. The Industrial Waste Division of the Public Works Department has been in contact with the owner to obtain information regarding the micro brewery and contact information for emergencies. If at any time a bad batch of beer is to be discharged, notification and samples will be required.

Parking: The property is located in the Central Business District and as such, parking is not required. However, if parking is provided, it must comply with the parking regulations to include a van accessible handicap parking space. The parking plan submitted by the applicant meets the parking regulations and designates three parking spaces, with one being van handicap accessible. Asphalt Millings are proposed for the parking area. To date, the parking area has not been paved. As such, the parking area must be secured to preclude parking in the area until the parking lot is paved. In addition, if a parking lot is not going to be built within the current 2010 construction season, the area must be reclaimed and erosion and sediment control must be implemented.

Landscaping: As this property is located in the Central Business District, landscaping is not required.

Signage: A complete sign package was submitted with the application. The building elevations provided indicate a wall sign and a pedestrian sign located on the south wall of the building. 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 June 10, 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

STAFF REPORT
June 10, 2010

No. 10UR012 - Conditional Use Permit to allow an on-sale liquor establishment

ITEM 25

be approved with the previously stated stipulations.