

STAFF REPORT
September 23, 2010

No. 10UR026 - Major Amendment to a Conditional Use Permit to allow an Art Center in the Central Business District **ITEM 25**

GENERAL INFORMATION:

APPLICANT	Jaclyn L. Kennison
PROPERTY OWNER	Lakota Building, LLC
REQUEST	No. 10UR026 - Major Amendment to a Conditional Use Permit to allow an Art Center in the Central Business District
EXISTING LEGAL DESCRIPTION	Lots 17 and 18 and the north 55 feet of Lots 19-21 of Block 84 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .26 acres
LOCATION	632 1/2 Saint Joseph 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	8/26/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow an Art Center in the Central Business District be continued to the October 7, 2010 Planning Commission meeting.

GENERAL COMMENTS: The applicant has submitted a Major Amendment to a Conditional Use Permit to allow an art center in the Central Business District. The applicant has proposed to locate an art center in a portion of the property located northeast of the intersection of Saint Joseph Street and 7th Street. The Staging Grounds, a members-only art and recreation establishment, is currently located on the property. The existing gallery and creation of art on the property is currently not a legal use in the Central Business District. The applicant has submitted this Conditional Use Permit application to bring the

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use into compliance with the Rapid City Municipal Code. In addition, the applicant is proposing to hold live music events and art gallery openings featuring live music. In addition, the applicant has indicated that portions of the property would be rented out to artists for private working space.

On April 26, 2007, the City Council approved a Conditional Use Permit (#07UR003) to allow an on-sale liquor establishment for the portion of the building at 520 7th Street, occupied by Vino 100, with the following stipulations:

1. The hours of operation shall be from 10:00 a.m. until 10:00 p.m.;
2. All applicable provisions of the International Fire Code shall be continually met;
3. The proposed structure shall conform architecturally to the plans and elevations submitted. Any expansion to the use will require a Major Amendment to the Conditional Use Permit;
4. The on-sale liquor establishment shall be for on-sale malt beverages only. Any change in use shall require a Major Amendment to the Conditional Use Permit;
5. No outside patio or open air windows are allowed. Any expansion of the use will require a Major Amendment to a Conditional Use Permit;
6. The Conditional Use Permit shall expire if the use is not undertaken and completed 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.

On May 27, 2010, the Planning Commission approved a Conditional Use Permit (#10UR010) to expand an on-sale liquor establishment for the portion of the building at 520 7th Street, occupied by Vino 100, with the following stipulations:

1. Prior to issuance of a Building Permit, the applicant shall complete an 11.1 Review for the proposed changes to the interior of the building;
2. Prior to installation of any signage, the applicant shall obtain approval of any new signage from the Historic Sign Review Committee;
3. The hours of operation shall be from 10:00 a.m. to 12:00 a.m.;
4. All applicable provisions of the International Fire Code shall be continually met;
5. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. The proposed structures shall conform architecturally to the plans and elevations submitted. Any expansion to the use will require a Major Amendment to the Conditional Use Permit;
7. No outside patio or open air windows are allowed. Any expansion of the use will require a Major Amendment to the Conditional Use Permit;
8. The on-sale liquor establishment shall be limited to malt beverages and wine. A Major Amendment to the Conditional Use Permit shall be obtained if full liquor sales is proposed; and,
9. The Conditional Use Permit shall expire if the use is not undertaken and completed 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.

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The portion of the property proposed for an art center is located at 632 ½ Saint Joseph Street, on the north side of Saint Joseph Street, and east of 7th Street. The portion of the building proposed for an art center is located in the basement level of the building.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Use: The applicant has indicated that the portion of the property is currently being used as a recreation establishment, and retail store and an art center. A recreation establishment and a retail store are permitted uses within the Central Business District. However, the art center use, including the manufacture of artwork and gallery space is a Conditional Use within the Central Business District. As such, the applicant has submitted this Conditional Use Permit request to allow the art center use to continue on the property.

Parking: The property is located in the Central Business District and as such, no off-street parking is required. No additional off-street parking has been identified on the site plan submitted with this Major Amendment.

Fire Code: The Fire Department has indicated that there are many outstanding fire and life safety issues with the property. In particular, the Fire Department has indicated that the existing fire detection and alarm system coverage is inadequate and unreliable and must be upgraded. In addition, the fire sprinkler system deficiencies must be corrected throughout the structure. As such, staff recommends that this item be continued to the October 7, 2010 Planning Commission meeting to allow the fire code issues to be addressed.

Property Owner: The property owner has not signed the application. The applicant has indicated that the property owner has been notified of the request via certified return receipt mail in accordance with the policy adopted by the Rapid City City Council. The white receipt from that certified mailing has been returned to the Growth Management Department, but as of this writing the green card receipt has not been returned. As such, staff recommends that this item be continued to the October 7, 2010 Planning Commission meeting to allow the proper notification of the property owner.

Permits: A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy.

Signage: The applicant has submitted a sign package for the proposed use. In particular, the applicant has proposed a new 4 foot 6 inch by 4 foot 6 inch static wall sign to be located above the entrance facing Saint Joseph Street. The proposed sign will be white with green and black lettering with the message "Staging Grounds Art · Music · Friends". The proposed sign will also include a yellow and white logo for the business. In addition, the applicant has proposed to have signage painted onto the windows facing Saint Joseph Street. The window signs will be painted using green and red acrylic paints. The window signs will include the messages, "Organic, T-Shirts, Vintage, Body Care, Natural Products, Events, Gallery, Art & Painting Space, Pool, Ping Pong, Video Games and WiFi" in lettering 6-9

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inches tall and will be spread across three windows facing Saint Joseph Street.

The property is a contributing building in the Downtown Historic District. As such, prior to the installation of any new signage on the property, the proposed signage must be reviewed and approved by the Historic Sign Review Board. The applicant obtained approval of the proposed signage from the Historic Sign Review Board on September 10, 2010.

Historic Review: The property is a contributing building in the Downtown Historic District. Under State Statute, the applicant is required to submit any work requiring a permit to the Historic Preservation Commission for review and to the State Office of History for approval.

Notification Requirement: As of this writing, the required sign has not been posted on the property and the receipts from the required certified mailings have not been returned. Staff will notify the Planning Commission at the September 23, 2010 Planning Commission meeting if this requirement has not been met. Staff has not received any inquiries or objections to the proposed Major Amendment to a Conditional Use Permit at the time of this writing.

Staff is recommending that the Major Amendment to a Conditional Use Permit to allow an art center in the Central Business District be continued to the October 7, 2010 Planning Commission meeting.