

STAFF REPORT
April 21, 2011

No. 11UR008 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 12**

GENERAL INFORMATION:

APPLICANT	Justin Henrichsen - Independent Ale House
PROPERTY OWNER	Dan Senftner
REQUEST	No. 11UR008 - Conditional Use Permit to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lot 13 of Block 94 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .08 acres
LOCATION	625 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	3/24/2011
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 liquor establishment shall operate in conjunction with a full-service restaurant. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Other permitted uses within the Central Business District shall be allowed, with the exception of conditional uses which shall require a Major Amendment to the Conditional Use Permit;
2. Prior to initiation of construction, a building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
3. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
4. A Right to Work Permit shall be obtained for any work located in the right-of-way;
5. All signage shall conform to the design, color and location as shown in the sign package

STAFF REPORT
April 21, 2011

No. 11UR008 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 12**

submitted as a part of the Conditional Use Permit. Any new signs or the replacement of signs will require a variance to the Sign Code Board of Appeals if the signs do not conform to the Sign Code requirements. 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 Conditional Use Permit. The addition of any electronic signage will require a Major Amendment to the Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. A sign permit shall also be obtained for any additional signage. Historic Sign Review shall be obtained prior to obtaining the Sign Permit;

6. All applicable provisions of the currently adopted International Fire Code shall continually be met;
7. All provisions of the Central Business Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment; and,
8. 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.

GENERAL COMMENTS: The applicant has submitted a Conditional Use Permit request to allow an on-sale liquor establishment in conjunction with a full-service restaurant/bar at the property located at 625 St. Joseph Street. Previously, the property was the location of The Clock Shop. The property is a contributing structure in the Downtown Historic District, and considerable renovation will be taking place to the interior and exterior of the building. The remodeling project has had the approval of the Historic Preservation Commission.

STAFF REVIEW: Staff has reviewed the Conditional Use Permit 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.*

Staff review has noted that there are no schools, parks, playgrounds or similar uses within a 500 foot radius of the property. There are two churches in the 500 foot radius. The First Presbyterian Church is located at the corner of 7th Street and Kansas City Street, and Faith Temple is located at 715 Kansas City Street. The proposed on-sale liquor use is for on-premise consumption in conjunction with a restaurant/bar. Staff review has not identified any significant adverse affects on any places of religious worship, schools, parks, playgrounds or similar uses within the area.

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

There are no residential zoning districts adjacent to the property. There are existing apartment units above several of the businesses located along St. Joseph Street, including some directly above the proposed on-sale liquor establishment. The owner of

STAFF REPORT
April 21, 2011

No. 11UR008 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 12**

the building is aware of the proposed use and has signed the application for this Conditional Use Permit. The property is surrounded by Central Business Zoning District. Staff has not identified that the proposed on-sale liquor use will result in any significant adverse effects on any residences.

3. *The proposed use will not create an undue concentration of similar uses, so as to cause "blight, deterioration, or substantially diminished or impair property values."*

There are currently ten on-sale liquor establishments located within a 500 foot radius of the subject property. The Corn Exchange, Delmonico Grill, and the Oasis Lounge are located on Main Street. The Wine Cellar Restaurant, Hotel Alex Johnson, and Tally's Silver Spoon are located on 6th Street. VINO 100 and the Dahl Arts Center are located on 7th Street. Ifrit's Hookah Lounge and the Brass Rail are located on St. Joseph Street.

In 1988, the City Council passed a resolution to limit the future issuance or transfer of on-sale liquor licenses within an area bounded on the west by Seventh Street, on the east by Fifth Street, on the north by the alley north on Main Street, and on the south by the alley south of St. Joseph Street. The resolution further stated that the policy would be to approve liquor licenses for restaurants with accommodations for at least 40 guests. This property is located inside of the area of the 1988 policy and is proposed to be a restaurant to serve more than 40 guests. Therefore, this application is not affected by the moratorium.

While there is a significant concentration of alcohol uses in this area, the type of use proposed as part of this application, and the concentration in the area, is typical of a vibrant city center. The Police Department does not oppose this application and there is no evidence that this on-sale alcohol use will cause additional concerns. Staff has identified that the proposed use will contribute to a concentration of similar uses in the area, but has not identified any information that would suggest the proposed use would result in blight, deterioration or substantially diminished property values.

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

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 within the Central Business District at 625 St. Joseph Street. The existing brick building was the previous home of The Clock Shop. The applicant is restoring the interior and exterior to comply with historic standards.

2. *The location, character and design of adjacent buildings:*

The buildings adjacent to the existing building are commercial structures of similar construction and design and are of brick construction. Staff finds that the design and

STAFF REPORT
April 21, 2011

No. 11UR008 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 12**

character of the building is consistent with the design and character of the adjacent buildings.

3. *Proposed fencing, screening and landscaping:*

The applicant has not proposed any fencing, screening and/or landscaping with this Conditional Use Permit request. As previously stated, the property is located within the Central Business District indicating that no landscaping is required for the property. In addition, all adjacent properties are zoned Central Business District and no additional screening from adjacent properties is required.

4. *Proposed vegetation, topography and natural drainage:*

The property is located within the Central Business District and is entirely hard-surfaced. As such, no natural or proposed vegetation exists on the property.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

The property is located on St. Joseph Street, a principle arterial on Rapid City's Major Street Plan. An existing sidewalk is located adjacent to the building which provides access for pedestrians. The property is located within the Central Business District and, as such, no off-street parking is required to be provided. However, on-street parking is provided in front of the building within the St. Joseph Street right-of-way.

6. *Existing traffic and traffic to be generated by the proposed use:*

The building is currently unoccupied, but was previously a retail establishment. The traffic generated for this use is appropriate for city center uses.

7. *Proposed signs and lighting:*

A sign reading "Independent Ale House" will replace the existing Clock Shop sign located above the entrance door and windows on St. Joseph Street. The sign colors will reflect historic colors using a dark green background with buff block lettering. Exterior lighting will be located above the sign to highlight the signage. Prior to erecting the sign, a Sign Permit must be obtained. Prior to obtaining a Sign Permit, the Historic Sign Review Committee must review and approve the sign.

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 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. No electronic signs are being proposed as a part of this Conditional Use Permit. The addition of electronic signage will require a Major Amendment to the Conditional Use Permit. In addition, the Growth Management

STAFF REPORT
April 21, 2011

No. 11UR008 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 12**

Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual new sign or replaced sign.

8. *The availability of public utilities and services:*

The property is served by City water and sewer services. There are no proposed changes to utility services with this Conditional Use Permit. Plans submitted for a building permit must indicate the service locations for water and sewer.

The Fire Department has indicated that the structure has fire sprinkler protection within the structure. All applicable provisions of the currently adopted International Fire Code must continually be met.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The property is zoned Central Business District which forms the metropolitan center for commercial, financial, professional, governmental and cultural activities. The proposed on-sale liquor use proposed will aid in expanding the commercial activities of the metropolitan center.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

The property is located within the Central Business Zoning District. As such, no front, side or rear yard setbacks are required and there are no maximum height restrictions on buildings. The existing structure has no front, side yard or rear yard setback. The existing structure is two stories in height. In addition, for structures less than 7 stories in height, the allowable lot coverage is 100%.

11. *The effects of noise, odor, smoke, dust, air and water pollution and the degree of control through which clarifiers, screening, setbacks and orientation:*

The on-sale alcohol will be used in conjunction with the restaurant/bar. As noted, there are residences located on the second floor of this building. As such, the venting for the restaurant use will be piped to the roof. The applicant has indicated that the hours of operation will be 11 a.m. to 10 p.m. on Monday through Thursday, 11 a.m. to midnight on Friday and Saturday, and 2 p.m. to 9 p.m. on Sunday. The owner of the building is aware of the proposed use. There are no noise or pollution issues that have been identified for this property.

12. *The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:*

STAFF REPORT
April 21, 2011

No. 11UR008 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 12**

As the proposed on-sale liquor establishment will operate in conjunction with a restaurant, the effects will be significantly mitigated.

Notification Requirement: As of this writing, the required signs have 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 April 21, 2011 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the Conditional Use Permit be approved with the stipulations as identified above.