

STAFF REPORT
August 4, 2011

No. 11UR018 - Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a Salon and Event Center **ITEM 14**

GENERAL INFORMATION:

APPLICANT	Canada Lytle - A Perfect 10
PROPERTY OWNER	C&H Plaza, LLC
REQUEST	No. 11UR018 - Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a Salon and Event Center
EXISTING LEGAL DESCRIPTION	The west 1/2 of Lot 4 and all of Lots 5-13 of Block 3 of Riverside Addition located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.76 acres
LOCATION	1109 West Omaha Street, Suite B
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	7/8/2011
REVIEWED BY	Fletcher Lacock / Karley Halsted

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a Salon and Event Center be approved with the following stipulations:

1. All applicable provisions of the International Fire Codes shall be continually met;
2. Prior to initiation of the use, the property owner shall enter into a parking agreement to allow parking on the adjacent property described as Lots 21 and 22 of Block 3 of Riverside Addition located in Section 35, T2N, R7E, BHM, Rapid City Pennington County, South Dakota. In addition, a copy of the recorded parking agreement shall be submitted to the Growth Management Department;
3. A minimum of 76 parking spaces shall continually be provided including a minimum of four handicap accessible spaces with one being "van" accessible;

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4. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment;
5. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Initial and Final Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Commercial Development. 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 sign;
6. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
7. All applicable provisions of the International Building Code shall be continually met;
8. The on-sale liquor establishment shall operate in conjunction with "A Perfect 10 Salon." In addition, the events shall operate as approved in the submitted building plan. Any expansion of the on-sale liquor establishment shall require the review and approval of a Major Amendment to the Conditional Use Permit; 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.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a Salon and Event Center. In particular, the applicant is proposing to offer wine and beer to customers of A Perfect 10 Salon and to serve at small events the salon hosts. The events are to include bridal showers, birthdays and special occasions. The events will consist of six to eight guests seated at the nail bar as located in the provided building plan.

"A Perfect 10 Salon" has been issued a building permit for a salon at the above location.

The property is located approximately 90 feet southeast of the intersection of 12th Street and Founders Park Drive. A one story commercial mall is located on the property which includes Happy Jacks, Eileen's Cookies, Play N Trade, Angels Catering, A Perfect 10 Salon and Ichiban.

STAFF REVIEW:

Staff has reviewed the Conditional Use Permit and has noted the following considerations:

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

Approximately 175 feet to the northwest, across Omaha Street, is Founder's Park. There are no places of religious worship or schools within a five hundred foot radius of the subject

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property. All of the surrounding properties are currently zoned General Commercial District. The property is located in a concentrated commercial and industrial corridor. It does not appear that the expansion of the salon to allow an on-sale liquor establishment will have an adverse effect on any places of worship, schools, parks, playgrounds or similar uses.

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

The property is not within 500 feet of a residential district. The properties to the north, south, east and west of the property are zoned General Commercial District.

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 several on-sale liquor establishments located within the area of the subject property. In the same commercial mall are Happy Jacks and Ichiban. Approximately 300 feet to the north is the Executive Golf Course. Approximately 200 feet to the west is Pancho's. The Breakroom Casino is approximately 20 feet to the south. This is an established commercial district. Staff does not find that this will cause blight, deterioration or diminish or impair 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 at 1109 Omaha Street. The existing building is a one story commercial mall.

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

The properties to the north, west and east are one story commercial structures.

3. *Proposed fencing, screening and landscaping:*

The proposed on-sale liquor does not trigger additional landscaping or screening.

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

There will be no changes in impervious surfaces, topography or drainage.

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

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Omaha Street, located north of the property, provides vehicular access to the site. A sidewalk is located along Omaha Street and provides pedestrian access. The uses on the site require a minimum of 71 parking spaces be provided. There are 48 parking spaces on-site. The property owner purchased the adjacent property described as Lots 21 and 22 of Block 3 of Riverside Addition located in Section 35, T2N, R7E, BHM, Rapid City Pennington County, South Dakota for use as additional parking. The adjacent property provides 28 additional parking spaces. Therefore, to insure that sufficient parking is being provided, the property owner must enter into a parking agreement that will insure that the parking located on the adjacent property is secured for the uses located on this property. Between the two properties 76 parking spaces with four handicap accessible spaces with one space "van" handicap accessible are being provided.

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

The salon will generate approximately three peak hour trips on weekday afternoons and approximately eight peak hour trips on a Saturday. With the parking agreement secured on the adjacent property sufficient parking for the trips generated by the salon will be provided.

7. Proposed signs and lighting:

There are no additional proposed signs or lighting.

8. The availability of public utilities and services:

The property is currently served by public utilities including Rapid City sewer and water.

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

The property is intended to be used for general commercial uses. The proposed on-sale liquor establishment requires a Conditional Use Permit. The proposed on-sale liquor use is allowed with approval of a conditional use permit in the General Commercial District. One of the goals of the Comprehensive Plan as identified in the Future Land Use Plan Overview adopted in 2008 is to provide a variety of centers for community activities and employment that meet the needs of residents and are integrated into the fabric of the community. The objective of the adopted comprehensive plan is to encourage retail establishments and businesses that are convenient to neighborhood residents, yet compatible with but not intrusive upon residential neighborhoods. Additionally, the objective of the adopted comprehensive plan is to insure that there is sufficient separation of conflicting uses. It appears that there is sufficient buffering between the on-sale liquor establishment and residential districts and therefore is in compliance with the adopted comprehensive plan.

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

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located:

The existing development on the property is in compliance with the density, yard and height requirements of the General Commercial District.

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 property is not adjacent to, nor does it abut a residential district.

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

The stipulations of approval of the Conditional Use Permit will serve as a tool to insure that the proposed expansion will maintain sufficient parking, will provide fire protection and that the currently adopted International Fire Codes are continually met. The site is sufficiently buffered from existing residential development and will not create additional noise or light nuisances.

Notification: As of this writing, the white slips and green cards have not been returned. The required sign has been posted on the property. Staff will notify the Planning Commission at the August 4, 2011 Planning Commission meeting if these requirements have not been met.