

STAFF REPORT
November 10, 2011

No. 11UR028 - Conditional Use Permit to allow a Winery in the Central Business District **ITEM 9**

GENERAL INFORMATION:

APPLICANT	Bob Fuchs - Fatter Boy's, Inc.
PROPERTY OWNER	Fatter Boys LLC
REQUEST	No. 11UR028 - Conditional Use Permit to allow a Winery in the Central Business District
EXISTING LEGAL DESCRIPTION	Lots 23 thru 25 of Block 74 of the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .24 acres
LOCATION	616 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	Rapid City
DATE OF APPLICATION	9/27/2011
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a winery in the Central Business District be approved with the following stipulations:

1. The on-off sale of wine shall operate as per state law. Any expansion to the winery 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 the review and approval of a Major Amendment to the Conditional Use Permit;
2. The loading and unloading of wine and accessories shall comply with the applicant's proposed loading plan and shall be in compliance with Chapter 10.40.050 of the Rapid City Municipal Code;
3. The amount of wine the winery is allowed to sell or distribute in one year shall be limited to 150,000 gallons pursuant to Chapter 17.16.030 of the Rapid City Municipal Code;

STAFF REPORT
November 10, 2011

No. 11UR028 - Conditional Use Permit to allow a Winery in the Central Business District **ITEM 9**

4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
5. Prior to issuance of a building permit, plans shall be submitted showing fire sprinkler protection and prior to issuance of a Certificate of Occupancy, the structure shall be fire sprinkler protected. In addition, all applicable provisions of the International Fire Code shall be continually met;
6. Prior to issuance of a building permit, plans shall be submitted showing that the patio trench drain will be vented and have traps in accordance with the plumbing code and will not extend past the covered patio area if connected to sanitary sewer;
7. Prior to issuance of a building permit, an Erosion and Sediment Control Plan shall be submitted with a standard City of Rapid City signature block and signature as per the Stormwater Quality Manual;
8. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
9. 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;
10. 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 Conditional Use Permit to allow an On-Sale Liquor Establishment. 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 Conditional Use Permit. 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. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining the Sign Permit;
11. 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; and,
12. 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 a winery in the Central Business District. In particular, the applicant is proposing to manufacture, distribute and sell on/off sale wine from this property. The applicant is proposing a 3,000 square foot addition on the rear of the existing structure and to remodel the interior of the existing structure. The winery will initially produce 8,000 gallons of wine per year. The applicant also proposes to operate a tasting room and retail store on premises.

On October 3, 2011, the City Council approved an Ordinance Amendment (File #11OA011) to allow a winery as a Conditional Use in the Central Business District which became effective on October 28, 2011.

The property is located west of the intersection of 6th Street and Main Street. A two story commercial building is currently located on the property.

STAFF REPORT
November 10, 2011

No. 11UR028 - Conditional Use Permit to allow a Winery in the Central Business District **ITEM 9**

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 a (500) foot radius.*

There are no places of religious worship or schools within a five hundred foot radius of the subject property. The properties to the north are currently zoned General Commercial District. The properties to the south, east and west are currently zoned Central Business District. The property is located in a concentrated commercial corridor. It does not appear that the Conditional Use Permit to allow a winery 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 nearest residential district is located approximately 1,300 feet to the south. The properties to the north are zoned General Commercial District. The properties to the south, east and west are zoned Central Business District. The proposed winery appears to be sufficiently buffered from residential districts.

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. The applicant also operates the Firehouse Brewing Company located in the building to the east. Located approximately 260 feet to the east is Main Street Square. Located approximately 460 feet to the east will be Manchego, Wobbly Bobby, Dakota Thyme and Dakota Soda Company. Located approximately 280 feet to the southeast is the Alex Johnson Hotel. Located approximately 260 feet to the southwest is the Brass Rail. Located approximately 420 feet to the north is Sanford’s Pub & Grub. Located approximately 380 feet to the east is the Oasis Lounge. This is the established Central Business District. These types of uses are typically located within the downtown core. 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 616 Main Street. The existing building is a two story commercial structure.

STAFF REPORT
November 10, 2011

No. 11UR028 - Conditional Use Permit to allow a Winery in the Central Business District **ITEM 9**

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

To the north of the subject property is a two story storage building and a surface parking lot. Located to the west, south and east of the subject property are two story commercial structures.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any fencing, screening or landscaping.

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:*

There is no vehicular access to the site. The property is zoned Central Business District and does not require off-street parking. The applicant is proposing one handicap accessible parking space at the rear of the property. A sidewalk is located along Main Street which provides pedestrian access to the site.

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

The applicant has submitted a loading and unloading plan. A dock door is located on the east side of the proposed addition. The loading plan proposes utilizing the Firehouse Brewing Company parking lot. Three times per year semi-trucks will use the alley to unload grapes, grape juice and empty bottles into the winery. The applicant anticipates using pickup and van sized vehicles located in the Firehouse Brewing Company parking lot when loading and unloading the bulk wine. As such, the loading and unloading of wine and accessories must comply with the applicant's proposed loading plan and must be in compliance with Chapter 10.40.050 of the Rapid City Municipal Code.

Using trip generation statistics from San Diego County, the proposed winery will generate approximately 27 trips per weekday and approximately 55 trips per weekend day.

7. *Proposed signs and lighting:*

There are no additional proposed signs or lighting. Any future proposed signage must conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit to allow a Winery. 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 this Conditional Use Permit. Lighting for the signs must be designed to

STAFF REPORT
November 10, 2011

No. 11UR028 - Conditional Use Permit to allow a Winery in the Central Business District **ITEM 9**

preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign. The approval of the Historic Sign Review Committee must be obtained prior to obtaining the Sign Permit.

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

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 Central Business District is intended to be used for commercial, financial, professional, governmental and cultural activities. The proposed winery is allowed with approval of a Conditional Use Permit in the Central Business 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 winery and residential districts and therefore, appears to be compliance with the adopted comprehensive plan.

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

The existing structure and proposed addition on the property are in compliance with the density, yard and height requirements of the Central Business District.

11. *The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of 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 probable 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 addition will comply with the applicable provisions of the International Fire Codes and that further changes will require a Major Amendment to the Conditional Use Permit or Historic Sign Review Committee approval. In addition, the stipulations will ensure that the on-off sale of wine operates as per state law and that the total amount of wine that can be produced on the property is limited to 150,000 gallons per year. The site is sufficiently buffered from existing residential development.

STAFF REPORT
November 10, 2011

No. 11UR028 - Conditional Use Permit to allow a Winery in the Central Business District **ITEM 9**

Engineering: Prior to issuance of a building permit, plans must be submitted showing that the patio trench drain will be vented and have traps in accordance with the plumbing code and will not extend past the covered patio area if connected to sanitary sewer to ensure that stormwater does not enter the sanitary sewer system. The applicant should refer to Chapter 13.08.240 of the Rapid City Municipal Code for limitations on sanitary sewer discharge, including PH and temperature.

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 November 10, 2011 Planning Commission meeting if these requirements have not been met.