

STAFF REPORT
August 9, 2012

No. 12UR017 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Lori Eggersgluess
PROPERTY OWNER	Mark Blote
REQUEST	No. 12UR017 - Conditional Use Permit to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Block 83 of the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.16 acres
LOCATION	509 7th Street
EXISTING ZONING	Central Business District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	July 12, 2012
REVIEWED BY	Robert Laroco / Brandon Quiett

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 allow wine and malt beverage sales and service in conjunction with a full service salon and spa;
2. The hours of operation shall be from 9:00 am to 8:00 pm;
3. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. Signage not in compliance with Chapter 15.28 of the Rapid City Municipal code is not permitted. No electronic signage is being approved as a part of this Conditional Use Permit. The addition of electronic signage shall require a Major Amendment to the Conditional Use Permit. New signage shall require approval by the Historic Sign Review Board prior to issuance of a sign permit. A sign permit is required for each sign;

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4. 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;
5. All applicable provisions of the International Fire Code shall be continually maintained;
6. The use shall be limited to the interior to Suite 5319 as shown on the submitted site plan. Any expansion of the use shall require a Major Amendment to the Conditional Use Permit; and,
7. This Conditional Use Permit shall allow an on-sale alcohol establishment in conjunction with a full service salon and spa. Any change in use that is permitted in the Central Business District shall be permitted. Any change in use that is a Conditional Use in the Central Business District shall require a Major Amendment to the Conditional Use Permit. All provisions of the Central Business District shall be met unless specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendments.

GENERAL COMMENTS: The applicant has submitted a request for a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon and spa on approximately 0.16 acres of property located in the Central Business District. In particular, the applicant is proposing to serve complimentary wine and beer to customers at the Mystique Edge. The request is to add an on-sale alcohol use to the approved uses of the existing business and does not propose any expansion or alteration to the existing business.

The salon is located at 509 Seventh Street in downtown Rapid City. Currently, the property is developed with several retail and service establishments located in a single structure.

STAFF REVIEW: Staff has reviewed the request for a Final Development Plan and has noted the following considerations:

On-Sale Liquor Establishment: Staff has reviewed the application according to the requirements of Rapid City Municipal Code Chapter 17.50.185 regarding on-sale liquor establishments. The requirements are as follows:

1. *The requested use will not adversely affect the use of any place use for religious worship, school, park, playground or similar use within a 500-foot radius:*

There is one place of religious worship and one school, the Black Hills Beauty College, but no playgrounds within a five hundred foot radius of the subject property. The First Presbyterian Church is located at the northwest corner of the intersection of 7th Street and Kansas City Street approximately 280 feet to the southwest. There are twelve on-sale liquor establishments located within a five hundred foot radius of the property. However, staff has noted that the proposed on-sale alcohol establishment will be in conjunction with a salon and spa and that the use will be limited to offering complimentary beer and wine to customers of the salon only. It does not appear the requested use will adversely affect the use of any place used for religious worship, school, park, playground or similar use within a 500-foot radius.

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

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Property to the north, south, east, and west are zoned Central Business District. There are no residentially zoned districts in the vicinity of the proposed use. The requested Conditional Use Permit will not affect any 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:*

The Central Business District is developed as a variety of commercial uses, including bars and full-service restaurants with on-sale alcohol use. The intent of the Central Business District is to provide the metropolitan center for commercial, financial, professional, governmental, and cultural activities in the City. The applicant's letter of intent notes that they intend to offer complimentary beer and wine to customers as a part of a salon and spa package only. The concentration of similar uses in the area is appropriate for the Central Business District.

4. *The proposed use complies with the standards of 5.12.140 and 17.54.030 of this code:*

The criteria for review of a Conditional Use Permit per Chapter 17.54.030 of the Rapid City Municipal Code are included below. The proposed use complies with the standards of the Code.

Criteria for Review: Rapid City Municipal Code Chapter 17.54.030.E sets the criteria required in reviewing a Conditional Use Permit. In reviewing applications for a Conditional Use Permit, due consideration shall be given to the following:

1. *The location, character, and natural features of the property:*

The property is located 509 Seventh Street, in Suite 5319 of the Sweeney Building, southwest of the intersection of Seventh Street and Main Street. The Mystic Edge salon is an existing business on the property. The remainder of the property is developed as a variety of commercial businesses in one existing building. The property is located in a historic district. The applicant should note that alterations to the exterior of the structure will require approval from the Historic Review Board. In addition, all signage will require approval through the Historic Sign Board.

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

The area is fully developed as a commercial district with a variety of uses including restaurants, bars, retail, and service establishments.

3. *Proposed fencing, screening, and landscaping:*

The property is located in the Central Business District. Property to the north, south, east and west are in the Central Business District. Fencing, screening, and landscaping are not required in the Central Business District.

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4. Proposed vegetation, topography, and natural drainage:

The property is located in the Central Business District. Property to the north, south, east and west are in the Central Business District. There is no proposed vegetation or alterations to the topography or natural drainage 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 in the Central Business District. There are no parking requirements in the Central Business District. The property is serviced by a sidewalk network. Main Street is classified as a principal arterial street on the City's Major Street Plan. The proposed on-sale alcohol use will not alter pedestrian or bicycle access to the site.

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

Main Street is designated as a principal arterial street on the City's Major Street Plan and is constructed with three lanes of one-way traffic, curb, gutter, sidewalk, on-street parking, and street lights on both sides. The property is located in the Central Business District and as such, no further expansion of the street is anticipated. Seventh Street is classified as a commercial street and is built with one lane of traffic in each direction with a center turn lane. Curb, gutter, sidewalk, on-street parking, and street lights are installed on both sides of the street. No further expansion of Seventh Street has been anticipated. The proposed on-sale alcohol use on the property will not alter existing traffic flows in the area.

7. Proposed signs and lighting:

No additional lighting is being proposed as a part of this Conditional Use Permit. The submitted plans do not include a sign package. The property is located in a historic district and, as such, all new signage requires review and approval by the Historic Sign Board. All signage must comply with Chapter 15.28 of the Rapid City Municipal Code. No electronic signage is being approved as a part of this Conditional Use Permit. A sign permit is required for each sign.

8. The availability of public utilities and services:

The property is serviced by Rapid City water and sewer. It appears the water and sewer capacity on the property is sufficient to support the use on the property. The on-sale alcohol use on the property does not appear to alter current usage of public services on the property.

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

The Future Land Use designation on the property is commercial. The property is zoned

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Central Business District. The proposed use on the property complies with the Comprehensive Plan and the Zoning Ordinance.

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

The property is located in the Central Business District. There are no set back requirements in the Central Business District. The existing structure is two stories tall. In the Central Business District, structures less than six stories tall are permitted 100 percent lot coverage. There are no height restrictions on structures in the Central Business District. The structure on the property meets all 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 orientations:

The proposed use will be limited to the interior of Suite 5319. The on-sale alcohol use proposed for the property will be in conjunction with a full service salon and spa and will not be sold separate from the services of a salon or spa. It is not anticipated the proposed use will create excess noise, odor, smoke, dust, air, or water pollution.

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

The stipulation of approval for this Conditional Use Permit must serve as the tool by which any adverse impacts of the proposed on-sale alcohol establishment are mitigated. The Rapid City Police Department has noted support of the proposed use, however, the applicant should note that the Rapid City Police Department strongly urges that employees of the business go through the Responsible Alcohol Service Program (RASP). For more information regarding the Responsible Alcohol Service Program, please contact Compliance Officer Jo Allerich at (605) 394-4134.

Notification Requirements: The sign has been posted on the property. The green cards and white receipts which serve as proof of the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the August 9, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into the requested Conditional Use Permit.