

STAFF REPORT
February 7, 2013

No. 13UR001 – Conditional Use Permit Application to Allow On-Sale Liquor in Conjunction with an Art Gallery

ITEM 9

GENERAL INFORMATION:

APPLICANT	Jamie Gerlach - All Around Construction
AGENT	Kennedy Design Group Inc.
PROPERTY OWNER	Lakota Building, LLC
REQUEST	No. 13UR001 – Conditional Use Permit Application to Allow On-Sale Liquor in Conjunction with an Art Gallery
EXISTING LEGAL DESCRIPTION	Lots 17 and 18 and the north 55 feet of Lots 19 through 21 of Block 84 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .26 acres
LOCATION	630 Saint Joseph Street, Suite 632
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	January 11, 2013
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Conditional Use Permit Application to allow an on-sale liquor establishment in conjunction with an art studio be approved with the following stipulations:

1. The on-sale liquor use shall be operated in conjunction with an art studio operated by Canvas 2 Paint, Incorporated as outlined in the approved operations plans. Any change in ownership of the on-sale liquor establishment shall require a Major Amendment to the Conditional Use Permit;
2. Prior to issuance of a building permit, all proposed changes to the suite shall require the review and approval of the Historic Preservation Committee;

STAFF REPORT
February 7, 2013

No. 13UR001 – Conditional Use Permit Application to Allow On-Sale Liquor in Conjunction with an Art Gallery **ITEM 9**

3. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to Occupancy;
4. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-ways and not be a hazard to the passing motorist or constitute a nuisance of any kind;
5. All signage shall require the review and approval of the Historic Sign Board. Advertising specific to the on-sale liquor use at Canvas 2 Paint shall not be permitted. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. Changes to the approved sign package which the Historic Sign Board determines is consistent with the original approved sign package may be permitted as a Minimal Amendment to the Conditional Use Permit. No electronic signage is being approved as a part of this Conditional Use Permit. The addition of electronic signage, signage which does not comply with Chapter 15.28 of the Rapid City Municipal Code, or signage that has not been approved by the Historic Sign Board shall require a Major Amendment to the Conditional Use Permit. A sign permit shall be required for each sign;
6. All provisions of the adopted International Fire Code shall be continually maintained;
7. All provisions of the Central Business District shall continually be met, and;
8. This Conditional Use Permit shall allow for an on-sale liquor establishment to be operated in conjunction with an art studio by Canvas 2 Paint, Incorporated. Changes in the operation of the art studio which comply with the requirements of the Rapid City Municipal Code shall be permitted. Changes to the on-sale liquor portion of the establishment shall require a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS: The applicant has submitted a request for a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an art studio. In particular, the owner and operator of Canvas 2 Paint, Incorporated offers painting classes for groups or individuals, as well as organized events such as birthday parties. The applicant would like to offer adult customers a glass of wine or a beer while they paint and as such has applied for this Conditional Use Permit. The proposed on-sale liquor use is in conjunction with the existing art studio and is not proposed as a stand-alone on-sale liquor use. Currently there is an existing Conditional Use Permit to allow an on-sale liquor establishment for the VINO 100 wine and cigar bar, located at 520 Main Street. The requested Conditional Use Permit is for the suite located at 630 Saint Joseph Street, Suite 632 only. Conditional Use Permit applications for other suites within the building will require a separate Conditional Use Permit application.

The business is located at 630 Saint Joseph Street. Canvas 2 Paint is located in Suite 632 of the existing Buell Building in downtown Rapid City.

STAFF REVIEW: Staff has reviewed the requested Major Amendment to allow an on-sale liquor establishment pursuant to Chapters 17.50.185 and 17.54.030 of the Rapid City Municipal Code and has noted the following considerations:

On-sale Liquor Establishment: Pursuant to Chapter 17.50.185, an on-sale liquor establishment must be issued if:

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

STAFF REPORT
February 7, 2013

No. 13UR001 – Conditional Use Permit Application to Allow On-Sale Liquor in Conjunction with an Art Gallery **ITEM 9**

The property is located within the Central Business District. There are no schools, parks, playgrounds or similar uses located within a 500 foot radius of the subject property. The First Presbyterian Church at 710 Kansas City Street is located one block south on the west side of Seventh Street. The Central Business District has been determined as the appropriate district for on-sale liquor use, and several other on-sale liquor uses are located within 500 feet of the existing church. In addition, the on-sale liquor use is not the primary use within the suite, and is being proposed in conjunction with an art studio. It does not appear the proposed on-sale liquor use will adversely affect the existing church, or any school, park, playground, or similar use.

The requested use is sufficiently buffered with respected to residential areas so as not to adversely affect the areas:

The property is located within the Central Business District. While residential uses are permitted above the first floor of buildings, the Central Business District has been determined as an appropriate district for on-sale liquor uses. All surrounding properties are zoned Central Business District. The nearest residential zoning is located approximately 900 feet to the south in a High Density Residential District. The requested use is sufficiently buffered from residential areas.

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 a number of on-sale liquor establishments operating within the Central Business District. The on-sale liquor use as proposed at Canvas 2 Paint is supplementary to the primary art studio use. According to the letter of intent submitted by the applicant, the sale of alcohol will accompany classes and organized events. The applicant has also indicated in the letter of intent that classes will be limited to no more than 40 painters. In addition, the applicant has indicated that the business will operate between the hours of 10 am and 11 pm. The proposed on-sale use will not occur past 11 pm. Based on the facts that the primary purpose of the establishment is not the on-sale use, the Central Business District is the appropriate zoning designation for on-sale liquor uses, and that the capacity and operational times are limited, it does not appear that the proposed use causes an undue concentration of similar uses in the neighborhood. Staff recommends that the on-sale liquor use be operated in compliance with the operations plan submitted by Canvas 2 Paint. Changes to the operation of the art studio which comply with the requirements of the Rapid City Municipal Code will be permitted. A change in the operation of the on-sale liquor establishment or a change in ownership of the on-sale liquor establishment will require a Major Amendment to the Conditional Use Permit.

The proposed use complies with the standards of Rapid City Municipal Code Chapter 17.54.030. The requirements of Chapter 17.54.030 are as follows:

The location, character, and natural features of the property;

The existing art studio is located in one suite of a single building covering 100 percent of the property zoned Central Business District. An art studio is a permitted use in the Central

STAFF REPORT
February 7, 2013

No. 13UR001 – Conditional Use Permit Application to Allow On-Sale Liquor in Conjunction with an Art Gallery **ITEM 9**

Business District. The submitted site plan shows that the proposed on-sale use is limited to one suite within the building. There is one other Conditional Use Permit to allow on-sale liquor use located within the building.

The location, character, and design of adjacent buildings;

Downtown Rapid City is comprised of dense commercial and residential development with near 100 percent lot coverage. Property in all directions is located within the boundaries of the Historic District and is zoned Central Business District. The area is completely developed and includes a number of historic properties and structures. Prior to issuance of a building permit, any proposed changes to the suite will require the review and approval of the Historic Preservation Committee.

Proposed fencing, screening, and landscaping;

The property is located in the Central Business District. Landscaping is not required.

Proposed vegetations, topography, and natural drainage;

Public Works staff has noted that drainage is not impacted by the proposed use.

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

Sidewalks for the on-site circulation of pedestrian traffic have been provided. There are no off-street parking requirements in the Central Business District.

Existing traffic and traffic to be generated by the proposed use;

The primary use of the location will be an art studio. The proposed on-sale liquor use will not increase the capacity of the existing art studio. In addition, the on-sale liquor use is only being provided to customers of the art studio and, as such, the proposed use will not create additional traffic. Saint Joseph Street is classified as a principal arterial street on the City's Major Street Plan and is designed to handle high volumes of commercial traffic associated with area uses.

Proposed signs and lighting;

The existing signage for Canvas 2 Paint is not proposed to change or expand. All proposed signage will require the review and approval of the Historic Sign Board. The applicant has indicated that the on-sale liquor use is not being advertised on existing or proposed signage. As such, staff recommends that advertising specific to the proposed on-sale liquor use at Canvas 2 Paint not be permitted. All signage must comply with Chapter 15.28 of the Rapid City Municipal Code. Changes to the sign package which the Historic Sign Board has determined is consistent with the original approved sign package may be permitted as a Minimal Amendment to the Conditional Use Permit. No electronic signage is being approved with approval of this Conditional Use Permit. The addition of electronic signage, signage which does not comply with Chapter 15.28 of the Rapid City Municipal Code, or

STAFF REPORT
February 7, 2013

No. 13UR001 – Conditional Use Permit Application to Allow On-Sale Liquor in Conjunction with an Art Gallery **ITEM 9**

signage that has not been approved by the Historic Sign Board will require a Major Amendment to the Conditional Use Permit. A sign permit is required for each sign.

The availability of public utilities and services;

The existing commercial development is serviced by Rapid City water and sewer. Public Works staff has noted the proposed on-sale liquor use will not create an increase in the demand on public utilities.

The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;

The City's adopted Future Land Use Plan shows that this area is appropriate for commercial development. Commercial development in the area is well established.

The effect of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks, and orientation;

The proposed on-sale liquor use will not create additional noise, odor, smoke, dust, air and water pollution. Additional clarifiers, screening, setbacks or changes in orientation are not required.

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

This Conditional Use Permit will serve as the tool to mitigate any probable adverse impacts of the proposed use on existing adjacent uses.

Summary: The proposed on-sale liquor use is supplementary to the existing permitted art studio on the property. The hours of operation, limited capacity, and the nature of the on-sale liquor use as accessory to the primary use should mitigate any adverse effects of this use on the surrounding area. The proposed use is sufficiently buffered from residential uses, places of worship, schools, parks, playgrounds, or other similar uses. The proposed uses will not create an increase in the traffic or parking demands of the area and the capacity of the art studio will not increase. The use is appropriate for the commercial nature of the development. Based on these reasons, staff recommends the request for a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a art studio be approved with the stipulations outlined above.

Notification Requirements: As of this writing, the sign has not been posted on the property and the white cards and green receipts required as proof of the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the February 7, 2013 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.