

STAFF REPORT
August 21, 2014

No. 14PD021 - Major Amendment to a Planned Development to allow an on-sale Liquor establishment in conjunction with a coffee shop

ITEM 3

GENERAL INFORMATION:

APPLICANT	Larry Adams and Tara Little - Rumours Inc.
PROPERTY OWNER	Stoney Creek Plaza LLC
REQUEST	No. 14PD021 - Major Amendment to a Planned Development to allow an on-sale Liquor establishment in conjunction with a coffee shop
EXISTING LEGAL DESCRIPTION	Lot 7 of Block 2 of Stoney Creek South Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.82 acres
LOCATION	5509 Bendt Drive
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Mixed Use Commercial
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development)
South:	Low Density Residential District (Planned Development)
East:	General Commercial District (Planned Development)
West:	General Commercial District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	July 25, 2014
REVIEWED BY	Robert Laroco / Bob Reiss

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to allow an on-sale Liquor establishment in conjunction with a coffee shop be approved with the following stipulations:

1. Prior to issuance of a building permit, the applicant shall verify the occupancy load and classification of the suite with Building Services. If it is determined that a fire sprinkler protection system is required, the system shall be installed and accepted by the Rapid City Fire Department prior to issuance of certificate of completion. All applicable provisions of the currently adopted International Fire Code shall be continually

STAFF REPORT
August 21, 2014

No. 14PD021 - Major Amendment to a Planned Development to allow an on-sale Liquor establishment in conjunction with a coffee shop

ITEM 3

- maintained;
2. A building permit shall be obtained for the use. A certificate of completion shall be obtained prior to commencement of the use;
3. The sale and/or service of alcohol through the drive through window is not permitted;
4. A minimum of 60 parking spaces shall be provided as shown on the approved site plan. A minimum of two of the proposed parking spaces shall be handicap accessible. A minimum of one the proposed accessible spaces shall be "van accessible". In addition, a minimum of three stacked parking spaces shall be provided for the proposed drive through. All parking shall continue to comply with the requirements of the Rapid City Parking Ordinance;
5. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance and the originally approved landscaping plan. All landscaping shall continue to be maintained in an live, vegetative state and replaced as necessary;
6. All signage shall comply with the requirements of the Rapid City Sign Code and the requirements of the most recently approved Major Amendment to the Planned Development (File # 07PD095). Any changes to the original sign package which the Director of Community Planning and Development Services determines is consistent with the approved sign package may be allowed as a Minimal Amendment to the Planned Development. A sign permit is required for each sign;
7. The proposed on-sale liquor establishment shall operate in compliance with the submitted operations plan. Changes in the operation of the on-sale liquor establishment shall require a Major Amendment to the Planned Development;
8. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of a subsequent Major Amendment to the Planned Development, and;
9. This Major Amendment to the Planned Development shall allow for an on-sale liquor establishment to be operated in conjunction with a coffee shop. Any uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and the provision of sufficient parking. Any conditional uses shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has requested a Major Amendment to the Planned Development to allow an on-sale liquor establishment to operate in conjunction with an existing coffee house. The coffee house currently includes food sales such as rolls, bagels, sandwiches, wraps, and salads. The applicant is proposing to add the sale and service of beer and wine as a part of the meal menu.

On March 22, 2007, the Planning Commission approved a Final Planned Development (File #07PD001) to allow construction of a commercial development comprised of five suites. On January 10, 2008, the Planning Commission approved a Major Amendment to the Planned Development (File #07PD095) to allow revisions to the sign package. A stipulations of approval of the original Final Planned Development states that a maximum of 2,800 square feet of space within the Final Planned Development may be utilized as restaurant space. On June 27, 2014, the Director of Community Planning and Development Services approved a Minimal Amendment to the Planned Development (File #07PD095A) to increase the permitted amount of restaurant parking on the property from 2,800 square feet to 3,000

STAFF REPORT
August 21, 2014

No. 14PD021 - Major Amendment to a Planned Development to allow an on-sale Liquor establishment in conjunction with a coffee shop

ITEM 3

square feet, in order to allow a 1,400 square foot coffee shop to be located on the property, along with an existing 1,600 square foot Domino's Pizza. In addition, the approved Minimal Amendment to the Planned Development made revisions to the parking on the property in order to accommodate a drive through window for the coffee shop. No expansions or changes to the existing structure are being proposed as a part of this Major Amendment to the Planned Development. No Exceptions to the underlying zoning or the previously approved Planned Developments are being proposed.

The property is located at 5509 Bendt Drive, southwest of the intersection of Catron Boulevard and Bendt Drive. The property is developed with a commercial strip mall comprised of five suites.

STAFF REVIEW: 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 used for religious worship, school, park, playground or similar use within a 500-foot radius:*

The property is located in a General Commercial District with ongoing commercial development within the surrounding area. A Sylvan Learning Center is located within the same strip mall development as the coffee house. The submitted operations plans for the coffee house proposed to serve beer and wine only as an accessory to the primary coffee house use. Alcohol service will only be provided between the hours of 3:00 pm and 9:00 pm and, as such, should have minimal conflict with the standard business hours of the Learning Center. The proposed coffee house is not intended to function as a bar and no outdoor seating area is being proposed. With the limited hours of operations for the on-sale liquor establishment, it appears that potential negative impacts of the on-sale liquor establishment are being sufficiently mitigated.

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

Property to the west and east is zoned General Commercial District with a Planned Development. Property to the southeast is zoned Neighborhood Commercial District. Property to the north, on the north side of Catron Boulevard, is zoned Medium Density Residential District with a Planned Development. Property to the south is zoned Low Density Residential District with a Planned Development. The property is part of a development located near the intersection of two principal arterial streets. Catron Boulevard to the north of the property services as a natural separation between the commercial development and residential development located north of Catron Boulevard. The submitted operations plan states that the coffee house will serve beer and wine between the hours of 3:00 pm and 9:00 pm. Based on the limited service hours, the limited size of the facility, and sales limited to beer and wine, it appears that the proposed on-sale liquor establishment is sufficiently buffered from neighboring residential uses. The proposed on-sale liquor establishment must operate in compliance with the submitted operations plan. Changes in

STAFF REPORT
August 21, 2014

No. 14PD021 - Major Amendment to a Planned Development to allow an on-sale Liquor establishment in conjunction with a coffee shop

ITEM 3

the operation of the on-sale liquor establishment will require a Major Amendment to the Planned Development.

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 Stoney Creek South commercial development located to the southwest of the property includes three on-sale liquor uses. "Buffalo Wings and Rings" and "Juniper" are both full-service restaurants serving alcohol as an accessory to the primary restaurant use. Solace is a hot yoga studio that serves wine and beer as an accessory to the primary spa use. The neighborhood in proximity to the intersection of Catron Boulevard and Sheridan Lake Road is developing as a commercial district. The General Commercial District is viewed as the appropriate zoning district for an on-sale liquor establishment, especially when operated as an accessory to another primary use. In addition, the proposed on-sale liquor establishment will be operated in conjunction with a coffee house, and is not expected to operate as a bar. Based on these reasons, it does not appear that the proposed on-sale liquor use will create an undue concentration of similar uses that could cause blight, deterioration, or substantially diminish or impair property values.

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 southwest of the intersection of Bendt Drive and Catron Boulevard and is developed with a strip mall comprised of five suites. Catron Boulevard is classified as a principal arterial street on the City's Major Street Plan. Bendt Drive is classified as a sub collector street. The existing lot is generally level and clear of trees. Property to the west is developed with a large drainage channel.

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

The area is developing as a commercial district with retail shops and services. Adjacent uses in the structure include a Domino's Pizza and a Sylvan Learning Center. As of this writing, the remaining three suites located in the structure remain vacant. Surrounding commercial structures in the neighborhood are of a similar use and design.

STAFF REPORT
August 21, 2014

No. 14PD021 - Major Amendment to a Planned Development to allow an on-sale Liquor establishment in conjunction with a coffee shop

ITEM 3

3. Proposed fencing, screening, and landscaping:

No fencing or screening currently exists on the property. No additional fencing, screening, or landscaping is being proposed as a part of this Major Amendment. The existing landscaping is in compliance with the City's Landscaping Ordinance.

4. Proposed vegetation, topography, and natural drainage:

All grading and drainage improvements for the Rushmore Crossing development have been installed. The Public Works department has not identified any additional issues with the drainage or grading of the area.

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

The originally approved Final Planned Development for the property required that a minimum of 53 parking spaces be provided. The calculations for the parking at that time included a calculation for 2,800 square feet of restaurant space, with the rest being retail/office space. The most recently approved Minimal Amendment to the Planned Development revised the square footage of permitted restaurant use as well as the parking layout in order to provide a minimum of 60 parking spaces for the proposed uses as well as three additional stacked parking spaces for the proposed drive through window. Please note that no alcohol sales will be permitted via the drive through window. The addition of the on-sale liquor use does not require any additional parking. Sidewalks have been installed on Bendt Drive and Catron Boulevard. Transportation Planning staff has noted the Bicycle/Pedestrian Master Plan is not affected by the proposed on-sale liquor establishment.

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

Catron Boulevard is classified as a principal arterial on the City's Major Street Plan, and is designed to accommodate the existing density of residential, commercial, and industrial traffic. It is estimated that the coffee shop will generate approximately 142 trips per peak hour. The coffee shop use has been previously approved and, as such, no Traffic Impact Study is required.

7. Proposed signs and lighting:

No additional signage or lighting has been submitted as a part of this Major Amendment. The existing signage is in compliance with Chapter 17.50.080 of the Rapid City Municipal Code and the most recently approved Major Amendment to the Planned Development (File #07PD095).

8. The availability of public utilities and services:

The property is served by Rapid City water and sewer services. Public Works staff has

STAFF REPORT
August 21, 2014

No. 14PD021 - Major Amendment to a Planned Development to allow an on-sale Liquor establishment in conjunction with a coffee shop

ITEM 3

noted that existing utilities appear sufficient to accommodate the proposed on-sale liquor establishment for beer and wine.

The Rapid City Fire Department has noted that if the capacity of the facility exceeds 50 occupants, or approximately 750 square feet of service area, the entire structure must be fire sprinkler protected. The submitted operations plan states that the maximum capacity of the suite will be forty patrons. Prior to issuance of a building permit, the applicant must verify the occupancy load and classification with Building Services. If it is determined that a fire sprinkler protection system is required, the system must be installed and accepted by the Rapid City Fire Department prior to issuance of certificate of completion. All applicable provisions of the currently adopted International Fire Code must be continually met.

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

The Future Land Use designation for this property is Mixed Use Commercial and the area is identified as a Community Activity Center on the City's adopted Future Land Use Map. The property is zoned General Commercial District with a Planned Development. Transportation Planning staff has noted there is no impact to the City's Bicycle/Pedestrian Master Plan. 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 proposed on-sale liquor establishment is comprised of 1,400 square feet of interior space located within one suite of an existing five suite strip mall. The existing and proposed structures meet all the land use regulations of the General Commercial 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 on-sale liquor use for beer and wine will be located within one of the suites of the strip mall. This Major Amendment to the Planned Development will allow for an on-sale liquor establishment in conjunction with a coffee shop with the sale and service of beer and wine as an accessory to the primary use. The applicant should note that the sale of alcohol may not commence on the site until this Major Amendment to the Planned Development has been approved. The General Commercial District is intended for personal and business services and the general retail business of the city. Based on the applicant's operational plan, it does not appear that the request will create excessive 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 on-sale alcohol use for beer and wine on the property must comply with the

STAFF REPORT
August 21, 2014

No. 14PD021 - Major Amendment to a Planned Development to allow an on-sale Liquor establishment in conjunction with a coffee shop

ITEM 3

hours/days/holiday restrictions that apply for the type of license secured. The stipulations of approval of this Planned Development will serve as the tool to ensure that the proposed use will maintain parking, sufficient buffering from neighboring business, and not create additional light or noise that may have an adverse impact on adjacent uses. The proposed on-sale alcohol use is an accessory to the primary coffee shop use. The General Commercial District is viewed as the appropriate zoning classification for on-sale alcohol uses, especially as an accessory to other primary uses. In addition, the applicant is proposing the sale and service of beer and wine only, and is not proposing the sale of hard liquor. The proposed restaurant is located in one of the suites of a strip mall meeting all the requirements of the Rapid City Municipal Code. Parking and landscaping meet the requirements of the Rapid City Municipal Code and the approved Major Amendment to the Planned Development. For these reasons, staff recommends that the Major Amendment to the Planned Development to allow an on-sale liquor establishment for beer and wine in conjunction with a coffee shop be approved with the stipulations outlined above.

Notification Requirements: The first class mailings have been returned to Community Planning and Development Services for mailing. The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the August 21, 2014 Planning Commission meeting if these requirements have not been met.