

STAFF REPORT
November 20, 2014

No. 14UR021 - Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Black Hills Works
PROPERTY OWNER	Black Hills Workshop Foundation
REQUEST	No. 14UR021 - Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lot 17 thru 22 of Block 83 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.48 acre
LOCATION	722 St. Joseph Street
EXISTING ZONING	Central Business District
FUTURE LAND USE DESIGNATION	Downtown
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	October 24, 2014
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:

1. If additional signage is proposed in the future, approval through the Historic Sign Board shall be obtained. All future signage shall comply with Chapter 17.50.080 of the Rapid City Municipal Code. No Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for each sign;
2. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
3. All on-site ADA parking shall continue to comply with the requirements of the Rapid City

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Municipal Code;

4. All applicable provisions of the International Fire Code shall be continually maintained;
5. All provisions of the Central Business District shall be continually maintained, and;
6. This Major Amendment to the Conditional Use Permit shall allow for an on-sale liquor establishment to be operated in conjunction with an art center and in compliance with the submitted operations plan and the Rapid City Municipal Code. All uses permitted in the Central Business District shall be permitted contingent upon an approved building permit. All conditional uses in the Central Business District shall require a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS: The applicant has submitted this Major Amendment to the Conditional Use Permit for an on-sale liquor establishment to allow the sale and service of wine and beer as an accessory to the existing art center. The Center is requesting to serve wine during events. Events will typically be held between 5:30 and 7:30 pm and draw approximately 75 people per event. On May 5, 2011, the Planning Commission approved a Conditional Use Permit to allow an art center in the Central Business District (File #11UR010). The Suzie Cappa Art Center is located within one suite in the structure located northeast of the intersection of Saint Joseph Street and Mount Rushmore Road in downtown Rapid City. The applicant is now proposing to serve wine and beer during events hosted at the Suzie Cappa Art Center. No expansions or additions are being proposed as a part of this request.

The property is located at 722 Saint Joseph Street in downtown Rapid City. The property is developed with a commercial structure comprised of several retail and/or service uses in separate 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 the Central Business District in a fully developed portion of the City. During review of the application, staff noted that the First Presbyterian Church is located approximately 300 feet to the south and east of the property, at 710 Kansas City Street. The operations plans submitted by the Suzie Cappa Arts Center notes that the proposed on-sale liquor use is solely in conjunction with events held at the arts center. In addition, the operations plan notes that wine service will be complimentary and will not be sold. The Central Business District has been identified as the appropriate zoning designation for on-sale liquor establishments, especially when the use is proposed as an accessory to another primary use. Based on the submitted operations plan for the Art Center and the location of the Art Center within the Central Business District, it appears that potential adverse effects of the on-sale liquor use on the nearby church are being mitigated to the greatest extent possible.

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

The existing art gallery is located on property zoned Central Business District. The Central Business District includes a variety of permitted and conditional uses, including residential uses. As noted previously, the Central Business District has been identified as the appropriate location of on-sale liquor establishments, especially when the on-sale use is accessory to another primary use. The sale and service of alcohol will be for patrons of the art center only and will not be available for sale to the general public. Based on the submitted operations plan for the facility and the mixed-use character of the area, it does not appear that the proposed on-sale liquor establishment will have an adverse impact on neighboring residential areas. Staff recommends that the facility operate in compliance with all requirements of the Rapid City Municipal Code and the submitted operations plan.

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 proposed on-sale liquor use is in conjunction with an art center. There are several on-sale liquor establishments located within 500 feet of the art center. However, the proposed on-sale liquor use is an accessory to the primary art center use and the Central Business District is the appropriate district for on-sale liquor uses. It does not appear that the proposed on-sale liquor establishment will create an undue concentration of uses that would cause or create blight or lead to a deterioration or impairment of property values due to the art center being the primary use on the property.

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

Chapter 5.12 of the Rapid City Municipal Code identifies the rules and regulations for obtaining an on-sale liquor license. Upon approval of a Conditional Use Permit, the applicant must petition the City Council for an on-sale liquor license.

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 approximately 100 feet east of the intersection of Saint Joseph Street and Mount Rushmore Road in downtown Rapid City. Property in the area is zoned Central Business District and is fully developed with a variety of residential and commercial uses. The property is generally level and is 100 percent structure-covered.

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

Property in the vicinity is densely developed with a mix of residential and commercial uses and structures.

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

No additional fencing, screening, or landscaping is being proposed as a part of this request.

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

No additional vegetation, grading, or drainage facilities are being proposed as a part of this request. The Public Works Department has noted no concerns with the existing grading and drainage improvements 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:*

Sidewalks are installed on Saint Joseph Street south of the property. Public parking is available in the Saint Joseph Street right-of-way adjacent to the south of the facility. No off-street parking is required. No expansion of the existing parking is being proposed. Although no parking is required for the facility, any ADA parking that is provided must comply with the requirements of the Rapid City Municipal Code. Submitted plans show that there is an ADA accessible parking space located within the existing facility.

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

The proposed on-sale liquor use is accessory to the existing art center. The service of alcohol is limited to patrons of the art center. As such, it does not appear that the proposed use will have additional impact on the traffic generated by the existing uses. Mount Rushmore Road and Saint Joseph Street are both classified as principal arterial streets on the City's Major Street Plan, suitable for accommodating high volumes of commercial, residential, and industrial traffic. It is not anticipated that the proposed on-sale alcohol use will create issues with traffic in the vicinity.

7. *Proposed signs and lighting:*

No additional signage is being proposed. Portions of the property are located within a Historic District. If additional signage is proposed in the future, approval through the Historic Sign Board must be obtained. All future signage must comply with Chapter 17.50.080 of the Rapid City Municipal Code. A sign permit is required for each sign.

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

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

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noted that existing utilities appear sufficient to accommodate the proposed use.

The Rapid City Fire Department has noted no concerns with the proposed on-sale liquor use. 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 Downtown. The property is zoned Central Business District. The proposed use 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:*

Submitted plans show that the Suzie Cappa Arts Center is comprised of approximately 9,324 total square feet of space. Approximately 4,870 square feet of the space is proposed for the service of alcohol. The structure on the property is one story tall. All density, yard, height, and other land area regulations are being met on the property.

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 stipulations of approval of this Conditional Use Permit will serve as the tool to ensure that the effects of noise, odor, smoke, dust, and air and water pollution are mitigated to the greatest extent possible. The proposed on-sale liquor use will be located entirely within the structure. 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 must comply with the hours/days/holiday restrictions that apply for the type of license secured. The stipulations of approval of this Conditional Use Permit will serve as the tool to ensure that the proposed use will maintain parking, sufficient buffering from neighboring businesses, and not create additional light or noise that may have an adverse impact on adjacent uses. The proposed on-sale alcohol use is accessory to the art center. The Central Business District is the appropriate district for on-sale liquor uses, especially on-sale liquor uses in conjunction with other primary uses. The provided ADA parking meets the requirements of the Rapid City Municipal Code. No additional parking or landscaping is required. For these reasons, staff recommends that the Major Amendment to the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an art center 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

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as of this writing, staff cannot confirm that the sign has been posted on the property. Staff will notify the Planning Commission at the November 20, 2014 Planning Commission meeting if this requirement has not been met. As of this writing there have been no inquiries into the requested Major Amendment.