

STAFF REPORT  
March 26, 2015

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**No. 15UR005 - Conditional Use Permit to allow an on-sale liquor license establishment in conjunction with a commercial office**

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**ITEM 11**

GENERAL INFORMATION:

APPLICANT	The Garage LLC
AGENT	Peter Anderson
PROPERTY OWNER	Garage LLC
REQUEST	<b>No. 15UR005 - Conditional Use Permit to allow an on-sale liquor license establishment in conjunction with a commercial office</b>
EXISTING LEGAL DESCRIPTION	Lot 31 thru 32 of Block 86 of Original Town of Rapid City, located in Section 1, T1N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.16 acres
LOCATION	402 St. Joseph Street
EXISTING ZONING	Central Business District
FUTURE LAND USE DESIGNATION	Downtown Mixed Use
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	General Commercial District
West:	Central Business District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	February 20, 2015
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale liquor license establishment in conjunction with a commercial office be approved with the following stipulations:

1. The on-sale liquor establishment shall be allowed to operate in conjunction with an office building for evening events three to four times a month;
2. All provisions of the Central Business Zoning District shall continually be met;
3. All applicable provisions of the adopted International Fire Code shall continually be met;
4. All outdoor lighting shall continually 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

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- passing motorist or constitute a nuisance of any kind;
5. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with the Sign Code or any electronic reader board signs shall require a Variance. 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 a Sign Permit for any future sign; and,
  6. The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with an office building for speaker events, social gatherings, and art shows three to four times a month. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Central Business District shall require a building permit. Any change in use that is a Conditional Use in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

**GENERAL COMMENTS:**

The applicant has submitted a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a commercial office. In particular, the applicant is proposing to host speaker events, social gatherings, and art shows three to four times a month. The proposed events will be on Friday and Saturday evenings from 6:00 p.m. to 10:00 p.m. The existing structure is the "Garage" which is used during the day as open office space.

The property is located on the northwest corner of the intersection of Saint Joseph Street and 4<sup>th</sup> Street. Currently, a one-story commercial structure is located on the property.

**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 (500) foot radius.*

There are no schools or playgrounds located within a 500 foot radius of the subject property. Trinity Lutheran Church and the Prayer Peace Park are located directly south of the subject property on the south side of Saint Joseph Street. The property is in the established Central Business District. It does not appear that the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with evening events three to four times a month 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.*

There are no residential zoning districts adjacent to the property. The properties to the north, south, and west are zoned Central Business District. Property to the east is zoned General Commercial District. The property is in the established Central Business District.

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Staff does not anticipate that the proposed on-sale liquor use will result in any significant adverse effects on any residences since it is being operated in conjunction with an office building for evening events which will include speaker events, social gatherings, and art shows three to four times a month.

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 "Veteran's of Foreign Wars" is located approximately 270 feet to the north of the subject property along Main Street. This is the established Central Business District which supports the proposed on-sale liquor use. It does not appear that the proposed on-sale liquor use will create an undue concentration causing blight or deterioration or diminish the land values in the surrounding area if operated in conjunction with an office building with evening events three to four times a month.

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 on the northwest corner of the intersection of Saint Joseph Street and 4<sup>th</sup> Street. Currently, a one-story structure is located on the property. The space has been converted into open office space.

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

The property to the west is vacant. The property to the north is a one-story commercial structure and is the location of "The Little Print Shop". The property to the south is the location of the "Trinity Peace Prayer Park" and Trinity Lutheran Church. The property to the west is the Pennington County vehicle maintenance shop. The Pennington County Courthouse is located to the southeast.

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:*

The property is zoned Central Business District which does not require any parking. There is sidewalk located on Saint Joseph Street and 4<sup>th</sup> Street providing pedestrian

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access to the property.

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

The proposed on-sale liquor use in conjunction with an office building for evening events three to four times a month should have a minimal impact on traffic.

7. *Proposed signs and lighting:*

The applicant has submitted elevations that show the existing signage located on the building. The applicant should be aware that any future signage will require historic review and a Sign Permit. The applicant is not proposing any new lighting.

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

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 Zoning Ordinance is the tool that implements the Comprehensive Plan. An on-sale liquor establishment is a conditional use in the Central Business District. The applicant should be aware that any expansion to the on-sale liquor use will require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Central Business District will require a building permit. Any change in use that is a Conditional Use in the Central Business District will require the review and approval of a Major Amendment to the Conditional Use Permit.

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

The existing development on the property is in compliance with the density, yard and height requirements of the Central Business District. All provisions of the Central Business Zoning District must continually be met.

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:*

It does not appear that the proposed on-sale liquor establishment in conjunction with an office building for evening events three to four times a month will have a significant effect on the surrounding area by causing 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 stipulations of approval are included to serve as a tool to mitigate probable adverse impacts of the proposed use on existing adjacent uses. In addition, the stipulations of

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approval will serve to ensure compliance with the Zoning Ordinance and the International Fire Code.

Notification: The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the March 26, 2015 Planning Commission meeting if this requirement has not been met.