



Rapid City Planning Commission

Conditional Use Permit Project Report

May 21, 2015

Applicant Request(s)

Case # 15UR009 – Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a liquor store

Companion Case(s) # NA

Development Review Team Recommendation(s)

Approve with stipulations

Project Summary Brief

The applicant has submitted a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a liquor store. In particular, “Boyds Wine and Liquor” is proposing to allow customer sampling that exceeds the state restriction of 0.5 ounces with a maximum of three samples per customer. The proposed on-sale use is accessory to the liquor store use. The wine will be dispensed from machines using an “Accuserve Smartcard” and a valid identification card. There will also be a seating area for 10 people.

Applicant Information

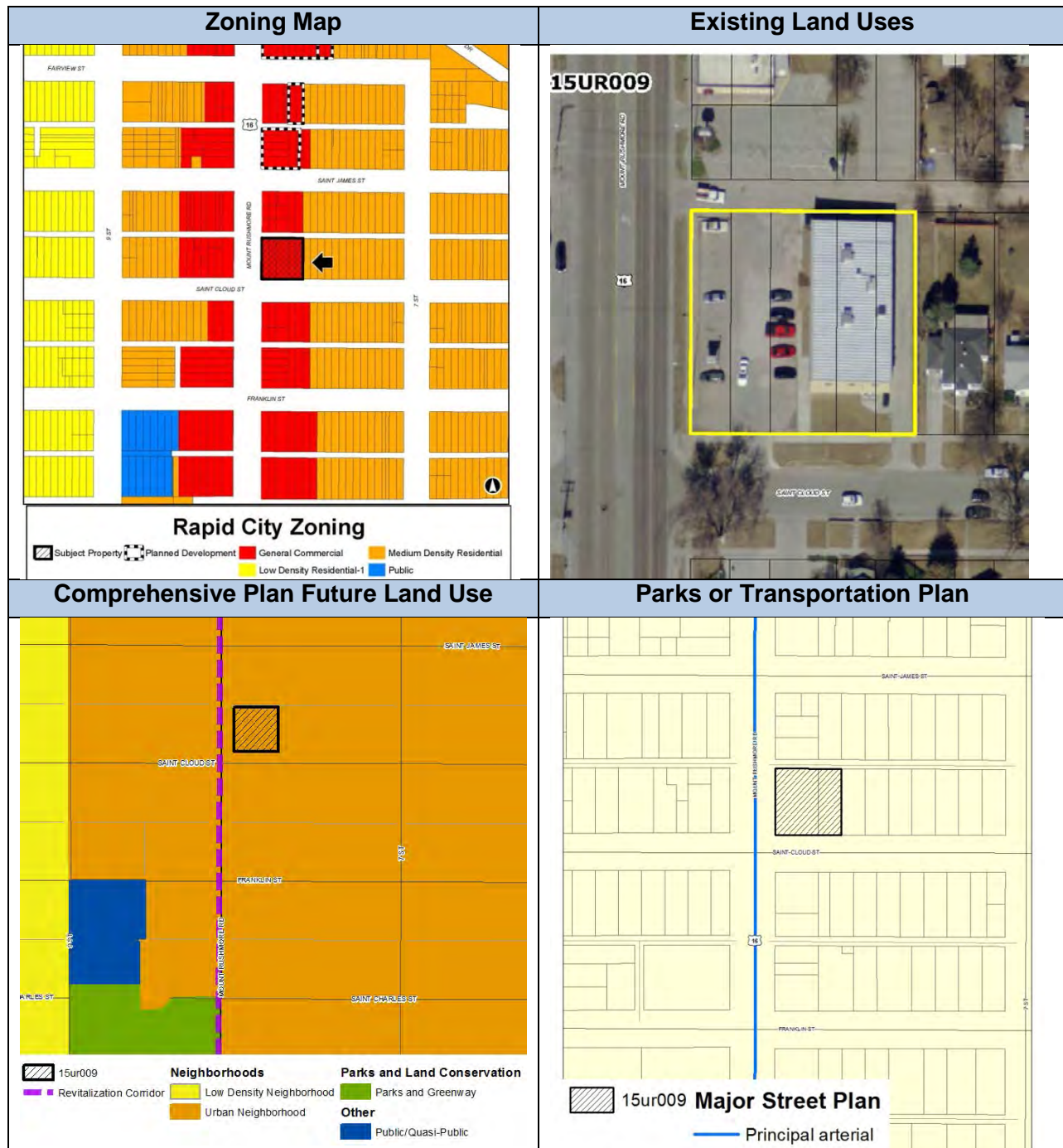
Development Review Team Contacts

Applicant: Scott Vincent	Planner: Fletcher Lacock
Property Owner: Mills Drug LLC	Engineer: Dan Kools
Architect: NA	Fire District: Tim Behlings
Engineer: NA	School District: Janet Kaiser
Surveyor: NA	Water/Sewer: Dan Kools
Other: NA	DOT: Stacy Bartlett

Subject Property Information

Address/Location	1424 Mount Rushmore Road
Neighborhood	Downtown / Skyline Drive
Subdivision	West Boulevard
Land Area	0.46 acres (19,880 square feet)
Existing Buildings	5,120 square feet
Topography	Relatively flat. Building is located on east side of property. Parking is located on west side of the property abutting Mount Rushmore Road.
Access	Saint Cloud Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	NA
Other	NA

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	UN-Revitalization	Liquor store
Adjacent North	GC	UN-Revitalization	Medical office
Adjacent South	GC	UN-Revitalization	Single-family dwelling converted into office
Adjacent East	MDR	UN	One-story dwelling
Adjacent West	GC	UN-Revitalization	One-story commercial buildings









Relevant Case History			
Case/File#	Date	Request	Action
Variance # 5541	3/15/11	Reduce side yard setback from 25 feet to 18.5 feet, reduce setback for parking lot abutting residential from 12 feet to 4 feet, and to reduce the screening fence height to 4 feet.	Approved
Relevant Zoning District Regulations			
General Commercial District		Required	Proposed
Lot Area		Not required	19,880 square feet
Lot Frontage		Not required	280 feet
Maximum Building Heights		4 stories or 45 feet	One story
Maximum Density		75%	25.75%
Minimum Building Setback:			
• Front		25 feet	67.6 feet from Mount Rushmore Road
• Rear		"0" feet	14.4 feet
• Side		25 feet	Variance granted to reduce to 18.5 feet
• Street Side		25 feet	25.5 feet from Saint Cloud Street
Minimum Landscape Requirements:			
• # of landscape points		14,761	14,989
• # of landscape islands		One for every 50 parking spaces	One for 19 parking spaces
Minimum Parking Requirements:			
• # of parking spaces		19	19
• # of ADA spaces		One van accessible	One van accessible
Signage		560 square feet	Not proposing new signage
Fencing		Required along east property line adjacent to residential	Variance granted to reduce fence height to 4 feet

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.50.185 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to allow an on-sale liquor establishment:	
Criteria	Findings
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.	Wilson Elementary and Wilson Park are located approximately 540 feet to the southwest of the property. It does not appear the proposed on-sale liquor establishment operated in conjunction with a liquor store will have an adverse affect on any places of religious worship, schools, parks, or playgrounds.
2. The requested use is "sufficiently buffered" with respect to residential areas so as not to "adversely affect" such areas.	The property abuts a residential district to the east. There is a screening fence located along the east lot line separating the commercial use from the residential district. On April 5, 2011, a Variance was granted to reduce the side yard setback from 25 feet to 18.5 feet, to reduce the setback for a parking lot abutting residential from 12 feet to 4 feet, and to reduce the screening fence height to 4 feet.

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."	"Joker's Casino" is located approximately 245 feet to the north. It does not appear that the proposed on-sale liquor establishment will create an undue concentration if it is operated in conjunction with a liquor store for sampling wine.
4. The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.	See below
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 northeast corner of the intersection of Saint Cloud Street and Mount Rushmore Road. There is an existing one-story liquor store located on the property.
2. The location, character and design of adjacent buildings:	One and two-story commercial structures are located on properties to the north, south, and west. A one-story dwelling is located on the property to the east.
3. Proposed fencing, screening and landscaping:	There is an existing screening fence located on the east property line. A Variance was granted on April 5, 2011 to allow a height of four feet. The applicant is not proposing any changes to the landscaping. A minimum of 14,761 points are required and the site plan identifies 14,989 points being provided.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any changes to the site.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	There is property line sidewalk located along Saint Cloud Street and Mount Rushmore Road. Vehicular access is from Saint Cloud Street.
6. Existing traffic and traffic to be generated by the proposed use:	It does not appear that the proposed on-sale liquor use will generate additional traffic as it is accessory to the off-sale liquor use.
7. Proposed signs and lighting:	The applicant is not proposing any new signage or lighting. There is an existing pole sign located adjacent to Mount Rushmore Road and a wall sign facing Mount Rushmore Road that reads "Boyd's Wine and Liquor".
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 property is zoned General Commercial District and is located adjacent to Mount Rushmore Road which is identified as a Principal Arterial Street on the City's Major Street Plan. An on-sale liquor establishment is a conditional use in the General Commercial District.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The applicant obtained a Variance on April 5, 2011 to reduce the side yard setback from 25 feet to 18.5 feet, to reduce the setback for a parking lot abutting residences from 12 feet to 4 feet, and to reduce the screening fence height to 4 feet.

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 use will have a negative effect on noise, odor, smoke, dust, air, and water pollution if operated in conjunction with a liquor store for sampling wines.
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 will ensure that the on-sale use will only be operated in conjunction with a liquor store for the sampling of wine. Any expansion to the use will require a Major Amendment to the Conditional Use Permit.

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial	
In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:	

Comprehensive Plan Conformance – Core Values Chapters	
 A Balanced Pattern of Growth	
BPG-1.2C	Priority Revitalization Corridors: The Mount Rushmore Road corridor is identified as a Revitalization corridor. The “Boys Liquor” location was recently redeveloped with a new structure, parking, landscaping, and signage.
 A Vibrant, Livable Community	
LC-4.1F	Neighborhood Transitions: The redevelopment of the property included the siting of the structure on the east side of the property to provide a physical buffer between residential properties to the east and the parking area adjacent to Mount Rushmore Road.
 A Safe, Healthy, Inclusive, and Skilled Community	
SHIS-3.1A	Pedestrian and Bicycle Networks: The redevelopment of the Mount Rushmore Road corridor by the South Dakota Department of Transportation (SDDOT) includes the construction of sidewalk including on the subject property.
 Efficient Transportation and Infrastructure Systems	
TI-2.1A	Major Street Plan Integration: Mount Rushmore Road is identified as a Principal Arterial Street on the City’s Major Street Plan. The SDDOT is currently redeveloping the roadway within this corridor.
 Economic Stability and Growth	
EC-1.1B	Public Improvements: The Mount Rushmore Road corridor is identified as a Revitalization Corridor and is currently under construction for roadway improvements by the SDDOT.
 Outstanding Recreational and Cultural Opportunities	
	NA



Responsive, Accessible, and Effective Governance

GOV-2.1A	Public Input Opportunities: The requested Conditional Use Permit is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan	
Designation(s):	Urban Neighborhood / Revitalization Corridor
Design Standards:	
GDP-MU1	Relationship of Uses: The property is located adjacent to the Mount Rushmore Road Revitalization Corridor. The property abuts a residential district to the east and has obtained Variances to the screening and setback requirements required as per Chapter 17.18 of the Rapid City Municipal Code.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Downtown / Skyline Drive
Neighborhood Goal/Policy:	
DSD-NA1.1D	Reinvestment Corridors: The existing liquor store located on the property was removed and rebuilt in 2012. This enhances the revitalization of this corridor.

Findings

Staff has reviewed the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a liquor store pursuant to Chapter 17.18, Chapter 17.54.030(E), and Chapter 17.50.185 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. If operated in conjunction with a liquor store for wine samplings, it does not appear that the proposed on-sale liquor use will have a negative impact on the neighborhood.

Planning Commission Recommendation and Stipulations of Approval

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a liquor store be approved with the following stipulation:

1.	All signage shall comply with the Rapid City Municipal Code. No new electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. A sign permit is required for any future signage; and,
2.	The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with a liquor store for the property. The on-sale use shall be allowed for wine samplings. Any change in use that is a permitted use in the General Commercial District shall require a building permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.