



Rapid City Planning Commission

Planned Development Project Report

August 6, 2015

Applicant Request(s)
Case # 15UR016, a Conditional Use Permit to allow a microbrewery as a conditional use in the General Commercial District
Companion Case(s) #: 15ZE004, a Zoning Exception to reduce the required amount of parking on the site from 53 to 48.

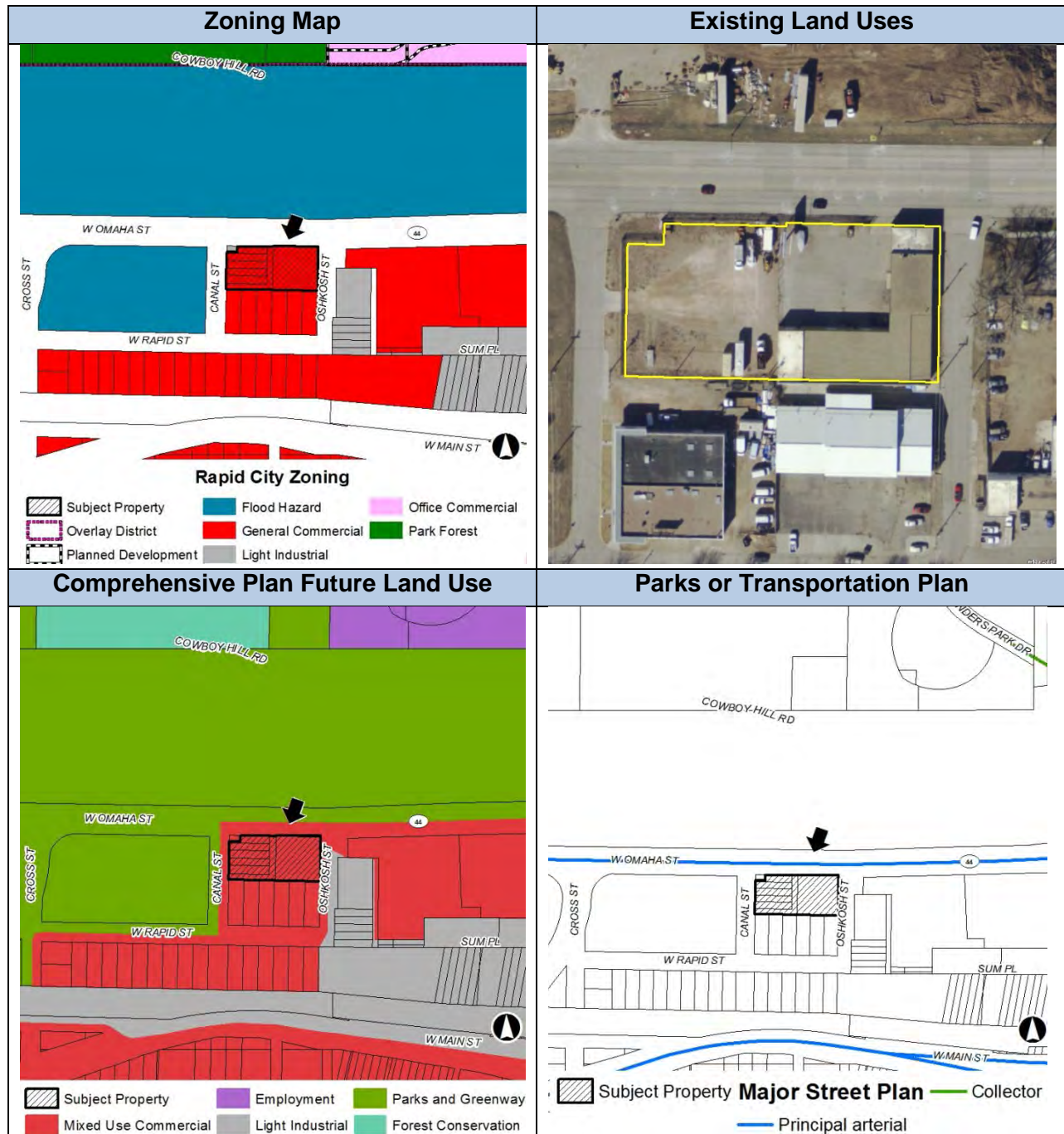
Development Review Team Recommendation(s)
The Development Review Team recommends approval with stipulations as noted below.

Project Summary Brief
The applicant is requesting a Conditional Use Permit to allow a microbrewery as a conditional use in the General Commercial District. Submitted plans show that approximately 2,690 square feet of the existing retail center located at 1410 West Omaha Street is being proposed for use as a microbrewery with production facilities and a tasting room. A microbrewery is a conditional use in the General Commercial District.

Applicant Information	Development Review Team Contacts
Applicant: Lost Cabin Beer Company	Planner: Robert Laroco
Property Owner: M Hill Business Plaza, LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Janet Kaiser
Surveyor: Kennedy Design Group, Inc.	Water/Sewer: Dan Kools
Other:	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	1410 West Omaha Street, southeast of the intersection of Canal Street and West Omaha Street
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Gateway Subdivision
Land Area	1.01 acres (approximately 43,996 square feet)
Existing Buildings	Existing commercial/retail/service center
Topography	Level
Access	Omaha Street, Canal Street, Oshkosh Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	100 Year, 500 Year Federally Designated Floodplains
Other	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Commercial/retail/service center
Adjacent North	FH	PG	Hanson-Larson Memorial Park
Adjacent South	GC	MUC	Retail/repair/services center
Adjacent East	LI, GC	LI, MUC	Retail/repair/services center
Adjacent West	FHD	PG	Park/green space



Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	No Minimum required	1.01 ac (approximately 43996 sq ft)	
Lot Frontage	No Minimum required	450 ft	
Maximum Building Heights	4 stories, < 45 ft	1 story, < 45 ft	
Maximum Density	75%	Approximately 24%	
Minimum Building Setback:			
• Front	25 ft	0 ft (legally nonconforming)	
• Rear	0 ft	0 ft	
• Side	N/A	N/A	
• Street Side	25 ft	0 ft (legally conconforming)	
Minimum Landscape Requirements:			
• # of landscape points	22,290 points (per previous permits)	22,290 points (by previous permit)	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	52	48	
• # of ADA spaces	3 ADA, 1 van accessible	2 ADA, 1 van accessible	
Signage	Pursuant to RCMC	Pursuant to RCMC	
Fencing	Pursuant to RCMC	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.18.030.31 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a microbrewery;	
	Findings
1. A microbrewery is defined as an establishment which manufactures less than 5,000 barrels of malt beverages a year.	The applicant submitted operations plan notes that the facility will have an initial capacity of 1,000 barrels a year.
2. A malt beverage license required by SDCL 35-4-2-(14) must be obtained. A City liquor license must be obtained if the applicant is selling product for consumption directly to the public.	The applicant is working with the City Finance office to secure all required licensing prior to initiation of the use on the property. Prior to initiation of the use on the property. All state and local licensing requirements must be met.
3. Accessory uses to a microbrewery include, but are not limited to, selling of food, operation of restaurant, and/or selling of products associated with the microbrewery or manufacture of beer.	The applicant's submitted operations plan notes the sale of prepackaged foods, requiring no previous preparation, is proposed as a part of this microbrewery. Growlers are being offered for sale of package, or off-sale malt beverage.

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 in a request for an on-sale liquor establishment;	
	Findings
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.	Hanson-Larson Memorial Park is located across Omaha Street to the north of the property. However, Omaha Street is a principal arterial street on the City's Major Street Plan. Commercial uses should be concentrated adjacent to arterial streets in the City. In addition, Omaha Street will sever as a natural buffer between the proposed on-sale liquor establishment and the park. The Planning Commission has previously determined that the General Commercial District is the appropriate zoning district for on-sale liquor establishments, especially in conjunction with other uses. The tasting room proposed as a part of the microbrewery is limited in size and is accessory to the primary microbrewery use. It appears that the proposed on-sale liquor establishment will not have an adverse impact on the adjacent park.
2. The requested use is sufficiently buffered with respect to residential areas so as not to adversely affect the areas.	There are no residentially zoned properties located within 500 feet of the subject property.
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.	There are not other on-sale liquor establishments located within 500 feet of the subject property.
4. The proposed use complies with the standards of 5.12.140 and 17.54.030 of this code.	The proposed microbrewery complies with all the requirements of the Rapid City Municipal Code as noted below.





Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.54.030.E of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Conditional Use Permit:	
	Findings
1. The location, character, and natural features of the property;	The property is generally flat, and fully developed with an existing commercial structure and parking. The existing structure is legally non-conforming with regards to setbacks. No expansions or additions of the structure are being proposed. The structure remains legally non-conforming with regard to setbacks. However, the applicant should note that if expansions or alterations of the existing structure are proposed in the future, the property must be brought into compliance with the requirements of the Rapid City Municipal Code.
2. The location, character, and design of	The properties to the east and south are developed with a variety of commercial and light industrial uses. Property to the north and west




adjacent buildings;	is currently developed with parks and green space.
3. Proposed fencing, screening, and landscaping;	No additional fencing, screening, or landscaping is being proposed as a part of this Conditional Use Permit.
4. Proposed vegetations, topography, and natural drainage;	No additional planting, grading, or drainage improvements are being proposed as a part of this Conditional Use Permit.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;	<p>One of the existing suites in the structure is the location of Black Hills Bicycles. Pedestrian access is located along Canal Street located on the west side of the property. There are no sidewalks located adjacent to Omaha Street on the north or Oshkosh Street located to the east of the property. The applicant should note that prior to issuance of a building permit, plans must be submitted showing that the required sidewalks are being provided along Omaha Street and Oshkosh Street, or an Exception waiving the requirement to install sidewalk must be obtain from the Rapid City Council.</p> <p>Submitted plans show that a minimum of 53 parking space are required for all existing and proposed uses on the property. The parking lot currently provides a total of 48 parking spaces. The applicant has submitted and obtained a Zoning Exception to reduce the required amount of off-street parking on the property from 53 spaces to 48 spaces, an approximate 9.4 percent reduction in the required parking. As such, it appears all parking meets the requirements of the Rapid City Municipal Code. The applicant should note that if future uses on the property resulting in an increase in the required amount of off-street parking, an Amendment to the Conditional Use Permit may be required.</p>
6. Existing traffic and traffic to be generated by the proposed use;	Transportation Planning staff has noted that the proposed use will generate approximately 31 peak hour trips per weekday. A Traffic Impact Study is not required. Omaha Street is identified as a principal arterial street on the City's Major Street Plan, capable of accommodating residential, commercial, and industrial traffic.
7. Proposed signs and lighting;	The applicant is proposing two signs. The first a four foot by eight foot wall sign located on the building. The second is a "pedestrian-level sign measuring two foot by two foot located above the main entrance to the suite. All signage appears to comply with the requirements of the Rapid City Municipal Code.
8. The availability of public utilities and services;	Public Works staff has noted that there is an existing private sewer line located in Oshkosh Street. Staff has also noted that agreements have been recorded holding the City harmless in the event that the private sewer line should fail. In addition, Public Works staff has noted that the private sewer line is scheduled for replacement in the next five years.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;	The Comprehensive Plan shows this property as appropriate for Mixed Use Commercial development. In addition, Omaha Street is noted as primary arterial street on the City's Major Street Plan. Commercial uses should be located along arterial streets and the Mixed Use Commercial land use designation supports the variety of commercial uses proposed for the property. The proposed microbrewery is consistent with the Comprehensive Plan and the purpose of the Ordinance.
10. The overall density,	As previously noted, the structures on the property are legally non-

yard, height, and other requirements of the zone in which it is located;	conforming with regard to the front yard setbacks required along Omaha Street and Oshkosh Street. All other density and height requirements are currently being 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;	The applicant is not proposing to include any outdoor seating as a part of this Conditional Use Permit. The property is located adjacent to a principal arterial street and is not adjacent to any residential districts. In the past, the Planning Commission has noted that the General Commercial District is the appropriate zoning district for on-sale liquor establishment uses. The applicant is proposing the sale and service of beer only, and is not proposing a full service liquor establishment. It does not appear that the proposed use will create any undue noise, odor, smoke, dust, air, or water pollution as a part of this Conditional Use Permit
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.	The Conditional Use Permit is the tool by which the microbrewery use on the property is reviewed and to ensure that any potential adverse impacts are being mitigated to the greatest extent possible. It does not appear that the proposed use will have a negative impact on the neighborhood, on traffic, or on any residential districts. As such, staff recommends that the request for a Conditional Use Permit to allow a microbrewery as a conditional use on the property be approved.

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-3.1A	Balanced Uses: The proposed microbrewery adds to the diversity of commercial uses introduced into the City. The property is located at a redeveloping commercial area accessible by the City's trail and park system and located on a principal arterial street.
 A Vibrant, Livable Community	
LC-3.1C	Compatible Infill and Redevelopment: The proposed microbrewery is an adaptive reuse of an existing building in an established commercial and industrial neighborhood. The area has recently been undergoing redevelopment.
 A Safe, Healthy, Inclusive, and Skilled Community	
N/A	N/A
 Efficient Transportation and Infrastructure Systems	
TI-2.1A	Major Street Plan Integration: The proposed development is located adjacent to Omaha Street, an identified principal arterial street on the City's Major Street Plan. Commercial uses should be concentrated along arterial streets. The proposed development is in compliance with the goals of the Comprehensive Plan by establishing a commercial use along a redeveloping commercial corridor.

 Economic Stability and Growth	
EC-1.3A	Local Business Support: The submitted materials identify that the microbrewery will be owned and operated by Lost Cabin Beer Company, a local business.
 Outstanding Recreational and Cultural Opportunities	
N/A	N/A
 Responsive, Accessible, and Effective Governance	
GOV-2.1A	<u>Public Input Opportunities:</u> The Conditional Use Permit requires notification of surrounding property owners and posting of a sign on the property. These notification requirements allow public input into the proposed development. As of this writing, there have been no inquiries into the requested Conditional Use Permit.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Mixed Use Commercial
Design Standards:	
GDP-MU1:	<u>Relationship of Uses:</u> The proposed microbrewery is located along a principal arterial street on the City's Major Street Plan, adjacent to Hanson-Larson Memorial Park, a major public space and a part of the Rapid City Greenway Tracts and the bicycle/pedestrian trails system. Activity-generating uses such as the proposed microbrewery should be concentrated in areas with high levels of visibility and accessibility.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown/Skyline Drive Neighborhood
Neighborhood Goal/Policy:	
DSD-NA1.1C	<u>Mixed-Use Development:</u> The proposed microbrewery encourages the adaptive reuse of an existing structure for a new commercial uses along a primary corridor of the City and near the Central Business District.

The Development Review Team Recommends that the request for a Conditional Use Permit be approved for the following reasons:	
•	The proposed microbrewery will meet all requirements for a microbrewery identified in Chapter 17.18.030.31 of the Rapid City Municipal Code.
•	The proposed microbrewery will meet all requirements for an on-sale liquor establishment identified in Chapter 17.50.185 of the Rapid City Municipal Code.
•	The proposed microbrewery meets all the requirements for a conditional use as identified in Chapter 17.54.030.E of the Rapid City Municipal Code.
•	The proposed microbrewery is an adaptive reuse of an existing commercial structure located in a redeveloping commercial corridor.
•	The proposed microbrewery is an activity-generating use located adjacent to a major commercial corridor as well as close proximity to a public space with connectivity to the local bicycle/pedestrian trail network.
•	Omaha Street serves as a natural buffer between the proposed on-sale liquor establishment and Hanson-Larson Memorial Park located north of Omaha Street.
•	The General Commercial District has been viewed as the appropriate zoning district for an on-sale liquor establishment, especially when operated in conjunction with other uses.

•	Potential negative impacts of the proposed on-sale liquor establishment are mitigated by the location of the establishment in a commercial/industrial neighborhood as well as the limited size and scale of the proposed facility.
•	The Conditional Use Permit is in support of local business.

Staff recommends that the requested Conditional Use Permit to allow a microbrewery in the General Commercial District be approved with the following stipulations.

1.	Prior to issuance of a building permit, plans shall be submitted showing that the areas of construction are located outside the 100 Year Federally Designated Floodplain. If any proposed construction is located within the 100 Year Federally Designated Floodplain, a Floodplain Development Permit shall be obtained.
2.	Prior to issuance of a building permit, revised plans shall be submitted showing that one additional handicap accessible parking space is being provided. In addition, revised plans shall verify the design and location of the PIV valve.
3.	Prior to issuance of a certificate of completion, all municipal, state, and federal licensing requirements shall be met. Copies of all required licensing shall be submitted to Community Planning and Development Services.
4.	This Conditional Use Permit shall allow for the development of a microbrewery in the General Commercial District. All requirements of the General Commercial District shall be continually maintained. All uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require a Major Amendment to the Conditional Use Permit.