

STAFF REPORT
January 10, 2013

No. 12PD038 - Major Amendment to a Planned Development to Allow On-Sale Liquor Establishment **ITEM 6**

GENERAL INFORMATION:

APPLICANT	Cadpar LLC, dba Sólace
PROPERTY OWNER	Autumn Hills Properties, LLC
REQUEST	No. 12PD038 - Major Amendment to a Planned Development to an Allow On-Sale Liquor Establishment
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 1 of Stoney Creek South Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.5 acres
LOCATION	5734 Sheridan Lake Road, Suite 204
EXISTING ZONING	General Commercial (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial (Planned Development)
South:	General Commercial (Planned Development)
East:	Low Density Residential (Planned Development)
West:	Low Density Residential
PUBLIC UTILITIES	Rapid city water and sewer
DATE OF APPLICATION	November 13, 2012
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to allow an On-Sale Liquor Establishment be approved with the following stipulations:

1. The on-sale liquor use shall be operated in conjunction with a fitness center operated by Cadpar, LLC as outlined in the approved operations plans. Any change in ownership of the on-sale liquor establishment shall require a Major Amendment to the Planned Development;
2. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to Occupancy;
3. A minimum of 165 parking spaces shall be provided. Six of those spaces shall be handicap accessible with one of the handicap accessible with one of those spaces being

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- “van accessible”. All provisions of the Rapid City Parking Ordinance shall be continually maintained;
4. A minimum of 104,035 landscaping points shall continue to be provided as shown on the landscaping plans approved by City Council on September 2, 2008. All landscaping shall be maintained in a live, vegetative state and replaced as required in compliance with the City’s adopted Landscaping Ordinance;
 5. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-ways and not be a hazard to the passing motorist or constitute a nuisance of any kind;
 6. Advertising specific to the proposed on-sale liquor use at Sólace shall not be permitted. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. Changes to the approved sign package which the Director of Community Planning and Development Services determines is consistent with the original approved sign package may be allowed as a Minimal Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Development. The addition of electronic signage, or signage which does not comply with Chapter 15.28 of the Rapid City Municipal Code requiring the review and approval of the Sign Code Board of Appeals, shall require a Major Amendment to the Planned Development. A sign permit shall be required for each sign;
 7. All applicable provisions of the most recently adopted International Fire Code shall be continually met;
 8. All provisions of the General Commercial District shall be met unless specifically authorized as a stipulation of the original Planned Development or a subsequent Major Amendment to the Planned Development;
 9. This Major Amendment to the Planned Development shall allow for an on-sale liquor establishment to be operated in conjunction with a fitness center by Cadpar, LLC. Changes in the operation of the fitness center which comply with the Rapid City Municipal Code shall be permitted. Changes to the on-sale liquor portion of the establishment shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a Major Amendment to the Planned Development to allow an on-sale liquor establishment. In particular, the applicant is proposed to sell beer and wine as part of the services provided at the Sólace fitness club in the Stoney Creek South commercial development. Sólace is located within one suite of a strip mall development that includes two other establishments with approved on-sale liquor uses in conjunction with full service restaurants (File #09PD014). The applicant is proposing a new on-sale liquor use for the location and as such, has submitted this Major Amendment.

The property is located at 5734 Sheridan Lake Road and is developed as the Stoney Creek South commercial development comprised of two structures developed as strip malls on two lots.

STAFF REVIEW: Staff has reviewed the requested Major Amendment to allow an on-sale liquor establishment pursuant to Chapters 17.50.185 and 17.54.030 of the Rapid City Municipal Code and has noted the following considerations:

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On-sale Liquor Establishment: Pursuant to Chapter 17.50.185, an on-sale liquor establishment must be issued if:

The requested use will not adversely affect the use of any placed used for religious worship, school, park, playground or similar use within a 500-foot radius:

The nearest place of religious worship to the proposed use is located approximately 1,200 feet to the north, at the Calvary Lutheran Church located at 5311 Sheridan Lake Road. A playground that is part of the Stoney Creek Highlands apartment complex is located approximately 1,200 feet east of the location. There are no additional places of religious worship, schools, parks, playgrounds, or other similar uses in the area. In addition, there are two on-sale liquor establishments operating in conjunction with full-service restaurants that are currently located within the strip mall development. The existing commercial development is part of a developing commercial node serving that area of the City. It appears the proposed on-sale use will not adversely affect area places of religious worship, schools, parks, playgrounds, or other similar uses.

The requested use is sufficiently buffered with respected to residential areas so as not to adversely affect the areas:

Sheridan Lake Road and Catron Boulevard are both identified as principal arterial streets on the City's adopted Major Street Plan and provide a natural buffer between the commercial development on the east side of Sheridan Lake Road and the residential uses on the west side of Sheridan Lake Road. Additional commercial development, a major drainage easement, and topography provide a buffer between existing commercial development and the multi-family housing located to the east of this development. Commercial development also extends east along Catron Boulevard and provides a buffer to the residential development north of Catron Boulevard. Property to the south of the development is zoned General Commercial District, and is developed with professional offices. It appears the requested use is sufficiently buffered with respect to neighboring residential areas.

The proposed use will note create an undue concentration of similar uses, so as to cause blight, deterioration, or substantially diminish or impair property values:

Currently, there are two on-sale liquor establishments operating in conjunction with full service restaurants located within the existing commercial development. The on-sale liquor use as proposed at Sólace is supplementary to the primary fitness club use, and the proposed service area will only comprise approximately 150 square feet of the business. According to the letter of intent submitted by the applicant, the sale of alcohol will accompany specific classes such as "Couples Yoga and Wine" or "Bikes and Beer". In addition, the applicant has indicated that the business will operate between the hours of 5 am and 9 pm, though not necessarily be open during that entire time frame. The proposed on-sale use will not occur past 9 pm. Based on the fact that the primary purpose of the establishment is not the on-sale use, and that the service area and operational time are limited, it does not appear that the proposed use causes an undue concentration of similar uses in the neighborhood. Staff recommends that the fitness center with on-sale liquor be operated in compliance with the operations plan submitted by Cadpar, LLC. Changes to the

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operation of the fitness center which comply with the requirements of the Rapid City Municipal Code will be permitted. A change in the operation of the on-sale liquor establishment or a change in ownership of the on-sale liquor establishment will require a Major Amendment to the Planned Development.

The proposed use complies with the standards of Rapid City Municipal Code Chapter 17.54.030. The requirements of Chapter 17.54.030 are as follows:

The location, character, and natural features of the property;

The suite of the existing fitness club is part of a shopping center located on property zoned General Commercial District. A fitness club is a permitted use in the General Commercial District. The submitted site plan shows that the proposed on-sale use is limited to one 10 foot by 15 foot area in the suite. The balance of the suite will be used as a fitness club, including space for "hot" yoga, "cold" yoga, and spin classes. A major drainage easement buffers the commercial use on the east, and Sheridan Lake Road buffers the commercial development to the west. Commercial development has recently been expanding in the area.

The location, character, and design of adjacent buildings;

Sheridan Lake Road to the west of the property is classified as a principal arterial on the City's Major Street Plan and serves to separate the residential development to the west and the commercial development to the east. Property to the east of the development is zoned Low Density Residential District with a Planned Development and is currently developing with townhomes. A major drainage easement approximately 200 feet wide provides a natural buffer between the residential uses to the east and the commercial development to the west. Commercial development continues to the north and south along Sheridan Lake Road and is developing to the east along Catron Boulevard.

Proposed fencing, screening, and landscaping;

The landscaping approved by City Council on September 2, 2008 shows a minimum of 104,035 landscaping points are required for the development currently existing on the property. During review of the previous Major Amendment to the Planned Development (File #09PD014), it was determined that the landscaping installed on-site did not comply with the approved landscaping plans. The applicant was required to install the landscaping as required or post surety for the required landscaping. The required landscaping has since been installed and the landscaping meets the requirements of the approved plans. The existing commercial development is fully constructed and no additional fencing, screening, and landscaping is being proposed as a part of this Major Amendment. No additional landscaping is required for the proposed use. Staff recommends a minimum of 104,035 landscaping points continue to be provided as shown on the landscaping plans approved by City Council on September 2, 2008. All landscaping must be maintained in a live vegetative state and replaced as required by the City's Adopted Landscaping Ordinance.

Proposed vegetations, topography, and natural drainage;

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The existing commercial development is fully constructed and no additional landscaping, grading, or impervious surfaces are being proposed as a part of the Major Amendment. Public works staff has noted there are no issues with site drainage or grading.

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

Sidewalks for the on-site circulation of pedestrian traffic have been provided. In addition, the property is connected to residential development to the east via a trail system crossing the existing major drainage easement.

The existing off-street parking provides 165 spaces and is sufficient to meet the parking needs of existing uses and the on-sale liquor use proposed with this Major Amendment. However, the applicant should note that if future additional uses are proposed for the development the existing parking will not be sufficient for all the uses on the property. A Major Amendment to the Planned Development will be required to reduce the required off-street parking. Staff recommends a minimum of 165 parking spaces be provided as shown on the approved site plan. A minimum of 6 of those spaces must be handicap accessible. One of those handicap accessible spaces must be "van accessible". All parking must comply with the requirements of the Rapid City Parking Ordinance.

Existing traffic and traffic to be generated by the proposed use;

The primary use of the location will continue to be a fitness club. The proposed on-sale liquor use will not increase the capacity of the existing fitness club. In addition, the on-sale liquor use is only being provided to customers of the fitness club and, as such, the proposed use will not create additional traffic. Sheridan Lake Road and Catron Boulevard are both classified as principal arterials on the City's Major Street Plan and are designed to handle the capacity of the residential and commercial uses in the area.

Proposed signs and lighting;

The existing signage for the Sólace fitness club is not proposed to change or expand. The applicant has indicated that the on-sale liquor use is not being advertised on existing or proposed signage. As such, staff recommends that advertising specific to the proposed on-sale liquor use at Sólace not be permitted. All signage must comply with Chapter 15.28 of the Rapid City Municipal Code. No electronic signage is being approved with approval of this Major Amendment to the Planned Development. Any proposed signage that does not comply with Chapter 15.28 of the Rapid City Municipal Code or any electronic signage will require a Major Amendment to the Planned Development. A sign permit is required for each individual sign.

The availability of public utilities and services;

The existing commercial development is serviced by Rapid City water and sewer. Public Works staff has noted the proposed on-sale liquor use will not create an increase in the

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demand on public utilities.

The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;

The City's adopted Future Land Use Plan shows that this area is appropriate for commercial development. Commercial development in the area continues to expand.

The effect of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks, and orientation;

The proposed on-sale liquor use will not create additional noise, odor, smoke, dust, air and water pollution. Additional clarifiers, screening, setbacks or changes in orientation are not required.

The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses;

This Major Amendment to the Planned Development will serve as the tool to mitigate any probable adverse impacts of the proposed use on existing adjacent uses.

Summary: The proposed on-sale liquor use is supplementary to the existing permitted fitness club on the property. The hours of operation, limited size of the service area, and the nature of the on-sale liquor use as accessory to the primary use should mitigate any adverse affects of this use on the surrounding area. The proposed use is sufficiently buffered from area residential uses, places of worship, schools, parks, playgrounds, or other similar uses. The proposed uses will not create an increase in the traffic or parking demands of the area and the capacity of the existing fitness club will not increase. The use is appropriate for the commercial nature of the development. Based on these reasons, staff recommends the request for a Major Amendment to allow an on-sale liquor establishment in conjunction with a yoga studio be approved with the stipulations outlined above.

Notification Requirements: As of this writing, the sign has not been posted on the property and the white cards and green receipts required as proof of the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the January 10, 2013 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into the requested Major Amendment to the Planned Development.