

STAFF REPORT
May 22, 2014

No. 14UR012 - Conditional Use Permit to allow an on-sale alcohol establishment in conjunction with a salon **ITEM 6**

GENERAL INFORMATION:

APPLICANT	Lori Eggersgluess - Mystic LLC
AGENT	Kent Kennedy - Kennedy Design Group, Inc.
PROPERTY OWNER	Hilton Development Corp
REQUEST	No. 14UR012 - Conditional Use Permit to allow an on-sale alcohol establishment in conjunction with a salon
EXISTING LEGAL DESCRIPTION	Parcel 1, a portion of Lots 17 thru 24, Parcel 2 of Lots 17 thru 24 and the S1/2 of vacated alley north of and adjacent, Parcel 3 and the S1/2 vacated alley north and adjacent less the south 67 feet and the south 50 feet of Lots 25 thru 27 and the 17 feet of the railroad right-of-way, Block 63 of the Original Town of Rapid City, all located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.234 acres
LOCATION	318 Mount Rushmore Road, Suite E
EXISTING ZONING	General Commercial District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	April 24, 2014
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale alcohol establishment in conjunction with a salon be approved with the following stipulations:

1. A minimum of 66 parking spaces shall continually be provided. Three of the parking

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- spaces shall be handicap accessible. One of the handicap spaces shall be “van accessible.” All provisions of the Off-Street Parking Ordinance shall be continually met;
2. All provisions of the General Commercial District shall be met;
 3. All outdoor lighting shall 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 passing motorist or constitute a nuisance of any kind;
 4. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment. 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 all signs. In addition, signs located in the Rapid City Fruit Company and Milwaukee Road Freight House historic district shall require the review of the Historic Sign Review Committee;
 5. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 6. The Conditional Use Permit shall allow for an on-sale liquor establishment operated in conjunction with a salon with 11 work stations. Any expansion to the on-sale liquor establishment shall require a Major Amendment. Any change in use that is a permitted use in the General Commercial District and is in compliance with the Parking Ordinance shall require the review and approval of 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.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon. In particular, the applicant is proposing to serve beer and wine to customers of “Mystique Edge” salon. A Building Permit was recently issued to allow a salon with a maximum of 11 work stations.

The property is located on the northeast corner of the intersection of Mount Rushmore Road and Apolda Street. Currently, a one story commercial structure is located on the property. The occupants include the Mystique Edge Salon, The Eyeglass Studio, Beads, an insurance office, an attorneys office and a wellness center.

STAFF REVIEW:

Staff has reviewed the Conditional Use Permit application with respect to the four criteria for On-sale liquor establishments identified in Chapter 17.50.185 of the Rapid City Municipal Code 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, playgrounds or places of worship located within a 500 foot radius of the subject property. Founders Park is located approximately 300 feet north of the property and the north side of Omaha Street. The request is not anticipated to have any “adverse affect” on any place used for religious worship, school, park or playground.

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2. *The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.*

The subject property is currently zoned General Commercial District and is located along Mount Rushmore Road which is identified as a principal arterial on the City's Major Street Plan. The properties to the north, south, east and west are zoned General Commercial District. The property is located within a commercial corridor that extends along Mount Rushmore Road and Omaha Street which is located to the north.

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 several on-sale liquor establishments located within the area of the subject property. Located immediately adjacent to the property to the southeast is “Sports Rock”. Located on the property to the northeast across 7th Street is “Sanford’s”. Located approximately 130 feet to the southwest is the “Adoba Eco” hotel where the “445 Lounge” and “Enigma” are located. Mount Rushmore Road is identified as a principal arterial street on the City’s Major Street Plan. Staff does not find this request to allow an on-sale liquor establishment to constitute an undue concentration that would cause blight or deterioration or diminish land values in the surrounding area since it is being operated in conjunction with a salon.

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 northeast corner of the intersection of Mount Rushmore Road and Apolda Street. Currently, a one story commercial structure is located on the property. The occupants include the Mystique Edge Salon, The Eyeglass Studio, Beads, an insurance office, an attorneys office and a wellness center.

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

To the north of the subject property is a one-story commercial strip mall. To the west of the subject property is “Family Thrift”. Located to the south of the subject property is a two story office building. Located directly to the southeast is a three-story commercial building. Across 7th Street to the east are one-story commercial structures.

3. *Proposed fencing, screening and landscaping:*

The existing and proposed uses do not require that a screening fence be provided. The property is legally non-conforming to landscaping. The applicant should be aware that any future expansion or redevelopment of the property will require that the landscaping be brought into compliance with the Landscape Regulations as per Chapter 17.50.300 of

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the Rapid City Municipal Code.

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:*

Vehicular access is off of Mount Rushmore Road and Apolda Street. A curbside sidewalk is located along Mount Rushmore Road and 7th Street providing pedestrian access. The Building Permit was recently approved for "Mystique Edge" to move into this property. The salon was approved for a total of 11 work stations. The combined uses on the property require that a minimum of 66 parking spaces be provided. There are currently 54 parking stalls with three handicapped accessible stalls. In addition, the "Mystique Edge" leases 12 additional parking stalls on the City parking lot located within 300 feet of the property. The parking is in compliance with the Zoning Ordinance.

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

It appears that the on-sale liquor use in conjunction with a salon will increase traffic minimally.

7. *Proposed signs and lighting:*

The applicant is proposing to add signage to the existing pole sign located along Mount Rushmore Road. In addition, the applicant is proposing to construct two wall signs measuring 4 feet by 13 feet and 4 feet by 19 feet. It appears that the proposed signage is in compliance with the Sign Code. A Sign Permit must be obtained for each sign. The applicant should be aware that the east side of the property is located in the Rapid City Fruit Company and Milwaukee Road Freight Company historic districts and future signage located on that side of the building may require review by the Historic Sign Review Committee. However, no signage is being proposed with this application for the east side of the building.

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 intended to be used for commercial uses. The proposed on-sale liquor establishment requires a Conditional Use Permit. One of the goals of the Comprehensive Plan as identified in the Future Land Use Plan Overview adopted in 2008 is to provide a variety of centers for community activities and employment that meet the needs of residents and are integrated into the fabric of the community. The

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objective of the adopted Comprehensive Plan is to encourage retail establishments and businesses that are convenient to neighborhood residents, yet compatible with but not intrusive upon residential neighborhoods. Additionally, the objective of the adopted Comprehensive Plan is to insure that there is sufficient separation of conflicting uses. Founders Park is located on the north side and Omaha Street. The property is located in a commercial corridor along Mount Rushmore Road and Omaha Street. In addition, the property is located just to the north of the Central Business District. It appears that the property is sufficiently buffered from any conflicting uses.

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

The existing development on the property is legal non-conforming to the minimum setback requirements. The applicant should be aware that any expansion or redevelopment of the property must be in compliance with the density, yard, height and other requirements of the General Commercial District. All provisions of the General Commercial District must be met.

The on-sale liquor establishment is a conditional use in the General Commercial Zoning District. The Conditional Use Permit will allow for an on-sale liquor establishment operated in conjunction with a salon with 11 work stations. Any expansion to the on-sale liquor establishment will require a Major Amendment. Any change in use that is a permitted use in the General Commercial District and is in compliance with the Parking Ordinance will require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Commercial District will require the review and approval of a Major Amendment.

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 on-sale use in conjunction with a salon will have a negative 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 of the Conditional Use Permit will serve as a tool to ensure that the structure is fire sprinkler protected and that the parking and signage are in compliance with the Zoning Ordinance.

Fire Department: The Rapid City Fire Department has indicated that the salon suite is fire sprinkler protected and that the property owner is continuing to work with the Rapid City Fire Department to protect the entire structure. All applicable provisions of the adopted International Fire Code must continually be met.

Notification: The mailings have been returned to Community Planning and Development

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Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the May 22, 2014 Planning Commission meeting if this requirement has been met.