

STAFF REPORT

April 5, 2001

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**No. 00UR011 - Major Amendment to a Use on Review to allow an on-sale liquor establishment**      **ITEM 30**

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GENERAL INFORMATION:

PETITIONER	Stacey Sharp for Casa Del Rey-Rapid City, Inc.
REQUEST	<b>No. 00UR011 - Major Amendment to a Use on Review to allow an on-sale liquor establishment</b>
LEGAL DESCRIPTION	Lots 14-16 and 1/2 vacated alley, Block 5, South Boulevard Addition, Section 12, T1N, R7E; Lots 1-5 and 1/2 vacated alley, Block 1, St. Elmo #2; Lots 6-10 less Lot H-1, Block 1, St. Elmo #2; Lots 17-19 and 1/2 vacated alley, Block 5, South Boulevard Addition, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.27 Acres
LOCATION	1902 Mount Rushmore Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Major Amendment to a Use on Review to allow an on-sale liquor establishment be approved with the following stipulations:

Engineering Division Recommendations:

1. That a minimum of ten portable chemical toilets be provided for use by patrons of the Cinco De Mayo Event;

Fire Department Recommendations:

2. Prior to issuance of a Temporary Use Permit, the applicant shall provide a Tent Inspection Checklist and Tent Inspection Plan Review to the Fire Department for their review and approval;

Building Inspection Division Recommendations:

3. The applicant shall obtain a Temporary Use Permit;

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4. The applicant shall comply with all provisions of Uniform Fire Code Article 32 which will be attached to the Temporary Use Permit;
5. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event;

Urban Planning Division Recommendations:

6. Prior to City Council approval, the petitioner shall submit parking lease agreements for review and approval by the City Attorney's office;
7. That the outdoor event shall cease no later than 11:00 p.m.; and,
8. That the Major Amendment to the Use on Review be approved only for May 5, 2001 and any additional outdoor events will require an additional Major Amendment to the Use on Review.

GENERAL COMMENTS: The Casa Del Rey is proposing to host an outdoor Cinco De Mayo event on May 5, 2001 similar to the event that was approved for May 5, 2000. The request includes fencing a 60 foot by 116 foot portion of the parking lot and erecting a stage and a 10 foot by 12 foot tent. Entertainment, food and liquor will be provided within the fenced area as part of the Cinco De Mayo celebration. The Major Amendment to the Use on Review that was approved last year stipulated the following: that the applicant must obtain a Temporary Use Permit, provide a detailed site plan regarding the size and location of the tents and stage, provide a Tent Inspection Checklist and Plan Review to the Fire Department, secure parking lease agreements with adjacent property owners to provide required parking stalls for this additional use, that the outdoor event shall cease no later than 11:00 p.m. and that the Major Amendment be approved only for May 5, 2000.

STAFF REVIEW: Staff has reviewed the request and noted the following considerations:

**Fire Safety:** The Fire Department has reviewed the proposal and requested that the applicant complete and submit for approval an Inspection Plan Review and Inspection Checklist prior to issuance of a Temporary Use Permit. The Fire Department also noted that the applicant must continually maintain access for Fire Department apparatus to all buildings, tents and fire hydrants.

**Parking:** The applicant is proposing to locate the event area within the existing parking lot. The fenced event area will eliminate 13 of the 89 existing parking stalls. Seventy three (73) parking stalls are required for the existing restaurant and the proposed 6,960 square foot outdoor event area will require an additional 70 parking stalls. Staff is requesting that the applicant secure parking lease agreements with adjacent property owners to ensure that 67 additional parking spaces within 300 feet of the Casa Del Rey will be available for use by patrons of the Cinco De Mayo celebration. Prior to City Council approval, the agreements must be submitted for review by the City Attorney's office.

**Noise Issues:** The Rapid City Police Department received one call for service during the previous event. The call related to a loud music complaint. Additionally, following last year's event staff received comments regarding the beer garden fence being removed and

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alcoholic beverages being consumed in the parking area during the event. The Police Department could not confirm that report. However, because of the noise complaint and the unsubstantiated reports regarding the fencing, Staff recommends that the event be approved for a one year period. If no additional issues are raised during this year's event, staff will recommend approval be granted for a three year period.

The required Use on Review sign has been posted on the property and the applicant has returned the receipts from the certified mailing. Staff has not received any telephone inquiries regarding this request.