

STAFF REPORT

June 7, 2001

No. 01UR023 - Major Amendment to a Use On Review for an on-sale liquor establishment to allow temporary outdoor seating

ITEM 42

GENERAL INFORMATION:

PETITIONER	Chris Larson for Outback Steakhouse
REQUEST	No. 01UR023 - Major Amendment to a Use On Review for an on-sale liquor establishment to allow temporary outdoor seating
LEGAL DESCRIPTION	Lot 2 of Tract E of Marshall Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.21 Acres
LOCATION	665 East Disk Drive
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 private sewer
REPORT BY	Lisa Seaman

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

Engineering Division Recommendations:

1. Prior to issuance of a Temporary Use Permit, the applicant shall verify that the capacity of the existing lift station is adequate to handle the increased hydraulic loading or provide portable chemical toilets;

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;
3. That all outdoor cooking facilities shall have proper protection as required by the Rapid City Fire and Mechanical Code;
4. Prior to initiation of the outdoor event, an on-site inspection shall be completed by the Fire Department;

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Building Inspection Department Recommendations:

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

Urban Planning Division Recommendations:

7. That the outdoor event shall cease no later than 10:00 p.m.;
8. That the Major Amendment to the Use on Review be approved only for August 2, 2001 through August 7, 2001 and any additional outdoor events shall require an additional Major Amendment to the Use on Review;
9. That an on-site inspection shall be conducted following the event to ensure that the landscaping requirements are continually met;
10. That the use shall be restricted to the fenced area;
11. That the applicant shall provide security to check identification of patrons entering the fenced area and to ensure that the consumption of alcoholic beverages occurs only within the fenced area;
12. Prior to City Council approval, the two trees included on the approved landscaping plan shall be installed or surety in the amount necessary to complete the installation shall be posted; and,
13. Prior to City Council approval, a revised site plan shall be submitted identifying the location of the tent outside of the required front yard setback.

GENERAL COMMENTS: The Outback restaurant is proposing to provide outdoor seating from August 2, 2001 through August 7, 2001. The site plan submitted by the applicant indicates that a 2100 square foot area in the front of the restaurant will be fenced and a 10 foot by 10 foot tent will be erected for the preparation of food. Food and liquor will be served from 12:00 p.m. to 10:00 p.m. within the fenced area. The applicant has noted that additional security will be provided to check identification of patrons and ensure that the consumption of alcoholic beverages occurs only within the fenced area. A Use on Review was approved for this property on January 17, 2001 with ten stipulations.

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

Wastewater concerns: The Engineering Division has expressed concern that the restaurant is currently utilizing a sanitary sewer lift station that may not be able to effectively handle the increased load associated with this request. Staff is requesting that the applicant submit documentation that the existing lift station will be able to accommodate the additional use or provide portable chemical toilets for use by patrons of the outdoor seating area.

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. Outdoor cooking facilities must have proper protection as required by the Rapid City Fire and Mechanical Codes and a site

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inspection by the Fire Department must be completed prior to initiation of the event.

Landscaping: As mentioned previously, the outdoor seating for this event will be located in the front yard of the existing Outback restaurant. The applicant's site shows a portion of the required landscaping for the property located in the area designated for the outdoor seating. The site plan also indicates that two of the trees included on the approved landscaping plan are no long in existence.

As of this writing, the receipts from the certified mailing have been returned by the applicant. A sign has been posted on the property stating that a Use on Review has been requested. Staff has not received any comments regarding this request