

STAFF REPORT

June 7, 2001

No. 01UR024 - Use On Review to allow an on-sale liquor establishment ITEM 41

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	No. 01UR024 - Use On Review to allow an on-sale liquor establishment
LEGAL DESCRIPTION	Lots D-G of Lot 1 less Lot H and less highway right-of-way, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2,633 square feet
LOCATION	901 Mountain View Road
EXISTING ZONING	Shopping Center-2 District
SURROUNDING ZONING	
North:	General Commercial District
South:	Park Forest District
East:	General Commercial District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

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

Engineering Division Recommendations:

1. Prior to issuance of a Certificate of Occupancy, the two approaches closest to the intersection, one on Mountain View Street and one on West Main Street shall be eliminated;

Fire Department Recommendations:

2. That prior to issuance of a Certificate of Occupancy, all fire codes must be complied with;

Building Inspection Department Recommendations:

3. That a Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;

Urban Planning Division Recommendations:

4. The Use on Review approval shall expire if the use is not undertaken and completed

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within two years of the date of approval by the City Council, or is the use as approved has ceased for a period of two years;

5. Prior to issuance of a Building Permit a complete sign package shall be submitted for review and approval; and,
6. Prior to City Council approval, the applicant shall provide a separate legal description for the on-sale liquor establishment and the Use On Review shall be approved only for that premise.

GENERAL COMMENTS: The applicant is requesting Use on Review approval to locate an on-sale liquor establishment in conjunction with a casino. The bar and casino will occupy a portion of the south tenant space in the existing structure located at the northeast corner of the Baken Park Shopping Center. A Conomart convenience store is located in the north half of the structure. The site plan submitted by the applicant does not identify what will be located in the remainder of the building.

STAFF REVIEW: Staff has reviewed this request with respect to the four criteria established for On-Sale Liquor establishments identified in Section 17.50.185:

1. The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within five hundred (500) foot radius.

There are no places of religious worship or schools within a 500 foot radius. The proposed on-sale liquor establishment is located within 500 feet of Sioux Park. However, the park is separated from the use by commercial development and Canyon Lake Drive. The area around the property is predominantly commercial. Staff's review of the proposed on-sale liquor establishment finds that the proposed use should have no adverse effect on the surrounding area.

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

There are no single family residences located in the general area of the proposed on-sale liquor establishment. Staff does not anticipate that the proposed use will have a significant negative impact on the residential area because there are no residential areas close by.

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 five on-sale liquor establishments, two casinos, two bars and one restaurant, located in the general area of the proposed use. The two casinos are Poker Joe's and Happy Jack's, which are located at 1925 Main Street. The two bars are Kelly's Sport's Lounge at 825 Jackson Boulevard and the Sun Lounge at 1901 West Main Street and the restaurant is Qdoba that is located at 741 Mountain View Road.

4. The proposed use has been reviewed under the Section 17.54.030(E) and Section 5.12.140.

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Staff has reviewed the proposed use with respect to Section 17.54.030(E) and Section 5.12.140 and finds it in general compliance with the 12 criteria for Use on Reviews. However, the Engineering Division has identified that the spacing between two of the existing approaches, and the intersection of Mountain View Road and West Main Street do not meet the minimum spacing requirements as stipulated by the Rapid City Street Design Criteria Manual. Engineering is recommending that the two approaches closest to the intersection, one on Mountain View and one on West Main be eliminated.

Section 5.12.140 of the Rapid City Municipal Code stipulates that "It is unlawful for a licensee or his employees to offer for sale alcoholic beverages to be consumed on the licensed premises, if motor fuel is also sold to motor vehicles engaged in intrastate or interstate transportation on the same licensed premises, unless the structure or building in which the alcoholic beverages are sold and consumed is separated by at least one hundred feet from the building or structure where motor vehicle fuel is sold". The applicant's site plan identifies that the proposed on-sale liquor will have exterior access separate from the gas sales access and that no internal access between the gas sales area and the proposed on-sale liquor area will be provided. To ensure compliance with this section of the Municipal Code, staff is requesting that prior to City Council approval of the Use On Review that the applicant provide a separate legal description for the on-sale liquor establishment.

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 received one call regarding this request.