

STAFF REPORT

July 5, 2001

**UOR #01UR035 - Use on Review to allow an On-Sale
Liquor Establishment**

ITEM 63

GENERAL INFORMATION:

PETITIONER	Robert Blumenthal for Century Motels, Inc.
REQUEST	UOR #01UR035 - Use on Review to allow an On-Sale Liquor Establishment
LEGAL DESCRIPTION	Lots 1 through 9 and the vacated alley adjacent to said Lots 1 through 9 in Block 1; and Lots RU-19 and RU-20 in Block 1; and that part of Lots 11 through 16 in Block 2 and of vacated Ninth Street lying north of the dedicated street right-of-way shown on the plats filed in Plat Book 14, Pages 83 and 110; and that part of vacated North Street adjacent to said Lots 1 through 9 and Lot RU-19 in Block 1 and to said Lots 11 through 16 in Block 2 and to vacated Ninth Street, as shown on the plat filed in Plat Book 15, Page 20, all in the Original Town of Rapid City, Section 36, T2N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.05 acres
LOCATION	950 North Street
EXISTING ZONING	Hotel-Motel District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Public District
East:	Public District
West:	Medium Density Residential 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:

Fire Department Recommendations:

1. Prior to issuance of a Certificate of Occupancy, all requirements of the Fire Code shall be complied with;

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ITEM 63

Urban Planning Division Recommendations:

2. That no signage shall be allowed on the exterior of the structure that advertise alcoholic beverages;
3. That the on-sale liquor use shall be accessory to the hotel and convention center facility and no permanent on-sale facilities (bar) shall be permitted;
4. That all requirements of the landscaping and parking ordinance shall be continually met; and,
5. The Use On Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: The applicant is requesting Use On Review approval to locate an on-sale liquor establishment in conjunction with the Howard Johnson Express Inn & Suites located on the subject property. The applicant has indicated that beer and wine would be available only for hotel and convention center guests and only in the convention center and continental breakfast areas.

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) feet radius.

There are no places of religious worship within a 500 foot radius of the subject property. However, Central High School is located directly to the south, across North Street from the subject property and the American Legion Park is located approximately 500 feet north of the property.

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

There are single family residences located north and west of the property. The I-190 right-of-way provides a substantial buffer between the proposed on-sale liquor and the residential properties to the west while the residential properties to the north are buffered by the North Street right-of-way.

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."

The only other on-sale liquor establishment located within 500 feet of the proposed use is the Rushmore Plaza Civic Center Club which is located at 444 Mount Rushmore Road. Staff

STAFF REPORT

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ITEM 63

does not find this request for an on-sale liquor use to constitute an undue concentration which would cause blight or deterioration or diminish land values in the surrounding area.

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

Planning staff reviewed the parking requirements for the hotel and convention center when the applicant applied for a Building Permit earlier this spring. The site plan that was approved for a Building Permit included adequate parking for 99 guest rooms and a 2,130 square foot convention area. The continental breakfast area was considered an accessory use to the hotel rooms. As previously mentioned, the applicant has indicated that beer and wine will only be available to hotel and convention center guests and will only be served in the convention center and continental breakfast areas. Based upon this information, staff has reviewed the on-sale liquor establishment, with respect to the parking ordinance, and is requiring that parking be provided for the continental breakfast area at the same the rate as the convention center areas, thus increasing the parking requirement to 185 stalls for the subject property. The site plan submitted with this request shows 168 stalls that meet the requirements of the Off-Street Parking Ordinance. Therefore, staff is requesting that the applicant submit a revised site plan identifying the location of 185 stalls or obtain a variance from the Zoning Board of Adjustment prior to City Council approval.

Staff has reviewed this project with regard to the criteria in Section 17.54.030(E) and finds it to be in general compliance. As of this writing, the receipts from the certified mailings have not been returned. The Use On Review sign has been posted on the property. Staff has not received any calls or inquiries regarding this proposal.