

STAFF REPORT

August 9, 2001

No. 01UR031 - Major Amendment to a Use On Review to revise the conditions of approval

ITEM 52

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	No. 01UR031 - Major Amendment to a Use On Review to revise the conditions of approval
LEGAL DESCRIPTION	Lot F less Lot F-1, Park Addition No. 2, Section 6 (also in Section 1, T1N, R7E), T1N, R8E, BHM, and Lot A of E of Government Lot 4 and 5, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .672 Acres
LOCATION	200 East Main Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	Light Industrial 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 revise the conditions of approval be denied.

GENERAL COMMENTS: On February 21, 2000 the City Council approved a Use On Review to allow an on-sale liquor establishment on the subject property. One of the stipulations of approval stated that "A fence shall be constructed on the property along Maple Avenue to within seventy feet of the intersection of Maple Avenue and East Main Street. The remaining seventy feet shall then be landscaped at a level between two and one half and ten feet above the edge of the roadway. The landscaping shall include a curb stop or some form of physical barrier to preclude any further vehicular access to the property from Maple Avenue." The applicant did not install the required improvements. As a result the Code Enforcement Division began action to seek compliance with the stipulations of approval. At the request of the applicant, staff subsequently met with the applicant and several City Council members on July 7, 2000. At that time, the applicant and the City Staff concurred in the following solution: that one, 20 foot "one-way" approach approximately 50 feet north of the intersection of Maple Avenue and Main Street would be allowed from Maple Avenue, a landscaping island would be constructed in the southwest corner of the property, and that

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either curb and gutter or a fence would be constructed along the remainder of the west property line. The applicant indicated that he would submit a Major Amendment for the following submittal deadline; however, no application was submitted. Again, the Code Enforcement Division began action to obtain compliance and on May 25, 2001 this application was submitted. It should be noted that the applicant's proposal is not consistent with the agreements reached on July 7, 2000. The applicant has now submitted this application requesting a Major Amendment to a Use On Review to eliminate the stipulation requiring the fence, landscaping and barrier along Maple Avenue.

STAFF REVIEW: Currently there are no sidewalks or curb and gutter located along Maple Avenue adjacent to the subject property, this allows uncontrolled vehicular access to the site from Maple Avenue. The site plan submitted with this request shows that the applicant wants to leave the site as-is, allowing vehicles to access the property from Maple Avenue. Staff is agreeable to allowing vehicular access from Maple Avenue. However, as previously agreed to staff is recommending that the access be limited to one twenty foot, enter only curb cut and that curb and gutter or a fence must be construct along Maple Avenue for the remainder of the subject property. Staff is recommending that this request be continued to the August 9, 2001 Planning Commission meeting to allow the applicant time to submit a revised site plan identifying the location of one twenty foot curb cut on Maple Avenue, a landscaping island in the southwest corner of the property and curb and gutter or fencing along the remainder of the west property line in accordance with the previous agreement. The Fire Department has also requested that the revised site plan include the location of water lines and fire hydrants within 500 feet of the subject property.

As mentioned previously, no sidewalks or curb and gutter are located along Maple Avenue adjacent to the subject property allowing uncontrolled vehicular access to the site from Maple Street. Section 8.2.1B of the Street Design Criteria Manual states "In commercial and industrial areas, the driveway openings shall not be less than sixteen feet in width and no more than twenty eight feet in width, exclusive of the taper". In order to comply with this section of the Street Design Criteria Manual staff has requested that the applicant provide landscaping and fencing or curb and gutter along the west property line of the subject property with the exception of one twenty foot curb cut. On July 16, 2001 the applicant submitted a revised site plan. None of the of the improvements requested by staff and agreed to by the applicant on July 7, 2000 were included on the revised site plan with the exception of the fire hydrant locations. Therefore, staff is recommending denial of the Major Amendment to a Use On Review to revise the conditions of approval.

As of this writing, the receipts from the certified mailing have been returned and the required sign has been posted on the property. One call regarding this request has been received. The caller did not express opposition or support of the Major Amendment.