

STAFF REPORT

August 23, 2001

No. 01UR045 - Use On Review to allow an On-Sale Liquor Establishment in conjunction with a full-service restaurant in the General Commercial Zoning District **ITEM 48**

GENERAL INFORMATION:

PETITIONER	Paul J. Bradsky for Wal-East Development, Inc.
REQUEST	No. 01UR045 - Use On Review to allow an On-Sale Liquor Establishment in conjunction with a full-service restaurant in the General Commercial Zoning District
LEGAL DESCRIPTION	Lot 1 Revised of Wisdom Subdivision, Section 30, 2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.1 acres
LOCATION	2205 North LaCrosse Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	Shopping Center-2 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 in conjunction with a full-service restaurant in the General Commercial Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, the applicant shall sign a Waiver Of Right To Protest agreement for any future required sanitary sewer improvements;

Fire Department Recommendations:

2. Prior to City Council approval, a revised site plan shall be submitted identifying the location of an on-site fire hydrant(s);
3. Prior to issuance of a Building Permit, the applicant shall provide complete plans identifying that a fire sprinkler system will be installed in the entire restaurant facility;
4. Prior to issuance of a building permit or on-site construction using combustible material(s), an approved water supply shall be provided and all fire hydrants shall be

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installed;

Building Inspection Department Recommendations:

5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Upon submittal of a Building Permit application, Architect/Engineer stamped plans shall be submitted.

Urban Planning Division Recommendations:

7. That the primary use of the structure shall be a restaurant with the on-sale liquor use being allowed only as an accessory use to the restaurant;
8. If more than one acre of land shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit or a building permit;
9. That the sale of liquor for off premise consumption from inside the restaurant shall be prohibited;
10. Prior to City Council approval, a revised landscaping plan shall be submitted for review and approval; and,
11. That the Use On Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by 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 a new restaurant. The TGIFriday's restaurant will be located on the same lot as the Country Inns and Suites at the intersection of North LaCrosse Street and Disk Drive. The applicant has indicated that the on-sale liquor license at 685 LaCrosse Street will be transferred to this property upon approval of the Use On Review request.

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 or playgrounds located within a five hundred foot radius of the subject property. All of the surrounding properties are currently zoned General Commercial or Shopping Center District. Future development of the vacant properties within the General Commercial Zoning District should be compatible with the applicant's proposed use. Staff's review of the proposed on-sale liquor establishment finds that the proposed use should have no significant adverse effect on the surrounding area.

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

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There are no residential zoning districts in the area. Staff does not anticipate that the proposed on-sale liquor use will have a significant negative impact on any residences if conducted in conjunction with a full service restaurant.

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."

Staff has noted that there are several other on-sale liquor establishments currently located in the area. The Outback Steakhouse (665 East Disk Drive), Minerva's (2211 North LaCrosse Street) and Boston's Pizza (620 East Disk Drive) located on the north side of U.S. Interstate 90. Two additional on-sale liquor establishments, the Quality Inn and the Ramada Inn, are located south of U.S. Interstate 90 along LaCrosse Street.

The proposed on-sale liquor use will be accessory to the principal use of the restaurant. Staff does not find that this request for an on-sale liquor establishment in conjunction with a full-service restaurant to constitute a concentration of on-sale liquor establishments in the area would cause blight, deterioration or diminish land values of the surrounding properties.

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

Staff has reviewed the proposed use with respect to Section 17.54.030 (E) and has noted the following concerns:

Fire Department Concerns: The Fire Department has indicated that all Uniform Fire Codes must be met. In particular, Section 903.2 of the Uniform Fire Code states that "an approved water supply capable of supplying the required fire flow protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Chief". Prior to issuance of a building permit or on-site construction using combustible material(s), an approved water supply must be provided. Section 903.3 of the Uniform Fire Code states that the "water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems". Staff is recommending that all provisions of the Uniform Fire Code be met. In addition, the Fire Department has indicated that a sprinkler system must be installed in the proposed restaurant.

Sanitary Sewer: During the previous review of the Preliminary and Final Plat for the subject property (#98PL125), the Engineering Division indicated concern with the sanitary sewer capacity within this area. A private lift station, owned by Akers

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Hospitality, is located at the southeast corner of Mall Drive and LaCrosse Street. The applicant entered into a "Shared Lift Station Maintenance Agreement" with Akers Hospitality to allow the subject property to be served by the lift station. However, as the area develops and the existing sanitary sewer system reaches maximum capacity further improvements to the City sanitary system may be necessary. Therefore staff is recommending that the applicant sign a Waiver of Right to Protest for any future improvements that may be necessary.

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