

STAFF REPORT

September 20, 2001

No. 01UR049 - Use On Review to allow an On-Sale Liquor Establishment in the General Commercial Zoning District **ITEM 22**

GENERAL INFORMATION:

PETITIONER	Dave M. Handley
REQUEST	No. 01UR049 - Use On Review to allow an On-Sale Liquor Establishment in the General Commercial Zoning District
LEGAL DESCRIPTION	The east 195 feet of Lot 2 and Lot 3, Block 1, Hansen Heights Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.11 acres
LOCATION	420 East Saint Patrick Street
EXISTING ZONING	Neighborhood Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Neighborhood Commercial District
East:	Neighborhood Commercial District
West:	Medium Density Residential District/Neighborhood Commercial District
PUBLIC UTILITIES	City Water and Sewer
REPORT BY	Blaise Emerson

RECOMMENDATION: Staff recommends that the Use On Review to allow an On-Sale Liquor Establishment in the General Commercial Zoning District be denied.

GENERAL COMMENTS: The applicant is proposing to allow an on-sale liquor establishment in a mini-mall located on East Saint Patrick Street. The applicant has a companion request to rezone the 2.11 acre parcel from Neighborhood Commercial Zoning District to General Commercial Zoning District. The property is located on the north side of East Saint Patrick Street and east of Elm Street. A mini-mall was built on the site in 1998.

STAFF REVIEW: Staff has reviewed this request with the respect to the four criteria established of On-sale Liquor establishments identified in Section 17.50.185 of the Rapid City Municipal Code.

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

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Staff has identified that a recreational center, Rising Star Gymnastics, is located directly to the west of the property. The center is private recreational center but is a similar use as listed in the criteria. The on-sale liquor establishment is identified to be in one of the center suites of the mini-mall but it would be clearly visible by the patrons of the recreation center.

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

The existing residential development in this area is located to the south of the proposed use. Saint Patrick Street does provide a minimal buffer to the residential development. The property to the north and east is currently undeveloped but is designated for residential uses. At this time, Staff has not identified any adverse affects on the residential areas from this request.

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 identified eight on-sale liquor establishments located along this segment of East Saint Patrick Street located between Elm Street and Saint Joseph Street. In 1998, Staff expressed concerns with the number of on-sale liquor establishments located in this area when the on-sale liquor establishment for the proposed Happy Jacks Too in the Midland Shopping Center was requested. At that time the Planning Commission expressed concerns with the number of on-sale liquor establishments in this area; however, that Use On Review was approved by both the Planning Commission and City Council. Staff has concerns regarding the number of on-sale liquor establishments in the area and finds that approval of this Use on Review request would be considered to create an undue concentration of similar uses in the area.

This situation is similar to the number of on-sale liquor establishments located along East North Street. The City Council has determined that an undue concentration of on-sale liquor establishments exists along East North Street and, as such, has denied all recent request to allow any additional on-sale liquor establishments in that area.

4. The proposed use has been reviewed under the Section 17.554.030 (E).

The mini-mall has sufficient parking for the retail, service and office uses allowed in the Neighborhood Commercial District. However with the addition of the on-sale liquor establishment, an additional four parking stalls would be required to meet the minimum parking requirements. The applicant has not identified how these additional parking stalls will be provided or if a variance would be requested.

The applicant has submitted a companion request to rezone the subject property from Neighborhood Commercial to General Commercial. On-sale liquor establishments are not allowed in the Neighborhood Commercial Zoning District. Staff does not support the request to change the zoning classification to General Commercial. Even if the property is

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zoned to General Commercial, Staff does not support the on-sale liquor establishment request. Staff has identified an additional establishment would result in an undue concentration of these types of establishments in this area. In addition, Staff is concerned that adequate parking for the facility can not be provided.

At the time of writing this report, Staff has received one comment in opposition to the on-sale liquor establishment.