

STAFF REPORT

January 24, 2002

No. 02UR001 - Use On Review to allow an on-sale liquor establishment in conjunction with a full service restaurant **ITEM 21**

GENERAL INFORMATION:

PETITIONER	Paul Bradsky and Fisk Land Surveying for Manna Inc.
REQUEST	No. 02UR001 - Use On Review to allow an on-sale liquor establishment in conjunction with a full service restaurant
EXISTING LEGAL DESCRIPTION	Lot 1 of Lot K2-C of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.324 acres
LOCATION	At the northeast corner of the intersection of North Maple and Interstate 90
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Shopping Center-2 District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/28/2001
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 be approved with the following stipulations:

Fire Department Recommendations:

1. Prior to issuance of a Building Permit, a revised site plan showing the location of existing fire hydrants within 500 feet of the subject property shall be submitted for review and approval;
2. Prior to issuance of a Building Permit; an interior floor plan showing the fire loading shall be submitted for review and approval;

STAFF REPORT

January 24, 2002

No. 02UR001 - Use On Review to allow an on-sale liquor establishment in conjunction with a full service restaurant ITEM 21

Building Inspection Department Recommendations:

3. That prior to any construction, a Building Permit shall be obtained, and prior to occupancy a Certificate of Occupancy shall be obtained;
4. Upon submittal of a building permit, Architect/Engineer stamped plans shall be submitted.
5. That prior to issuance of a Certificate of Occupancy, the building shall comply with all requirements of the Uniform Building Code;

Urban Planning Division Recommendations:

6. 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, and that no video lottery shall be allowed;
7. 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;
8. That the expansion of the restaurant to provide outdoor service shall require a Major Amendment to the Use on Review; and,
9. That all requirements of the Off-Street Parking and Landscaping Ordinance shall be continually met.

GENERAL COMMENTS: The applicant is requesting Use On Review approval to locate an on-sale liquor establishment in conjunction with a full service restaurant in an existing building that is located at the northeast corner of the intersection of Maple Avenue and Knollwood Avenue. Until recently the Jehovah's Witnesses utilized the subject property as a church. The applicant is proposing to remodel the interior of the church and operate an on-sale liquor establishment in conjunction with a full service restaurant. The applicant has indicated that they do not intend to request a video lottery license.

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.*

There are no places of religious worship or schools within a five hundred foot radius of the subject property. However, staff has identified three churches (Knollwood Baptist Church, Bethel Temple of Assembly of God and Church of St. Isaac Jogues) that are within a 2000 foot radius of the proposed on-sale liquor establishment. North Middle School is approximately 800 feet from the subject property and Knollwood Elementary School is approximately 1200 feet from the subject property.

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

STAFF REPORT

January 24, 2002

No. 02UR001 - Use On Review to allow an on-sale liquor establishment in conjunction with a full service restaurant ITEM 21

The residential development surrounding the property includes the Maplewood Townhouses to the south and multifamily dwelling units to the southwest of the subject property. The Maplewood Townhouses is a low-income housing development owned by the South Dakota Housing Development Authority that provides housing for the elderly and low-income families. Maple Avenue and Knollwood Avenue provide a limited buffer between the proposed on-sale liquor establishment and the residential development. Staff does not anticipate that the proposed on-sale liquor establishment will have a significant negative impact on the surrounding residential area 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 identified one off-sale liquor establishment (Gas Plus) located to the west of the subject property and four on-sale liquor establishments (Fuddruckers, Red Lobster, Diamond Dave's and Hara's) to the north of the proposed restaurant. However, the U. S. Interstate 90 right of way separates the four on-sale liquor establishments to the north from the subject property. Additionally, these facilities are also full service restaurants. Staff does not find this request for an on-sale liquor establishment 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 17.554.030 (E).

Staff has reviewed the proposed use with respect to Section 17.54.030(E) and Section 5.12.140 and finds it to be in general compliance with the 12 criteria for Use On Reviews. However, the Fire Department has noted that if the existing structure is converted to a restaurant, additional on-site fire hydrants and a fire sprinkler system may be required depending on the square footage of the building utilized for the restaurant and the anticipated fire loading. The Building Inspection Department has also indicated that modifications to the building may be required to bring the existing structure into compliance with the Uniform Building Code.

As of this writing, the receipts from the certified mailing have not been returned by the applicant. A sign has been posted on the property stating that a Use On Review has been requested. Staff will notify the Planning Commission in the event documentation of the certified mailing has not been received by the January 24, 2002 Planning Commission meeting.