

STAFF REPORT

April 4, 2002

No. 02UR006 - Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment

ITEM 25

GENERAL INFORMATION:

| | |
|-------------------------------|--|
| PETITIONER | Robert Sharp & Associates |
| REQUEST | No. 02UR006 - Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment |
| EXISTING LEGAL DESCRIPTION | Lots 14-16 and 1/2 vacated alley, Block 5, South Boulevard Addition, Section 12, T1N, R7E; Lots 1-5 and 1/2 vacated alley, Block 1, St. Elmo #2; Lots 6-10 less Lot H-1, Block 1, St. Elmo #2; Lots 17-19 and 1/2 vacated alley, Block 5, South Boulevard Addition, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 1.27 Acres |
| LOCATION | Casa Del Rey, 1902 Mount Rushmore Road |
| EXISTING ZONING | General Commercial District |
| SURROUNDING ZONING | |
| North: | General Commercial District |
| South: | General Commercial District |
| East: | General Commercial District |
| West: | General Commercial District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 02/26/2002 |
| REPORT BY | Karen Bulman |

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:

Engineering Division Recommendations:

1. Provide a minimum of ten portable chemical toilets;
2. Provide a copy of the maintenance contract for the portable toilets to the City prior to the event;

STAFF REPORT

April 4, 2002

No. 02UR006 - Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment

ITEM 25

Fire Department Recommendations:

3. Prior to issuance of a Temporary Use Permit, the applicant shall provide a Tent Inspection Checklist and Tent Inspection Plan Review to the Fire Department for their review and approval;

Building Inspection Division Recommendations:

4. The applicant shall obtain a Temporary Use Permit for each event;
5. The applicant shall comply with all provisions of the Uniform Fire Code Article 32 which will be attached to the Temporary Use Permit;
6. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event;
7. Access shall be provided in accordance with all requirements of the American with Disabilities Act;

Transportation Planning Division Recommendations:

8. Prior to Planning Commission approval, the petitioner shall submit parking lease agreements for review and approval by the City Attorney's office;

Urban Planning Division Recommendations:

9. The outdoor event shall cease no later than 11:00 PM;
10. The Major Amendment to the Use on Review is approved for May 4, 2002 or an alternate day of May 11, 2002 if weather related. Any additional outdoor events during 2002 would require an additional Major Amendment to the Use on Review; and,
11. This Major Amendment to the Use on Review is approved for a one day Cinco De Mayo event for the year 2003 and 2004 with the contingency that no complaints are received during the previous event year. Any substantiated complaints will require that a Major Amendment to the Use on Review be submitted prior to approval of the event for the following year.

GENERAL COMMENTS: Casa Del Rey is proposing to host an outdoor Cinco De Mayo event on May 4, 2002 similar to the event that was approved for May 5, 2000 and May 5, 2001. The request includes fencing a 60 foot by 116 foot portion of the parking lot and erecting a 16 foot by 30 foot stage, two 10 foot by 10 foot bar areas, and a 30 foot by 60 foot tent. Entertainment, food and liquor will be provided within the fenced area as part of the Cinco De Mayo celebration. The Major Amendment to the Use on Review that was approved the last two years stipulated the following: that the applicant must obtain a Temporary Use Permit, provide a detailed site plan regarding the size and location of the tents and stage, provide a Tent Inspection Checklist and Plan Review to the Fire Department, secure parking lease agreements with adjacent property owners to provide required parking stalls for this additional use, that the outdoor event shall cease no later than 11:00 p.m. and that the Major Amendment be approved only for the May 5, 2000 event and the May 5, 2001 event.

STAFF REVIEW: Staff has reviewed the request and noted the following considerations:

Fire Safety: The Fire Department has reviewed the proposal and requested that the

STAFF REPORT

April 4, 2002

**No. 02UR006 - Major Amendment to a Conditional Use Permit to
allow an on-sale liquor establishment**

ITEM 25

applicant complete and submit for approval an Inspection Plan Review and Inspection Checklist prior to issuance of a Temporary Use Permit. The Fire Department also noted that the applicant must continually maintain access for Fire Department apparatus to all buildings, tents and fire hydrants.

Parking: The applicant is proposing to locate the event area within the existing parking lot. The fenced event area will eliminate 14 of the 89 existing parking stalls. Seventy three (73) parking stalls are required for the existing restaurant and the proposed 6960 square foot outdoor event area will require an additional 70 parking stalls. Staff is requesting that the applicant secure parking lease agreements with adjacent property owners to ensure that 68 additional parking spaces within 300 feet of the Casa Del Rey will be available for use by patrons of the Cinco De Mayo celebration. Prior to City Council approval, the agreements must be submitted for review and approval by the City Attorney's Office.

Noise Issues: The Major Amendment to the Use on Review for the Cinco De Mayo event for May 5, 2001 was approved for one year, based on the previous year's noise complaint. If there were no issues raised during the May 2001 event, staff would then recommend the following year's request be granted for a three year period. As no complaints were stated for the 2001 event, Staff is requesting this Amendment be granted for a three year period. If no further complaints are received during that three year period, Staff will recommend that the request be approved on a continuing basis with review to occur on a complaint basis only.

The required Use on Review sign has been posted on the property and the applicant has returned the receipts from the certified mailing. Staff has not received any telephone inquiries regarding this request.