

STAFF REPORT

May 23, 2002

No. 02UR012 - Conditional Use Permit to allow an on-sale liquor establishment and allow for outdoor seating **ITEM 32**

GENERAL INFORMATION:

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| PETITIONER | Mike Schmitz for the Radisson Hotel |
| REQUEST | No. 02UR012 - Conditional Use Permit to allow an on-sale liquor establishment and allow for outdoor seating |
| EXISTING LEGAL DESCRIPTION | The east 450 feet of Tract A of Block 71-72, Lots 25-32, Lots 33-34 (Subd of the south 56.6 feet of Lots 1-6, 56.6 feet x 150 feet) and the vacated alley of Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 2.070 acres |
| LOCATION | 445 Mt. Rushmore Road |
| EXISTING ZONING | Central Business 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 | 04/12/2002 |
| REPORT BY | Lisa Seaman |

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment and allow for outdoor seating be continued to the June 6, 2002 Planning Commission meeting to allow the applicant time to submit additional required information.

GENERAL COMMENTS:

This item was continued from the May 9, 2002 Planning Commission meeting. (Updates to the staff report are shown in bold.) The applicant is requesting approval of a Conditional Use Permit to allow an on-sale liquor establishment on the above legally described property. The Radisson Hotel is currently located on the property. The Filly's Restaurant and Pub is located within the Radisson Hotel and is proposing to construct a deck on the south side of the hotel, adjacent to the Main Street

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right of way. The site plan shows that the deck will be nine feet three inches wide by fifty one feet seven inches long with a 36 inch high railing. The site plan shows that sixteen feet seven inches of sidewalk will remain between the deck and the front of the curb along Main Street.

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 schools within a 500 foot radius of the subject property. Memorial Park is located to approximately 700 feet north; however, the Omaha Street right of way provides a significant buffer between the on-sale liquor establishment and the park.

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

There are no residences located in the general area of the proposed on-sale liquor establishment. The surrounding properties are zoned General Commercial or Central Business District.

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 that several on-sale liquor establishments currently exist in close proximity to the subject property. Murphy's Restaurant and Bar (510 9th Street) is located across from the subject property on the south side of Main Street and The Boot (826 Main) is located to the west of the property within the same block. The Firehouse and Fat Boys (610 Main), Phatty McGees (321 7th Street), The Reef (615 Main), The Brass Rail (624 St. Joseph Street), Botticelli Ristorante (523 Main Street), The Oasis (711 Main Street), Once Upon a Vine (507 6th Street) and the Corn Exchange (727 Main Street) are all located within the downtown area.

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

Staff has reviewed the site plan submitted with this request and has asked the applicant to revise the site plan to include landscaping details and provide elevation views of the proposed deck. **On May 10, 2002 the applicant submitted the requested elevation views; however, as of May 15, 2002 the revised site plan has not been submitted as requested.**

As of this writing, the receipts from the certified mailings have not been returned. The Use On Review sign has been posted on the property. Staff has received one call regarding

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this proposal. The caller indicated concern with the proposed outdoor seating and requested that he be notified when the applicant submitted elevation drawings of the proposed deck.