

STAFF REPORT

May 23, 2002

No. 02UR016 - Conditional Use Permit to allow an On-Sale Liquor Establishment ITEM 36

GENERAL INFORMATION:

PETITIONER	Doug Tennyson
REQUEST	No. 02UR016 - Conditional Use Permit to allow an On-Sale Liquor Establishment
EXISTING LEGAL DESCRIPTION	Outlot A and Lot 1 and Lot 2 of Outlot C, Merchants First Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.72 acres
LOCATION	803 East St Patrick Street (Robbinsdale Lounge)
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 sewer and water
DATE OF APPLICATION	4/25/2002
REPORT BY	Karen Bulman

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an On-Sale Liquor Establishment be approved with the following stipulations:

Engineering Division Recommendations:

1. That prior to obtaining a building permit, a written agreement must be obtained requiring the owner to close the approach from the subject property onto St. Patrick Street adjacent to Hawthorne Avenue, and relocate the approach onto Hawthorne Avenue once Hawthorne Avenue is constructed south from St. Patrick Street;

Fire Department Recommendations:

2. Further expansion of the lounge area to 5000 square feet or greater will require that the area be equipped with fire sprinklers as per the Uniform Fire Code requirements;
3. Fire alarm system or smoke detection system shall be continually maintained as per

STAFF REPORT

May 23, 2002

No. 02UR016 - Conditional Use Permit to allow an On-Sale Liquor Establishment ITEM 36

NFPA 72 and the Uniform Fire Code;

Building Inspection Division Recommendations:

4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;

Urban Planning Division Recommendations:

5. That the six handicapped parking spaces be re-striped, with one space to accommodate the van accessible space; and,
6. All requirements of the Off Street Parking Ordinance be continually met.

GENERAL COMMENTS: Robbinsdale Lounge is planning to expand their lounge area by approximately 465 square feet. In reviewing the application, it was noted that a Conditional Use Permit for the existing lounge had not been obtained, as the lounge was in existence before the Conditional Use Permit requirement was adopted. Therefore, this application for a Conditional Use Permit includes the existing lounge area and an additional 465 square feet expansion area to be used as a game room with pool tables. Currently, the 465 foot expansion area is being used as a storage area. The lounge area, including the lounge expansion, will encompass 4700 square feet of total seating area. Any further expansion of the lounge to 5000 square feet or larger will require that the area be equipped with fire sprinklers as per the Uniform Fire Code requirements.

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 a five hundred (500) foot radius.*

There are no places of religious worship or schools within a five hundred foot radius of the subject property. All of the surrounding properties are currently zoned General Commercial. A convenience store is located to the west of the subject property. A fraternal organization is located to the east of the subject property. Several commercial establishments are located north of the property across E. St. Patrick Street. Undeveloped commercial land is located south of the subject property. The use is largely existing with a minimal expansion proposed. Staff does not anticipate that the character of the use will change significantly. It does not appear that the proposed on-sale liquor establishment will have a significant adverse effect on any places of religious worship, schools, parks, playgrounds or similar uses.

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

There appears to be a sufficient buffer between the residential areas and the subject property. Undeveloped commercial property, Meade Drainage, and Meade Street are all sufficient buffers between the residential areas to the south and the subject property. All of

STAFF REPORT

May 23, 2002

No. 02UR016 - Conditional Use Permit to allow an On-Sale Liquor Establishment ITEM 36

the properties surrounding the subject property are zoned General Commercial 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."*

There are several on-sale liquor establishments located within the area of the subject property. The Moose Club is located to the east, Chevy's and The American Legion are located to the north, and the convenience store with off-sale liquor is located to the west. As this established area is all located within the General Commercial Zoning District and the residential area appears to have a sufficient buffer, staff does not find that this request for an on-sale liquor use constitutes 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 17.54.030 (E).*

Staff has reviewed the proposed use with respect to Section 17.50.270 of the Rapid City Municipal Code and notes the following concerns:

Vehicular Access:

The Engineering Division has indicated that an approach to the subject property located adjacent to the Hawthorne Avenue right-of-way may conflict with Hawthorne Avenue when the road is constructed within this portion of the right-of-way. The Engineering Division has also indicated that the approach must be closed when this portion of Hawthorne Avenue is constructed. Staff is recommending that the applicant enter into an agreement with the City to close the approach on to St. Patrick Street once Hawthorne Avenue is constructed adjacent to the subject property and relocate the approach onto Hawthorne Avenue.

As of this writing, the receipts from the certified mailings have not been returned. The Conditional Use Permit sign has been posted on the property. Staff has not received any calls or inquires regarding this proposal.