

STAFF REPORT

June 6, 2002

No. 02UR017 - Major Amendment to a Conditional Use Permit to allow an On-Sale Liquor Establishment **ITEM 54**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 02UR017 - Major Amendment to a Conditional Use Permit to allow an On-Sale Liquor Establishment
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: beginning at the center of said Section 29; thence S41°36'22"W, 252.87 feet to the true point of beginning; thence N75°38'30"E, 466.70 feet; thence N60°57'28"E, 402.11 feet; thence N74°08'44"E, 324.31 feet to a point lying on a curve concave to the southwest and whose chord bears S45°01'42"E, 165.57 feet; thence southeasterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 18°06'38", an arc length of 166.26 feet to a point of reversed curvature; thence southeasterly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 42°31'26", an arc length of 351.79 feet to a point of tangency; thence S11°33'36"E, 113.77 feet; thence N78°23'21"W, 327.59 feet; thence N12°26'27"W, 167.00 feet; thence N62°13'43"W, 546.00 feet; thence N89°47'40"W, 102.98 feet; thence N89°57'50"W, 329.86 feet; thence S35°21'41"W, 373.54 feet; thence N77°35'08"W, 305.84 feet; thence N77°42'36"W, 88.09 feet; thence N50°02'00"E, 300.99 feet; thence N39°58'00"W, 182.25 feet; thence N50°02'00"E, 25.00 feet; thence S39°58'00"E, 182.25 feet; thence N49°52'34"E, 238.01 feet to the true point of beginning containing 12.04 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: Beginning at the center of Section 29, thence N13°46'17"W, 409.64 feet to the true point of beginning; thence S36°49'13"E, 483.42 feet; thence S38°00'41"E, 60.57 feet; thence S50°02'00"W, 223.94 feet; thence N36°45'27"W, 54.20 feet; thence S53°54'29"W, 68.74 feet; thence N26°01'35"W, 81.02 feet; thence N89°58'00"W, 405.24 feet; thence S21° 27'02"W, 74.40 feet; thence N68° 32'58"W, 40.13 feet to a point of curvature; thence</p>

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westerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 40°50'33", an arc length of 303.67 feet to a point on said curve; thence N33°31'59"W, 59.34 feet; thence N89°58'00"W, 598.32 feet; thence N75°25'26"W, 84.30 feet; thence N56°20'40"W, 83.19 feet; thence N33°55'47"W, 83.19 feet; thence N11°30'53"W, 83.19 feet; thence N00°18'26"W, 120.01 feet to a point lying on a curve concave to the north and whose chord bears N75°29'39"E, 157.38 feet; thence easterly along the arc of said curve to the left whose radius is 330.00 feet and whose delta is 27°35'26", an arc length of 158.91 feet to a point of tangency; thence N61°41'56"E, 174.47 feet; thence S48°40'58"E, 157.92 feet; thence S89°58'00"E, 358.27 feet; thence S70°46'42"E, 242.45 feet; thence S85°49'25"E, 189.09 feet; thence N86°23'14"E, 206.77 feet; thence N34°02'00"E, 326.78 feet; thence N47°01'41"E, 133.42 feet; thence N34°02'00"E, 130.00 feet; thence N44°49'19"E, 81.56 feet; thence N67°23'42"E, 111.22 feet; thence N22°36'18"W, 180.00 feet; thence N67°23'42"E, 40.00 feet; thence S22°36'18"E, 140.00 feet; thence N67°23'42"E, 600.06 feet; thence N11°30'24"W, 122.25 feet; thence N78°29'36"E, 29.31 feet to a point of curvature; thence easterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 39°22'32", an arc length of 254.28 feet to a point of tangency; thence S62°07'51"E, 50.17 feet point of curvature; thence southeasterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 47°09'51", an arc length of 304.57 feet to a point of tangency; thence S14°58'00"E, 32.28 feet; thence N88°05'42"W, 225.15 feet; thence S00°19'04"W, 114.83 feet; thence S76°05'40"W, 133.40 feet; thence S60°02'00"W, 562.50 feet to the true point of beginning containing 19.18 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota, being more particularly described as follows: Beginning at the northeast corner of Section 29, thence N89°59'29"W, 1062.76 feet to the true point of beginning; thence S00°00'25"W, 353.14 feet; thence N89°59'37"E, 524.86 feet; thence S36°59'17"E, 331.06 feet; thence N69°48'41"E, 179.21 feet; thence S00°14'09"E, 640.00 feet; thence S89°45'51"W, 285.83 feet; thence

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N00°14'09"W, 247.40 feet; thence N45°58'18"W, 491.68 feet; thence S86°19'21"W, 177.81 feet; thence S20°02'00"W, 616.44 feet; thence S14°06'58"W, 237.54 feet; thence S22°18'23"E, 463.84 feet; thence S62°06'49"E, 531.35 feet; thence N27°38'46"E, 217.55 feet; thence N10°24'13"E, 342.35 feet; thence N00°14'09"W, 328.05 feet; thence N89°45'51"E, 280.00 feet; thence S00°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°50'32"W, 155.19 feet; thence S27°30'27"W, 401.50 feet; thence N75°07'30"W, 235.48 feet; thence N35°42'16"W, 207.77 feet; thence N82°22'30"W, 165.29 feet; thence S53°17'01"W, 555.72 feet lying on a curve concave to the southwest and whose chord bears N49°25'37"W, 85.41 feet; thence northwesterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 09°18'48", an arc length of 85.50 feet to a point of reversed curvature; thence northerly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 39°07'01", an arc length of 323.61 feet to a point on said curve; thence N75°02'00"E, 160.00 feet; thence N14°58'00"W, 449.76 feet; thence N23°47'31"W, 174.70 feet; thence N57°27'46"E, 126.29 feet; thence N22°57'06"E, 132.93 feet; thence N21°41'30"W, 132.93 feet; thence N68°07'14"W, 142.96 feet; thence S67°14'10"W, 122.78 feet; thence S37°43'48"W, 132.21 feet; thence S45°59'12"W, 139.54 feet; thence N62°07'51"W, 50.22 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 438.00 feet and whose delta is 26°53'36", an arc length of 205.59 feet to a point on said curve; thence N48°34'56"E, 14.64 feet; thence N05°29'36"E, 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius is 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W, 185.45 feet; thence S75°26'05"W, 143.22 feet; thence S67°23'42"W, 500.00 feet; thence S22°36'18"E, 120.00 feet; thence S67°23'42"W, 40.00 feet; thence N22°36'18"W, 322.08 feet; thence N78°20'24"W, 1042.96 feet; thence S46°26'33"W, 146.11 feet; thence S65°13'50"W, 348.62 feet; thence S00°18'26"E, 371.55 feet; thence S89°58'00"E, 51.07 feet; thence S23°36'19"E, 147.45 feet; thence S11°43'15"W, 148.07 feet; thence

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S44°27'01"W, 112.01 feet; thence S28°18'04"E, 80.00 feet; thence S61°41'56"W, 203.13 feet to a point of curvature; thence westerly along the arc of said curve to the right whose radius is 262.03 feet and whose delta angle is 26°36'29", an arc length of 121.69 feet to a point on said curve; thence N00°18'26"W, 389.93 feet; thence N40°11'06"E, 170.94 feet; thence N00°18'26"W, 260.00 feet; thence S89°41'34"W, 275.00 feet; thence N00°18'26"W, 250.65 feet; thence N89°41'34"E, 259.46 feet; thence N11°26'25"W, 489.21 feet; thence N00°18'26"W, 120.00 feet; thence N73°26'56"W, 172.41 feet; to a point lying on a curve concave to the southeast and whose chord bears N35°11'50"E, 376.34 feet; thence northerly along the arc of said curve to the right whose radius is 326.00 feet and whose delta is 70°30'31", an arc length of 401.18 feet to a point on said curve; thence S19°17'53"E, 184.08 feet; thence S84°34'51"E, 222.17 feet; thence S42°07'06"E, 138.67 feet; thence S78°55'58"E, 360.35 feet; thence N48°08'07"E, 118.95 feet; thence S89°58'30"E, 499.94 feet; thence S84°36'27"E, 259.73 feet; thence S71°13'04"E, 327.49 feet; thence N51°56'05"E, 396.19 feet; thence N21°20'29"W, 369.45 feet; thence N81°50'43"W, 403.04 feet to a point lying on a curve concave to the west and whose chord bears N04°04'58"E, 60.50 feet; thence northerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 08°08'38", an arc length of 60.55 feet to a point of tangency; thence N00°00'39"E, 77.01 feet; thence S89°56'23"E, 525.93 feet; thence S89°59'55"E, 1318.15 feet; thence S89°59'29"E, 255.92 feet to the true point of beginning containing 127.19 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: Beginning at the northwest corner of Section 29, thence S89°56'23"E, 2053.37 feet; thence S00°00'39"W, 77.05 feet to a point of curvature; thence southerly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 21°21'18", an arc length of 139.40 feet to a point on said curve; thence N68°38'03"W, 150.00 feet; thence S42°44'25"W, 163.28 feet; thence S88°50'49"W, 453.19 feet; thence S85°24'59"W, 183.42 feet; thence N74°24'46"W, 476.27 feet; thence N79°54'55"W, 162.92 feet; thence S79°09'58"W, 154.84

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feet; thence S19°17'53"E, 150.00 feet to a point lying on a curve concave to the south and whose chord bears S69°10'39"W, 20.01 feet; thence westerly along the arc of said curve to the left whose radius is 376.00 feet and whose delta is 03°02'57", an arc length of 20.01 feet; thence N19°17'53"W, 150.15 feet; thence S65°34'24"W, 254.94 feet to a point lying on a curve concave to the south and whose chord bears N77°30'26"W, 120.54 feet; thence westerly along the arc of said curve to the left whose radius is 226.00 feet and whose delta is 30°56'04", an arc length of 122.02 feet; thence N0°18'22"W, 263.37 feet to the point of beginning containing 11.27 acres more or less

PARCEL ACREAGE	Approximately 169.68 acres
LOCATION	West of Sheridan Lake Road - Red Rock Estates Subdivision
EXISTING ZONING	Low Density Residential (City)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	05/10/2002
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. Applicant shall obtain all applicable permits needed for construction of the site grading, water and sewer services, storm drainage system, parking lot, and access road prior to the initiation of construction on any of these improvements;
2. All water, sewer, and storm drainage improvements called for on the building permit plans shall be constructed prior to any alcohol sale activities on the property;
3. All parking and circulation areas shall be paved prior to any alcohol sale activities on the property;

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Fire Department Recommendations:

4. Any storage of golf carts within the clubhouse shall require that the clubhouse be sprinkled;
5. Plans for any fuel storage tanks must be submitted to the Fire Department for approval;

Building Inspection Division Recommendations:

6. A building permit must be obtained prior to any construction;
7. A Certificate of Occupancy must be obtained prior to use of parking lot;

Urban Planning Division Recommendations:

8. All stipulations required in the Conditional Use Permit #02UR002 approved by the City Council on March 4, 2002 must be continually met;
9. This Conditional Use Permit shall be approved in conjunction with the companion rezoning request; and,
10. This Conditional Use Permit shall only become valid upon the effective date of the rezoning of the property to General Agriculture District.

GENERAL COMMENTS: The applicant received approval March 4, 2002 from the City Council for the Conditional Use Permit #02UR002 to allow a golf course with a clubhouse, a pump house, irrigation facilities and a maintenance facility on the above legally described property. The clubhouse and maintenance facility will be located in the northern portion of the property. The applicant will be using the existing residential structure for the clubhouse. Alcohol sales will occur at the clubhouse and on the golf course. Unless there is an objection to the Planning Commission's decision, Conditional Use Permits are effective seven days after approval by the Planning Commission. However, approval of this Conditional Use Permit is in conjunction with the companion rezoning request, so the effective date of the Conditional Use Permit will begin upon the effective date of the rezoning request.

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. This property is currently zoned Low Density Residential and all of the surrounding properties are currently zoned Suburban Residential District by Pennington County. On-sale liquor establishments are not allowed in residential zoning districts. Therefore, a request to rezone this property from Low Density Residential District to General Agriculture District has been submitted as a companion item to this proposed amendment. The on-sale liquor sales will occur at the clubhouse and on the golf course. 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.

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

Conditional Use Permit #02UR002 allows for a golf course with a clubhouse as an accessory use to the Red Rock Estate residential development. The on-sale liquor sales, along with other food and drink sales, will be accessory to the golf course. This accessory use is found in other golf course operations within the City. There appears to be a sufficient buffer between the residential areas and the subject property.

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 is one on-sale liquor establishment located near the entrance to the Red Rock Estate residential development. 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 the Rapid City Municipal Code and notes the following concerns:

Road Construction:

The Engineering Division has indicated that all water, sewer, and storm drainage improvements must be constructed and all parking and circulation areas paved prior to the initiation of any alcohol sale activities on the property.

Fuel Storage Tanks:

It has been brought to staff’s attention that the applicant intends to utilize above ground fuel storage tanks on the site. Above ground storage tanks are prohibited in all zoning districts within the City limits with the exception of the Heavy Industrial District as per Section 8.24.50 of the Rapid City Municipal Code. Any plans for below ground fuel storage on site must be submitted to the Fire Department and Building Inspection Division for review and approval.

Prior stipulations:

Staff has reviewed Conditional Use Permit #02UR002 and recommends that all of the stipulations of approval be continually met.

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.

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