

STAFF REPORT

November 21, 2002

No. 02SR024 - 11-6-19 SDCL Review of a public use in a public place **ITEM 16**

GENERAL INFORMATION:

PETITIONER	Ray Summers for the Museum Alliance of Rapid City, Inc.
REQUEST	No. 02SR024 - 11-6-19 SDCL Review of a public use in a public place
EXISTING LEGAL DESCRIPTION	Lots 1 thru 32, Block 8; Lots 1 thru 32, Block 18; Lots 1 thru 16, Block 28; the vacated alley of Block 28 and the west 1/2 of Tract 23; all located in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11 acres
LOCATION	222 New York Street
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Medium Density Residential District/Public District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/22/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the 11-6-19 South Dakota Codified Law Review be approved with the following stipulations:

Fire Department Recommendations:

1. The applicant shall provide signs stating the occupant load in any room that is shall accomodate over fifty (50) people;
2. The applicant shall verify that each room shall have a minimum of two (2) exits;
3. The applicant shall maintain the fire alarm and fire sprinkler systems in a fully operational condition at all times;

STAFF REPORT

November 21, 2002

No. 02SR024 - 11-6-19 SDCL Review of a public use in a public place **ITEM 16**

Urban Planning Division Recommendations:

4. All changes to the Journey Museum shall comply with the City of Rapid City Municipal Code;
5. Any future changes in use or structural changes on the property shall be reviewed and approved as a subsequent 11-6-19 South Dakota Codified Law Review; and
6. No video lottery shall be allowed on the premises at any time.

GENERAL COMMENTS: The Journey Museum has previously obtained a temporary on-sale alcohol license for a convention hall and a *special* malt beverage retailers license for gatherings of non-profit organizations. However, the Journey Museum has not been able to serve alcoholic beverages to "For-profit" organizations. A new on-sale malt beverage license and new on-sale wine license were granted to the Journey Museum at the City Council meeting on November 4, 2002.

The site is located south of North Street, north of New York Street, east of Second Street, and west of Third Street.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed site is publicly owned property. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

STAFF REVIEW: The Journey Museum is located in the Civic Center Zoning District. Museums are a permitted use in the Civic Center Zoning District. The Journey Museum was approved in 1995.

On November 6, 1995, the Common Council approved the 'Concept Plan for the Public Facilities in the Block 18 Area.' The concept plan showed a total of 722 parking spaces for the museum and indoor recreation facilities of which 393 parking spaces are located on the property north of New York Street and west of Second Street. Of the 393 parking spaces, approximately 75 spaces would be removed when the future I-Max theater is built. The final site plan for "The Journey" shows 328 parking spaces provided on the property north of New York Street and west of Second Street. Planning Staff determined 153 parking spaces were required based upon the uses. These uses include exhibition (museum), theater, retail, storage, office, and classroom/library.

Staff has reviewed the request based upon the provisions of Section 17.50.185 for

STAFF REPORT

November 21, 2002

No. 02SR024 - 11-6-19 SDCL Review of a public use in a public place ITEM 16

developments that sell alcoholic beverages for consumption on premises, and have not found any adverse impacts on the surrounding land uses. There does not appear to be an undue concentration of uses serving alcoholic beverages causing property values to diminish in this area.

Staff is recommending approval with the stipulations outlined above. Staff has reviewed the proposed request and feels the request is consistent and appropriate with the intent of the Zoning Ordinance. Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law Reviews be advertised in a local newspaper.