

STAFF REPORT
April 22, 2004

No. 04UR004 - Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District **ITEM 38**

GENERAL INFORMATION:

PETITIONER	David Clayton for C&C, LLC dba Schlotzsky's
REQUEST	No. 04UR004 - Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District
EXISTING LEGAL DESCRIPTION	Lot B of Lot 7 of Lot K-3, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.14 Acres
LOCATION	1375 N. LaCrosse Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District (PD)
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	03/26/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District be approved with the following stipulation.

1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;
2. All applicable provisions of the Uniform Fire Codes shall be continually met;
3. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
4. The landscaping plan shall continually be maintained in a live vegetative state and replaced as necessary; and,
5. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: The applicant is requesting approval of a Conditional Use Permit to allow an "On-sale liquor establishment" at the site. In 2000, a building permit was issued for the

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Schlotsky's Deli located on the subject property. The property is located on the west side of North LaCrosse Street between East Anamosa Street and Interstate 90. The existing structure is currently used as a restaurant.

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 of the Rapid City Municipal Code:

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 foot radius.*

There are no places of religious worship or schools located within a 500 foot radius of the subject property; however, Knollwood Heights Park is located within 500 feet of the subject property. The properties located to the north, south, and east are zoned General Commercial. The subject property is located in a corridor of existing commercial uses. Staff's review of the proposed on-sale liquor establishment operated in conjunction with a full service restaurant would appear to have no significant adverse effect on the surrounding area.

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

The subject property is currently zoned General Commercial. There are single family residences located in a Low Density Residential Zoning District on the lots to the west of the subject property. However, a six foot opaque ornamental screening fence is located along the west property line, minimizing any adverse effects to the abutting residential areas.

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."*

The proposed on-sale liquor use will be accessory to the principal use of the restaurant. The provision of on-sale liquor to restaurant patrons as an accompaniment to meals would not appear to alter the nature of the restaurant business. Currently there are two other on-sale liquor establishments in the immediate area. Staff does not find this request for on-sale liquor use in conjunction with a full service restaurant to constitute 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 Section 17.54.030 (E) Criteria for Review.*

Staff has reviewed the proposed use with respect to Section 17.18 of the Rapid City Municipal Code and notes that the submitted site plan is in compliance with all provisions of the General Commercial Zoning District.

As of this writing, the receipts from the certified mailings have not been returned. However, the Conditional Use Permit sign has been posted on the property.