

STAFF REPORT
August 25, 2005

No. 05UR013 - Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District **ITEM 43**

GENERAL INFORMATION:

PETITIONER	Wendel Pترز of ProGroup, Inc. for Jim Keohler of JPK Hospitality
REQUEST	No. 05UR013 - Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District
EXISTING LEGAL DESCRIPTION	Tract D, Marshall Heights Subdivision No. 2, located in SW1/4 of NE1/4; SE1/4 of NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.325 acres
LOCATION	625 East Disk Drive
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	7/18/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

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 stipulations:

1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;
2. All applicable provisions of the International Fire Codes shall be continually met;
3. Prior to obtaining an Occupancy Permit, an additional fire hydrant shall be located on the subject property as approved by the Fire Department;
4. The Shared Parking Agreement with the adjacent property shall be submitted for review and approval prior to the Planning Commission meeting;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
6. The building using the shared parking facilities shall be located within 300 feet of the shared parking lot and the shared parking shall not be required for any other use as

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7. required in Chapter 17.50.27 (6) of the Rapid City Municipal Code;
7. Prior to Planning Commission, a revised landscaping plan shall be submitted for review and approval;
8. The landscaping plan shall continually comply with all provision of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary;
9. Prior to Planning Commission approval a building floor plan indicating the location of the restaurant shall be submitted for review and approval;
10. Prior to Building Permit approval, a grading plan shall be provided for review and approval;
11. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupying the restaurant/bar area of the motel;
12. A sign package shall be submitted for approval prior to the Planning Commission meeting or an Amendment to the Conditional Use Permit shall be required prior to any changes in signage;
13. A Sign Permit shall be obtained prior to any signs being placed on the subject property; and,
14. 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 subject property is located east of LaCrosse Street and north of U.S. Interstate 90. An existing motel is located on the subject property. The applicant is proposing to offer a restaurant/bar in the motel that would serve beer and wine. The applicant is requesting approval of a Conditional Use Permit to allow an "on-sale liquor establishment" at the site. The subject property is zoned General Commercial District. All the properties surrounding the subject property are also zoned General Commercial District. The applicant has also requested a Fence Height Exception (05FV008) to place a six foot fence between the subject property and U.S. Interstate 90.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit as it relates to the applicable provisions of Section 17.54.030 of the Rapid City Municipal Code and has noted the following issues:

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, schools or parks located within a 500 foot radius of the subject property. All the surrounding properties are zoned General Commercial District. The subject property is located along a corridor of existing motels and 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.*

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The subject property is currently zoned General Commercial District and is surrounded by General Commercial District Zoning Districts. The requested use will not significantly impact any 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 associated with a restaurant located within the motel structure. Within the 500 foot radius of the subject property, there are two other on-sale liquor establishments in conjunction with restaurants along E. Disk Drive. In addition, two establishments just outside the 500 foot radius along N. LaCrosse Street also have on-sale liquor associated with a restaurant. 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 Chapter 17.54.030 (E) Criteria for Review.*

Staff has reviewed the proposed use with respect to Chapter 17.18 of the Rapid City Municipal Code and notes the following issues:

Parking: The necessary off-street parking for the proposed use would require additional off-street parking spaces. The site plan as submitted proposes 104 off-street parking spaces including seven handicapped spaces. The motel has 108 rooms requiring that 108 off-street parking spaces be provided. The addition of the restaurant will increase the number of required parking spaces. As of this writing, the applicant has not provided a floor plan. As a result, the staff can not identify the total number of required off-street parking spaces.

The applicant has indicated that they have entered into a Shared Parking Agreement with the adjacent property owner. It should be noted that the parking provided for this use on the adjacent property must not be required for any other use. Further, the parking must be located within 300 feet of the proposed use by the off-street parking requirements in Chapter 17.50.270 (6) of the Rapid City Municipal Code. Prior to the Planning Commission meeting, the Shared Parking Agreement shall be submitted for review and approval. All requirements of the parking regulations in the Rapid City Municipal Code shall be enforced to include striping the parking spaces and providing curb stops in the parking areas that abut a public or private sidewalk, public right-of-way, or building entrance.

Landscaping: The subject property is currently zoned General Commercial District and is located within the 500 foot landscaping buffer along the U.S. Interstate 90 corridor. Some landscaping is indicated on the site plan, but a complete landscaping plan is required for review. Prior to the Planning Commission meeting, a revised landscaping plan indicating additional landscaping on site and along the U.S. Interstate 90 corridor shall be submitted and approved.

Signage: Any change in signs for the subject property shall be submitted for review and approval prior to the Planning Commission meeting or an Amendment to the Conditional

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Use Permit shall be submitted for approval prior to changing any signage. A sign permit shall be obtained prior to the placement of any signage on the subject property.

Restaurant/Bar: A site plan indicating the location of the restaurant/bar within the motel shall be submitted prior to the Planning Commission meeting.

Fire Code: The 2003 International Fire Code shall be continually met. Prior to obtaining an Occupancy Permit for the restaurant/bar, an additional fire hydrant shall be located on the motel property subject to approval by the Fire Department.

Site Plan: The easements indicated on the site plan shall be identified prior to Planning Commission. A grading plan shall be submitted prior to obtaining a building permit.

As of this writing, the required Conditional Use Permit sign has been posted on the property but the receipts from the required certified mailings have not been returned. Staff will notify the Planning Commission at the August 25, 2005 Planning Commission meeting if these requirements have not been met.

Staff is recommending approval of the Conditional Use Permit to allow an on-sale liquor establishment with the previously stated stipulations.

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No. 05UR012 - Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District **ITEM**
