

STAFF REPORT  
August 25, 2005

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**No. 05UR012 - Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District**      **ITEM 42**

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GENERAL INFORMATION:

PETITIONER	Hengel Associates P.C. for Doyle D. Estes
REQUEST	<b>No. 05UR012 - Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lot 2, less west 250 feet, Nicholl's Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .74 acres
LOCATION	1241 East Saint Joseph Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/12/2005
REVIEWED BY	Karen Bulman / David L. Johnson

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. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
4. A revised landscaping plan shall be provided prior to Planning Commission and 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. In addition, curb stops of some form of landscape protection device around plant material must be included in the landscaping plan;
5. A five foot curbside sidewalk shall be placed adjacent to E. St. Joseph Street frontage prior to a Certificate of Occupancy;
6. The abandoned roof sign shall be removed prior to obtaining a Building Permit and a sign

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- package shall be submitted prior to Planning Commission or an Amendment to the Conditional Use Permit shall be required;
7. A Sign Permit shall be obtained prior to any signs being placed on the subject property;
  8. A revised site plan shall be provided indicating water, sewer and utility service lines on the subject property prior to obtaining a Building Permit;
  9. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupying the building;
  10. 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 at the northwest corner of E. St. Joseph Street and E. St. Francis Street. There is an existing unoccupied commercial structure located on the subject property. The existing structure has previously been the location of a dance hall, lounge, pool hall, pawn shop, and day care facility. The applicant is now proposing to locate a bar and full service restaurant on the subject property. 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. The properties north, south and west of the subject property are also zoned General Commercial District. The property located east of the subject property is zoned Light Industrial District.

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. The surrounding properties to the north, south, and west are zoned General Commercial District. The property located east of the subject property is zoned Light Industrial District. Non-conforming residential structures are located south of the subject property in a General Commercial Zoning District. The subject property is located along a corridor of existing commercial uses.

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 District. Non-conforming residential structures are located adjacent and south of the subject property. Prior to Planning Commission approval, a revised landscaping plan indicating additional landscaping will be provided in order to buffer the residential areas from the subject property and the proposed use.

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."*

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The proposed on-sale liquor use will be associated with a full service restaurant located on the subject property. Currently, there are two other on-sale liquor establishments in the immediate area on East St. Patrick Street. Staff does not find this request for an on-sale liquor use for on-sale liquor 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 minimum off-street parking required for the proposed use is 19 spaces. The applicant's site plan identifies 36 off-street parking spaces including two handicapped spaces. The parking lot must be marked with striping paint, and curb stops shall be provided on every parking area that abuts a public or private sidewalk, public right-of-way, or building exit or entrance.

Landscaping: The site plan indicates a total of approximately 11,552 landscaping points will be provided. The required number of landscaping points is 28,198 points. A revised landscaping plan indicating the addition of 16,646 landscaping points shall be submitted for review and approval prior to Planning Commission approval. The landscaping plan shall include curb stops or some form of landscaping protection device around plant materials.

Design Features: The existing building is a one story white painted masonry block structure with a flat roof design. The applicant has indicated he does not intend to make alterations to the structure.

Signage: The abandoned roof sign shall be removed and a sign package indicating the placement of signage on the property shall be provided prior to Planning Commission or an Amendment to the Conditional Use Permit shall be submitted for approval at a later date.

Sidewalks: Sidewalks have been constructed along E. St. Francis Street frontage. However, no sidewalks currently exist along the E. St. Joseph Street frontage. Staff is recommending that prior to issuance of a building permit, plans be submitted showing a five foot curbside sidewalk along the E. St. Joseph Street frontage of the property and that prior to issuance of a Certificate of Occupancy the sidewalks shall be installed.

Fire Code: The building must be fully fire sprinkled and fully fire alarmed as per the 2003 International Fire Code.

Revised site plan: A revised site plan indicating the water, sewer and utility service lines as well as any drainage facilities shall be submitted and approved prior to obtaining a building permit. A site plan indicating any proposed changes within the building, specifically for kitchen use that may require the evaluation of service lines and the need for any facilities

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such as a grease interceptor for kitchen use, shall be submitted and approved 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 in conjunction with a full service restaurant in the General Commercial Zoning District with the previously stated stipulations.