

STAFF REPORT  
January 5, 2006

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**No. 05UR020 - Conditional Use Permit to allow an on-sale liquor establishment**      **ITEM 55**

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GENERAL INFORMATION:

PETITIONER	Jim Berger for Rhonda Berger
REQUEST	<b>No. 05UR020 - Conditional Use Permit to allow an on-sale liquor establishment</b>
EXISTING LEGAL DESCRIPTION	A portion of the W1/2 of Lot 4; Lots 5 through 13 of Block 3, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .76 acres
LOCATION	1109 Omaha Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - Light Industrial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water, sewer
DATE OF APPLICATION	11/29/2005
REVIEWED BY	Mike Maxwell / Emily Fisher

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. The landscaping plan shall continually comply with all provisions of the Zoning Ordinance and 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 subject property is located at 1109-A Omaha Street between 11<sup>th</sup> Street and 12<sup>th</sup> Street. There is an existing one story complex located on the subject property. The existing complex is currently being used as a fast food chicken take-out

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restaurant, retail stores and a full service restaurant. The applicant is now proposing to add on-sale liquor in conjunction with the restaurant. The applicant is requesting approval of a Conditional Use Permit to allow an "on-sale liquor establishment" at the site.

STAFF REVIEW: Staff has reviewed this request with respect to the four criteria established for on-sale liquor establishments as 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, schools or parks located within a 500 foot radius of the subject property. The subject property is located in a corridor of existing general commercial and light industrial use. 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 no residential properties located adjacent to the subject property. The subject property appears to be sufficiently buffered from residential areas by the surrounding properties.

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 the food service establishment located on the subject property. The provision of on-sale liquor to restaurant patrons as an accompaniment to meals would appear to be consistent with what the City has supported in the past. Currently, there are no other on-sale liquor establishments in the immediate area. Staff does not find this request for on-sale liquor use in conjunction with a food service establishment 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 that the submitted site plan is in compliance with the Parking and Landscaping requirements.

As of this writing, the required Conditional Use Permit sign has not been posted on the property nor have the receipts from the required certified mailings been returned. Staff will notify the Planning Commission at the January 5, 2006 Planning Commission meeting if these requirements have not been met.

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