

STAFF REPORT
January 5, 2006

No. 05UR021 - Conditional Use Permit to allow an on-sale liquor establishment ITEM 56

GENERAL INFORMATION:

PETITIONER	Kennedy Design Group, Inc. for Cimarron Casino, Inc.
REQUEST	No. 05UR021 - Conditional Use Permit to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lots 1-4 of Block 26 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .16 acres
LOCATION	703 and 705 Indiana Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Low Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/9/2005
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:

1. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupying the building;
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 provision of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary;
5. Prior to Planning Commission approval, an elevation of the screening fence for the dumpster shall be submitted for review and approval;
6. A Sign Permit shall be obtained prior to any signs being placed on the subject property and lighted static signs only shall be allowed. The wall and ground sign shall continually comply with all provisions of the Sign Ordinance;
7. Any additional signage in compliance with the Sign Ordinance will require a Minimal Amendment to the Conditional Use Permit;

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8. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
9. 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 Mt. Rushmore Road and north of Cleveland Street at 703 and 705 Indiana Street. There are existing multifamily residential structures located on the subject property. The applicant is proposing to remove the existing structures and locate a retail and office commercial building with a video lottery casino 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 Low Density Residential District.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit to allow an on-sale liquor establishment 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 Low Density Residential District. The subject property is located adjacent to 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. Commercial areas are located north, south and west of the subject property. Residential structures are located east of the subject property across Indiana Street. The landscaping plan indicates landscaping along Indiana Street that serves as a buffer for 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."*

The proposed on-sale liquor use will be a video lottery casino located on the subject property. There is a video lottery casino located adjacent to the subject property on the corner of Indiana Street and Cleveland Street. No other on-sale liquor establishments are located in the immediate area. Staff does not find this request for an on-sale liquor use to constitute an undue concentration that would cause blight or deterioration or diminish land

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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 25 spaces. The applicant's site plan identifies 29 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 11,220 landscaping points will be provided. The required number of landscaping points is 11,040 points. Two landscaping islands are located in the north portion of the parking lot. The site plan meets all the requirements of the Landscape Ordinance.

Design Features: The proposed building will be a one story structure with earth tone light gray colors with dark gray accents. The Planning Commission has required that dumpsters be screened so as to not be visible to the adjacent properties. Prior to Planning Commission approval, an elevation of the dumpster screening fence shall be submitted for review and approval. If the screening fence is over four feet in height, an exception to the fence height will need to be obtained.

Red line comments: Staff has made several red line comments on the submitted site plans regarding grading plans, drainage plans, pavement sections, and water evaluations. These comments need to be revised prior to obtaining a building permit and the red line comments returned to the Growth Management Office.

Signage: The proposed signage must comply with the Sign Code. Two wall signs will be located on the south and north side of the building. A ground sign will be located at the northwest corner of the subject property. The ground sign will include the lighted building identification sign and three lines of additional lighted identification signage. Due to the location of the subject property adjacent to single family homes, staff is recommending that the sign be a static lighted display sign only. Future wall signage may be required as additional businesses occupy the retail business and office portion of the building. Any additional signage must meet all Sign Code regulations and will require a Minimal Amendment to the Conditional Use Permit.

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

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 January 5, 2006 Planning Commission meeting if this

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requirement has not been met. Staff has received two inquiries regarding this request.

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