

STAFF REPORT
March 23, 2006

No. 06UR005 - Conditional Use Permit to authorize an on-sale liquor establishment and allow its expansion **ITEM 35**

GENERAL INFORMATION:

PETITIONER	Doug Roth
REQUEST	No. 06UR005 - Conditional Use Permit to authorize an on-sale liquor establishment and allow its expansion
EXISTING LEGAL DESCRIPTION	Lots 17 thru 21, Block 72, Original Town of Rapid City, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .40 acres
LOCATION	826 Main Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	General Commercial District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/23/2006
REVIEWED BY	Travis Tegethoff / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to authorize an on-sale liquor establishment and allow its expansion 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 plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;
3. All applicable provisions of the International Fire Codes shall be continually met;
4. Prior to issuance of a building permit a revised plan showing the number and location of exits must be submitted for review and approval;
5. A Sign Permit shall be obtained prior to any signs being placed on the subject property. The signs shall continually comply with all provisions of the Sign Ordinance;
6. Any additional signage in compliance with the Sign Ordinance will require a Minimal Amendment to the Conditional Use Permit;
7. Prior to issuance of a Sign Permit all signs shall be reviewed and approved by the

STAFF REPORT
March 23, 2006

No. 06UR005 - Conditional Use Permit to authorize an on-sale liquor establishment and allow its expansion **ITEM 35**

- Historic Sign Review Committee;
8. The proposed structure shall conform architecturally to the plans and elevations submitted;
 9. Prior to issuance of a Building Permit a Historic 11.1 Review application must be submitted to and approved by the Historic Preservation Commission; 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 Ninth Street and north of Main Street at 826 and 830 Main Street. An existing on-sale liquor establishment and retail building are located on the subject property. The applicant is proposing to expand the existing on-sale liquor establishment into the retail building. The applicant is requesting approval of a Conditional Use Permit to authorize an on-sale liquor establishment and allow its expansion. The subject property is zoned Central Business District. The properties south, east and west of the subject property are also zoned Central Business District. The property located north of the subject property is zoned General Commercial 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 properties south, east and west of the subject property are zoned Central Business District. The property located north of the subject property is zoned General Commercial 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 Central Business District. Commercial areas are located north, south, east and west of the subject property. There are no residential structures located in the immediate area.

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, sports bar and dance club located on the subject property. There are three other on-sale liquor establishments located within 500 feet of the subject property. On July 25, 1975, City Council passed a Resolution establishing a policy on locations of liquor licenses especially in the Central Business District. The resolution stated that the present number of retail liquor establishments was

STAFF REPORT
March 23, 2006

No. 06UR005 - Conditional Use Permit to authorize an on-sale liquor establishment and allow its expansion **ITEM 35**

creating a police problem and that they will seriously look at any transfer of an existing license to any other location within the Central Business District or the issuance of any new licenses in the Central Business District. Since this is an expansion of an existing on-sale liquor establishment 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 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 17.16 of the Rapid City Municipal Code and notes the following issues:

Building Permits: Staff noted that a building permit must be obtained prior to any construction and a certificate of occupancy obtained prior to occupancy. Staff also noted that all plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A.

Parking: Staff noted that no off-street parking is required in the Central Business District.

Landscaping: Staff noted that no landscaping is required for the subject property.

Design Features: Staff noted the remodeled building will be a one story brick structure with tan and black accents. Staff also noted that a Historic 11.1 Review is required for the subject property and that the project is on the March 17, 2006 Historic Preservation Commission Meeting Agenda.

Signage: The proposed signage must comply with the Sign Code. Staff noted that two wall signs are proposed to be located on the south side of the building. Any additional signage must meet all Sign Code regulations and will require a Minimal Amendment to the Conditional Use Permit. Staff also noted that the subject property is in a historical district and shall be reviewed and approved by the Historic Sign Review Committee.

Fire Code: Staff noted the building shall be fully fire sprinkled and fire alarmed/detected as per the 2003 International Fire Code. Staff also noted that the number and location of exits shall be in compliance with the 2003 International Building Code and 2003 International Fire Code. Staff noted that an occupant load shall be determined as per the 2003 International Building Code and 2003 International Fire Code and the number shall be posted in a plainly visible location. Prior to issuance of a building permit a revised plan showing the number and location of exits must be submitted for review and approval.

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 March 23, 2006 Planning Commission meeting if this requirement has not been met. As of this writing, staff has received one letter in opposition of this request.

STAFF REPORT
March 23, 2006

No. 06UR005 - Conditional Use Permit to authorize an on-sale liquor establishment and allow its expansion **ITEM 35**

Staff is recommending approval of the Conditional Use Permit to authorize an on-sale liquor establishment and allow its expansion in the Central Business District with the previously stated stipulations.