

STAFF REPORT
May 4, 2006

No. 06UR010 - Conditional Use Permit to allow an on-sale liquor establishment ITEM 52

GENERAL INFORMATION:

PETITIONER	Paul Bradsky for Atlantis, LLC
REQUEST	No. 06UR010 - Conditional Use Permit to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lot 1 of Atlantis Subdivision, located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.04 acres
LOCATION	At the southeast corner of the intersection of Elk Vale Road and I90 Service Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Box Elder District
South:	General Commercial District
East:	Heavy Industrial District (Pennington County)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/5/2006
REVIEWED BY	Travis Tegethoff / 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 certificate of occupancy shall be obtained prior to occupancy;
2. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
3. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
4. All applicable provisions of the International Fire Codes shall be continually met; 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 east of Elk Vale Road and south of

STAFF REPORT
May 4, 2006

No. 06UR010 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 52**

Interstate 90 at Exit 61. A hotel and water park complex is currently under construction on the subject property. A portion of the complex is in the city limits of Box Elder and the remainder of the complex is in the city limits of Rapid City. The location of the bar is inside the portion of the building located in the city limits of Box Elder but since the complex is in two separate city limits the applicant is requesting approval of a Conditional Use Permit to allow an "on-sale liquor establishment" for the portion of the complex located within the city limits of Rapid City. All the buildings are connected and the patrons of the bar are not restricted from moving between the portions of the complex in Box Elder and the portions of the complex in Rapid City.

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 south and west are zoned General Commercial District. The property located east of the subject property is zoned Heavy Industrial District in Pennington County. The properties to the north are within the City Limits of Box Elder. 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. The subject property is located adjacent to existing commercial uses. 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."*

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 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:

Building Permits: Staff noted that a building permit has been obtained for this building and a certificate of occupancy shall be obtained prior to occupancy.

Parking: Staff noted the parking plan was approved during the building permit process.

STAFF REPORT
May 4, 2006

No. 06UR010 - Conditional Use Permit to allow an on-sale liquor establishment ITEM 52

Staff also noted that 463 parking spaces are required per Section 17.50.270 of the Rapid City Municipal Code and that 469 parking spaces are provided. The site plan meets all the requirements of Section 17.50.270 of the Rapid City Municipal Code.

Landscaping: Staff noted the landscape plan was approved during the building permit process. Staff noted that 150,681 landscape points are required and that 256,871 landscape points are provided. The landscape plan meets all the requirements of Section 17.50.300 of the Rapid City Municipal Code.

Fire Code: Staff noted that all applicable provisions of the International Fire Code shall be continually met.

Engineering: Staff noted that the site development has been reviewed and approved during the previous building permit submittal.

Notification: As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the May 4, 2006 Planning Commission meeting if this requirement has not been met.

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