

STAFF REPORT
March 8, 2007

No. 07UR002 - Conditional Use Permit to allow an On-Sale Liquor Establishment ITEM 41

GENERAL INFORMATION:

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| PETITIONER | Kennedy Design Group, Inc. for Wyngard Pot-o-Gold Casino, Inc. d/b/a Lucky D's Casino |
| REQUEST | No. 07UR002 - Conditional Use Permit to allow an On-Sale Liquor Establishment |
| EXISTING LEGAL DESCRIPTION | Lot 1 less H1; Lot 2; south 2.5 feet of Lot 3; vacated alley adjacent to said Lots, of Radio Tower Addition, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.47 acres |
| LOCATION | 1330 St. Patrick Street |
| EXISTING ZONING | General Commercial District |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | Light Industrial District |
| East: | Low Density Residential District |
| West: | General Commercial District |
| PUBLIC UTILITIES | Public Water and Sewer |
| DATE OF APPLICATION | 2/9/2007 |
| REVIEWED BY | Jonathan Smith / Mary Bosworth |

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an On-Sale Liquor Establishment be denied.

GENERAL COMMENTS:

The applicant has submitted a request for a Conditional Use Permit to allow an on-sale liquor establishment at 1330 St. Patrick St. The subject property is currently zoned General Commercial. Currently a 3,204 square foot commercial structure is located on the subject property, the current use of the subject property is automobile sales. The applicant has acknowledged that the future use of the property will be video lottery in 1,304 square feet of the building, with the remainder of the building being leased out for other undetermined general commercial purposes.

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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 for religious worship, school, park, playground, or similar use within a five hundred foot radius.*

There are no places of religious worship, schools, playgrounds, parks, or areas of similar use located within 500 feet. Staff does not find that this request for an on-sale liquor use to have an adverse effect on any place of religious worship, school, playground, park, or areas of similar use.

2. *The requested use is "sufficiently buffered" with respect to residential areas so as not to adversely affect such areas.*

The subject property abuts residential property on the northern boundary. The subject property is also located in close proximity to other residential property including single family residences located along Riley Street, which abuts the subject property to the northeast, and single family residences located along residential Sioux Avenue, which lies 150 feet west of the subject property. Staff does not find the subject property to have sufficient buffering between the proposed use of the property and the existing residential use within the 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".*

Currently two liquor on-sale/video lottery establishments: Blue Lantern Lounge located at 1200 East Saint Patrick Street, and Market Square Casino located at 1200 East Saint Patrick St, are within the vicinity of the subject property. Staff feels the additional on-sale liquor establishment would pose an undue concentration of similar uses.

4. *The proposed use has been reviewed under Chapter 17.54.030 (E) Criteria for Review.*

Parking

The applicant has submitted a site plan as part of this application showing 24 parking spaces, one of which is a van accessible handicap space. The minimum standard for this property is 24 parking spaces, one of which is required to be a handicap space. The submitted site plan meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Landscaping

The applicant has submitted a landscaping plan showing 18,000 landscape points as part of this application. A minimum of 17,906 landscape points is required. The submitted plan proposes 8 small trees to be planted on the northern property line, which abuts single family residential property. Along with an existing six foot wooden fence the proposed landscaping provides sufficient screening between the two properties. The submitted landscaping plan meets the requirements of Section 17.50.300 of the Rapid City Municipal Code.

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Design Features

The building currently located on this site is a one story masonry structure with red and white colors. At the time of this review the applicant is not proposing any changes to the building.

Signage: The proposed signage must comply with the Sign Code. A sign will be located on an existing pole located on the southern boundary of the property in front of the structure, and is not in close proximity of residential development. The proposed sign is 32 inches by 72 inches installed into the existing sign frame; height of the proposed sign is 16 feet. The proposed sign is shown as being illuminated but does not feature any flashing. Future wall signage may be required as additional businesses move into other portions of the building. Any additional signage must meet all Sign Code requirements and will require a Major Amendment to the Conditional Use Permit.

Fire Code: Staff noted that all applicable provisions of the International Fire Code shall be continually met. The structure as shown does not require a fire sprinkler system. If the structure becomes an assembly type occupancy that serves alcohol then fire sprinklers shall be required.

Staff is recommending that the Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District be denied. The property may be developed with any of the permitted uses identified in the General Commercial District.