

STAFF REPORT
June 21, 2007

No. 07UR008 - Major Amendment to a Conditional Use Permit

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GENERAL INFORMATION:

PETITIONER	Wal-East Development, Inc.
REQUEST	No. 07UR008 - Major Amendment to a Conditional Use Permit
EXISTING LEGAL DESCRIPTION	Lots 1 thru 4 of Wise's Addition of Block 20, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .47 acres
LOCATION	685-C LaCrosse Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District - Medium Density Residential District
East:	General Commercial District
West:	Medium Density Residential District
PUBLIC UTILITIES	Public Water and Sewer
DATE OF APPLICATION	5/3/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit be approved with the following stipulations.

- 1. The on-sale liquor establishment shall be used in conjunction with the expansion of an existing casino use within the strip mall.**
- 2. The hours of operation for the on-sale liquor expansion shall be from 9:00 am to 12:00 am Monday thru Thursday, 9:00 am to 2:00 am on Friday thru Saturday, and 10:00 am to 10:00 pm on Sunday.**
- 3. Any additional expansion of on-sale liquor will require a Major Amendment to a Conditional Use Permit.**
- 4. The Major Amendment to a 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.**
- 5. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan.**

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GENERAL COMMENTS:

(Update June 12, 2007) All revised text is shown in bold. This item was continued at the June 7, 2007 meeting to allow the applicant time to submit a floor plan and a site plan. On June 8, 2007 the applicant submitted a floor plan and site plan for review and approval. The applicant has submitted a Major Amendment to a Conditional Use Permit to allow for the expansion of an on-sale liquor use. The subject property is located at the southwest intersection of East Monroe Street and North LaCrosse Street. Currently a four unit strip mall is located on the subject property. The subject property is currently zoned General Commercial District. The applicant was granted a Conditional Use Permit to allow on-sale liquor use on August 2, 1993 (# 1198).

STAFF REVIEW:

The applicant has submitted a Major Amendment to a Conditional Use Permit to allow for the expansion of an on-sale liquor use. The subject property currently is located in a strip mall, which contains five commercial units. A current tenant (Jackpot Casino) which has on-sale liquor has submitted plans to expand into 750 square feet of a 1250 square feet unit that abuts the casino. The remaining space of the abutting unit is to be occupied by a dentist office.

Staff has reviewed this request for a Major Amendment to a Conditional Use Permit to allow for expansion of 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.*

Staff has noted that the following facilities are located within 500 feet of the subject property: First Church of God located at 706 East Monroe Street, the Pennington County Health and Services Center located at 725 North LaCrosse Street, the Community Health Center located at 504 East Monroe Street, and the Youth and Family Services Center located at 410 East Monroe Street

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 southern and western boundary. Staff believes that the expansion of on-sale liquor within this vicinity will cause increased noise and traffic within the area, particularly in the evening hours. Also the presence of alcohol has the potential to compound these problems. Staff does not find the subject property to have sufficient buffering by landscaping or land use. However staff has noted that the original request to allow on-sale liquor at this location was approved by the Rapid City Council on August 2, 1993, and that the expansion of on-sale liquor at this location would not have an adverse effect, or a significant increase in activity.

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 there are no other on-sale liquor establishments located within the general vicinity.

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

PARKING:

The applicant has submitted an updated site plan and floor plan. Staff has noted that 31 parking spaces are required based on the square footage of storage space and the square footage of the permitted uses within the strip mall. The applicant's site plan identifies 31 parking spaces one of which being a van accessible handicap parking space.

The applicant has submitted a site plan as part of this application identifying 31 parking spaces, none of which are identified as being handicap accessible spaces. Staff has noted that 6 parking spaces are required for the pick up and delivery food service in Unit A, 20 parking spaces are required for the Casino use in Unit B and the expansion into Unit C, and 9 parking spaces are required for the dental office in Unit D and the remainder of Unit C. Staff has noted that 35 parking spaces are required, and that the applicant's site plan shows insufficient parking spaces. The applicant has indicated that some of the floor space within the strip mall is used for storage and warehousing. Staff has noted that the applicant is required to submit a floor plan drawn to scale by a professional draftsman so that parking requirements can be calculated based on the ratio of warehouse use to other uses within the strip mall.

LANDSCAPING:

Staff has noted that 14,530 landscape points are required. The applicant has submitted a site plan identifying 17,250 landscape points, including shrubs along the western boundary that abuts residential property.

NOTIFICATION:

Staff has noted that the proper sign has been posted on the property, and all of the certified mailing receipts have been returned to the Growth Management Department.

Staff recommends that the Major Amendment to a Conditional Use Permit to allow for the expansion of on-sale liquor be approved assuming compliance with the stipulations.