

STAFF REPORT
November 8, 2007

ITEM 67

No. 07UR012 - Conditional Use Permit to allow an on-sale liquor establishment

GENERAL INFORMATION:

APPLICANT/AGENT	Carolyn Thompson
PROPERTY OWNER	Dan O'Brien
REQUEST	No. 07UR012 - Conditional Use Permit to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lot 3 of Deadwood Avenue Business Park, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.04 acres
LOCATION	1141 Deadwood Avenue, Suite 2
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Light Industrial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	9/13/2007
REVIEWED BY	Jonathan Smith / Ted Johnson

RECOMMENDATION:

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

- 1. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 2. Hours of operation shall be Monday through Friday 8:00 am to 10:00 pm, Saturday 10:00 am to 10:00 pm, and Sunday 2:00 pm to 8:00 pm.**
- 4. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 5. Prior to the installation of any signs on the subject property the applicant shall obtain a Sign Permit. Any additional signage in the future will require a Major Amendment to the Conditional Use Permit;**

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6. **The structure shall be fully fire sprinklered and fire alarmed/detected and all applicable provisions of the 2003 International Fire Codes shall be continually met;**
7. **Any change to the exterior elevations of the building will require a Major Amendment to the Conditional Use Permit.**
8. **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:

(Update October 30, 2007. All revised text is shown in bold.) On October 24, 2007 the applicant submitted proposed sign information. The proposed sign measures 32 square feet in area and will be located above the front entrance of the suite the tenant is occupying. Staff has noted that the proposed sign meets the standards of Section 15.28.91.

On October 30, 2007 the applicant submitted a revised site plan identifying five off-street parking handicap spaces, one of which being van accessible. As noted the applicant has previously submitted a site plan as part of this application identifying 138 off-street parking spaces. The retail/office use for the building requires that 104 parking off-street parking spaces be provided. The proposed on-sale liquor establishment use requires 20 off-street parking spaces be provided for a total of 124 off-street parking spaces. Five handicap accessible spaces are required by section 17.50.270 4A, with one van accessible space being provided. Staff finds that the applicant's off-street parking meets the minimum standards set forth in Section 17.50.270.

The applicant is requesting a Conditional Use Permit to allow an on-sale liquor establishment. The property is located at 1141 Deadwood Avenue and is part of the "Deadwood Avenue Business Park". Currently a 22,890 building is located on the structure. This structure is divided into several suites that are currently being used for office and retail. The applicant is proposing to open a Video Lottery Casino use in Suite II that is currently vacant. The property is zoned General Commercial District.

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. This request for an on-sale liquor use does not appear 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*

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adversely affect such areas.

The property does not abut residential property. The closest residential property is located approximately 4000 feet from the property, and is separated by commercial use and vacant land. It does not appear that residential areas within the vicinity of the property will be adversely affected by the applicant's request.

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 no other Video Lottery Casino uses are within the area. Staff finds that the proposed use will not create 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 revised site plan identifying five handicap accessible off-street parking spaces, one of which is van accessible. Staff finds that the applicant's off-street parking meets the minimum requirement of Section 17.50.270.

The applicant has submitted a site plan as part of this application identifying 138 parking spaces including, three handicap parking spaces. The retail/office use for the building requires 104 parking spaces be provided. The proposed on-sale liquor establishment use requires 20 parking spaces for a total of 124 spaces. Staff has noted that five handicap accessible spaces are required by section 17.50.270 4A, one van accessible space. Staff recommends that the applicant revise the site plan to identify two additional handicap spaces, including one van accessible space.

LANDSCAPING:

Staff has noted that the applicant is required to have 67,265 landscape points. The applicant has submitted a landscaping plan identifying 67,750 landscape points consisting of large trees, medium trees, and shrubs. Staff has noted that the submitted landscaping plan meets the requirements of Section 17.50.300 of the Rapid City Municipal Code, and that the landscaping was approved at the time of the issuance of a Building Permit and is currently in place. All landscaping must be maintained in a live and vegetative state.

DESIGN FEATURES:

The building currently located on the site is a one story building. The building elevations consist of split face block that has a natural stone color. Green awnings and a series of large storefront windows accent the building.

SIGNAGE:

The proposed sign measures 32 square feet in area and will be located above the front entrance of the suite the tenant is occupying. The proposed sign meets the standards of Section 15.28.91.

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Staff has noted that a sign package was not submitted for review and approval. Currently the existing signage on the building consist of internal illuminated signs that are placed above the front entrance of each suite. Staff recommends that the applicant submit for review and approval a sign package of any proposed signs. All proposed signage must meet the minimum standards of the Sign Code.

FIRE CODE:

Staff has noted that if the occupancy of the proposed business exceeds 50 or more then the suite shall be fire sprinklered, and that additional fire protection measures may be required at which time the applicant applies for a building permit. In addition all provisions of the Fire Code shall be continuously met.

Staff recommends that this item be continued to the November 8, 2007 Planning Commission meeting to allow the applicant time to submit a revised site plan and a sign package.