

STAFF REPORT
April 24, 2008

No. 08UR002 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 66**

GENERAL INFORMATION:

APPLICANT	Kaz Campillo
AGENT	Robb Schlimgen for Schlimgen Design Consultants, Inc.
PROPERTY OWNER	Robb Schlimgen and Sue Bell
REQUEST	No. 08UR002 - Conditional Use Permit to allow on-sale liquor
EXISTING LEGAL DESCRIPTION	Lot 2 of SE1/4 SW1/4, SE1/4 less Lot H-1, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.41 acres
LOCATION	2328 West Main Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	3/28/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

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

1. A minimum of 1,800 landscape points shall be provided. The landscaping shall be planted in compliance with the approved landscaping plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. Any change in the approved landscape plan shall require a Major Amendment to the Planned Commercial Development;
2. All applicable provisions of the International Fire Codes shall be continually met;
3. The Conditional Use Permit shall expire if the use is not undertaken and completed

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- 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; and
4. The on-sale alcohol use will be limited to the 1,700 square foot restaurant located on the eastern side of the building in conjunction with a full scale restaurant. No video lottery will be associated with this use. Other permitted general commercial uses are allowed in the balance of the property.
 5. A minimum of 27 parking spaces, seven stacking stalls and two ADA parking stalls shall be provided as per the variance.

GENERAL COMMENTS: The applicant has submitted a Conditional Use Permit to allow an on-sale liquor establishment in a General Commercial Zoning District. Section 17.18.030 of the Rapid City Municipal Code allows on-sale liquor establishments as a Conditional Use. The property is located at 2328 West Main Street.

Currently one building is located on the property and is divided into three separate business areas. The applicant has submitted a plan indicating that the third business area which is 1,700 square feet will be used as a full service restaurant pending approval of the Conditional Use Permit. The property to the north is zoned Light Industrial District and is currently being used as an industrial business. The property to the south is zoned General Commercial District and is currently being used as a gas station. The property to the west is zoned General Commercial District and is currently being used as commercial office space. The property to the east is zoned General Commercial District and is currently being used as a gas station.

1. *The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within five hundred (500) feet radius.*

There are no places of religious worship, schools, or playgrounds located within a five hundred foot radius of the subject property. An area of office retail spaces, two gas stations and a light industrial business surrounds the property. West Main Street, a four lane principal arterial street on the City's Major Street Plan, is adjacent to the subject property. Zoning Districts surrounding the subject property include General Commercial and Light Industrial. Staff's review of the proposed on-sale liquor establishment finds that the proposed use should have no significant adverse effect on the surrounding uses.

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

There are no residential zoning districts adjacent to the subject property. The property located to the north is zoned Light Industrial. The property located to the south is zoned General Commercial District. The property to the east is zoned General Commercial District, and the property to the west is zoned General Commercial District. Staff does not anticipate that the proposed on-sale liquor use will have a significant negative impact on any residences.

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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 on-sale liquor establishments within 1,000 feet of the subject property. Staff does not believe that this proposed use will create an undue concentration of similar uses in this area. Further, since the on-sale liquor establishment is proposed to operate in conjunction with a restaurant, staff does not believe the concentration of the on-sale liquor establishment in the area would cause blight, deterioration or diminish land values of the surrounding properties.

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 noted the following issues:

Landscaping: A landscaping plan has been submitted showing 18,500 points. The required number of landscaping points for this project equal 18,100 points. As such, staff noted that the landscaping plan meets the requirements.

Parking: A parking plan has been submitted showing 27 parking stalls and eight drive-up stacking stalls. The required amount of parking for this project equals 32 parking stalls and seven drive-up staking stalls. However, a variance to the parking regulations of the Rapid City Municipal Code was granted on December 4, 2007 to allow 27 parking spaces in lieu of the required 32 parking spaces. (Variance # 5441) Staff recommends that a minimum of 27 parking spaces, seven stacking stalls and two ADA parking stalls be approved as per the variance.

Staff recommends that the Conditional Use Permit to allow on-sale liquor be approved with the above mentioned stipulations.