

STAFF REPORT
June 26, 2008

No. 08UR007 - Conditional Use Permit to allow an on-sale liquor establishment **ITEM 70**

GENERAL INFORMATION:

APPLICANT/AGENT	Heartland Entertainment, LLC
PROPERTY OWNER	JLD Properties, LLC
REQUEST	No. 08UR007 - Conditional Use Permit to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lot 1 of Devine Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.46 acres
LOCATION	262 North Campbell Street
EXISTING ZONING	General Commercial District - Heavy Industrial District
SURROUNDING ZONING	
North:	General Commercial District - Heavy Industrial District
South:	General Commercial District
East:	Heavy Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	5/9/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

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

1. A minimum of 35,007 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
2. A minimum of 67 parking spaces shall be provided. Three of the spaces shall be handicap accessible with one of the handicap spaces being "Van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
3. The proposed structure shall conform architecturally to the plans and elevations submitted. Any expansion to the use will require a Major Amendment to the Conditional Use Permit;
4. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;

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5. The on-sale liquor establishment shall be for on-sale beer in conjunction with a NASCAR simulator business only. Any change in use shall require a Major Amendment to the Conditional Use Permit;
6. 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: June 13, 2008. All revised and/or added text is shown in bold.) This item was continued at the June 5, 2008 Planning Commission meeting because additional information had not been submitted. Staff met with applicant on June 9, 2008 and received the additional required information. Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the above mentioned stipulations.

The property is located at 262 North Campbell Street Suit B which is located south of East North Street, east of North Campbell Street and north of East Highway 44. The applicant is currently using the property as a NASCAR simulator and arcade business. The applicant is now proposing to include on-premise beer sales in conjunction with the current business.

STAFF REVIEW: Staff has reviewed this request with respect to the four criteria established for On-Sale Liquor establishments identified in Section 17.50.185:

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 500 foot radius of the property. The adjacent properties are currently being used as new and used car lots, camper sales, a truck and auto body repair shop, a video lottery establishment and a retail cabinet sales establishment. North Campbell Street, a four lane minor arterial street on the City's Major Street Plan, is adjacent to the property. Zoning Districts surrounding the property include General Commercial and Heavy Industrial zoning districts. The proposed on-sale liquor establishment appears to have no significant adverse affect on the surrounding uses.

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

The adjacent properties are zoned Heavy Industrial District and General Commercial District. The proposed on-sale liquor would not appear to have any significant negative impact on any residential areas.

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 is one video lottery establishment with on-sale liquor located within 1,000 feet of the property. The proposed on-sale liquor establishment will be operated in

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conjunction with an indoor NASCAR simulator and arcade facility. This type of on sale liquor establishment will have different impacts than those associated with a traditional bar or casino. For this reason it does not appear that 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:

Parking: The parking plan that was submitted with this project identifies 72 parking stalls including two handicap parking stalls. In order for staff to determine the required number of off-street parking stalls the applicant must submit additional information identifying the uses of all of the business located on the property. If the applicant is unable to provide the required off-street parking a variance to the parking regulations must be obtained. Submittal of the additional information will allow staff to determine if the minimum number of required off-street parking spaces is being provided. As such, prior to Planning Commission approval the applicant must submit for review and approval, a floor plan showing the proposed and current uses of the property and a sight plan demonstrating that all required off-street parking is provided.

Elevations: The plans that were submitted for this project did not include building elevations as required by Section 17.54.030.E of the Rapid City Municipal Code. Prior to Planning Commission approval the applicant must submit building elevations that include material and color for review and approval.

Waste Disposal Screening: The site plan identifies two dumpster areas on the property. The plan does not show screening around the dumpsters and no elevations of the dumpster screening has been submitted. Prior to Planning Commission approval, the applicant must submit a site plan that shows full screening for the dumpster locations and provide an elevation of the screening including colors and materials for the proposed screening.

Food Service: It is unclear from the application if the applicant is proposing to have food sales in conjunction with the business. In order to identify the requirements for a kitchen or food service area, grease traps or other required improvements a detailed description of the food service that will be provided must be submitted and all required improvements identified on the plans.

Signage: Staff noted that no sign package was submitted with the application. Prior to Planning Commission approval, a sign package must be submitted showing all signage provided.

Notification Requirement: As of this writing, the green cards from the required notification of surrounding property owners have not been returned. The sign stating that a Conditional Use Permit has been requested has been posted on the property. Staff will notify the

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Planning Commission at the June 5, 2008 Planning Commission meeting if the mailing notification requirement has not been completed.

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