

STAFF REPORT
July 24, 2008

No. 07UR015 - Conditional Use Permit to allow an on-sale liquor establishment ITEM 38

GENERAL INFORMATION:

APPLICANT/AGENT	Bryan Gonzalez for Century Development Co.
PROPERTY OWNER	Century Development Co. Inc.
REQUEST	No. 07UR015 - Conditional Use Permit to allow an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lot 2 of Huffman Subdivision, located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.715 acres
LOCATION	1331 E. North Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Light Industrial District
East:	General Commercial District
West:	Light Industrial District - General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/26/2007
REVIEWED BY	Jared Ball / Ted Johnson

RECOMMENDATION:

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

- 1. Prior to Planning Commission approval of Phase One, the applicant shall submit a revised Phase One boundary for review and approval;**
- 2. Prior to Planning Commission approval of Phase One, the applicant shall document that the required landscaping points for the revised Phase One boundary area are provided;**
- 3. Prior to Planning Commission approval of Phase One, the applicant shall submit a shared access agreement signed by the property owner to the east;**
- 4. Prior to Planning Commission approval of Phase One, the applicant shall submit a**

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- revised sign package including elevations, dimensions, lighting and a list of building materials for Phase One for review and approval;
5. All current International Fire Codes shall be continually met. In addition, the building shall be fire sprinklered as per the International Fire Code and a building permit shall be obtained for the fire sprinkler system prior to installation;
 6. 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;
 7. 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; and,

That Phase Two be denied without prejudice.

GENERAL COMMENTS: (Updated, July 17, 2008. All revised and/or added text is shown in bold print.) This item was continued to the July 24, 2008 Planning Commission meeting because all of the required information had not been submitted. Subsequently, information has been submitted to allow approval of Phase One. Staff recommends that the Conditional Use Permit to allow one on-sale liquor establishment for the revised Phase One be approved with the above stipulations and Phase Two denied without prejudice.

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 1331 East North Street.

Currently the property is void of any structural development. The applicant has submitted a Master Plan indicating that three structures used as full service restaurants will be located on the property pending approval of the Conditional Use Permit. The three structures will be 6,520 square feet, 5,989 square feet and 6,189 square feet and will be built in two phases.

The first phase of development will include a 6,520 square foot restaurant and a 5,989 square foot restaurant. The first phase of the development will consist of 136 parking stalls and five handicap parking stalls. Phase one will also include 124,386 landscaping points.

The second phase of the proposed development will include a 6,189 square foot restaurant, 59 parking stalls including two handicap accessible stalls and 62,474 landscaping points.

The property to the north is zoned General Commercial District and is currently undeveloped. The property to the south is zoned Light Industrial District and is currently undeveloped. The property to the west is zoned Light Industrial District and is currently undeveloped. The property to the east is zoned General Commercial District.

Staff spoke with the applicant on July 18, 2008 to discuss revising Phase One of the project and converting the application to a Planned Commercial Development to facilitate

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phasing the project. The applicant indicated that he was in concurrence with obtaining approval of revised Phase One for one structure and subsequently converting the project to a Planned Commercial Development.

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 subject property. An area of office and retail space is located east of the property. A veterinary clinic and farm supply store is located north of the property and a bar is located west of the property. East North Street, a four lane principal arterial street on the City’s Major Street Plan, is adjacent to the 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.*

The properties surrounding this property are zoned General Commercial District and Light Industrial District. No residential areas are located near the property. Staff does not anticipate that the proposed on-sale liquor use will have a significant negative impact on any residences.

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 on-sale liquor establishment 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 establishments are proposed to operate in conjunction with full service restaurants, 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:

Master Plan:

A master plan has been submitted showing the construction of three commercial buildings with

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landscaping and parking on the property. The applicant has indicated that the property will be constructed in phases. Phase One will include the middle commercial building, a 5,989 square foot structure to be used as a full service restaurant with on-sale liquor. However, the Master Plan does not identify the boundaries of Phase One. As such, staff can not determine if sufficient parking, circulation, and access are being provided with the construction of Phase One. On January 11, 2008, staff met with the applicant to discuss the phasing of the project. The applicant has indicated the Master Plan will be revised to show boundaries for each phase of the development. As such, staff is recommending that the Conditional Use be continued to the February 7, 2008 Planning Commission meeting to allow the applicant to submit the revised Master Plan.

On July 18, 2008 staff spoke with the applicant about revising Phase One of the project. The applicant indicated that he would submit a revised plan for Phase one for review and approval. As such, prior to Planning Commission approval of Phase One, the applicant must submit a revised Phase One boundary for review and approval. Staff will notify the Planning Commission at the July 24, 2008 Planning Commission meeting if the required information has been submitted.

Landscaping:

A landscaping plan has been submitted showing the required 93,430 landscaping points for the property. However, the boundaries for Phase I which are needed to calculate the required landscaping points have not been submitted. Staff met with the applicant on January 11, 2008 and discussed landscaping for the property. The applicant agreed to submit a landscaping plan that shows the boundaries of each phase in order for the required landscaping points to be calculated. Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be continued until the February 7, 2008 Planning Commission meeting to allow the applicant to submit the additional information.

On July 18, 2008 Staff spoke with the applicant about revising Phase One of the project. Prior to Planning Commission approval of the revised Phase One boundary the applicant must document that Phase One of the project includes the required landscaping points. Staff will inform the Planning Commission if the required information has been submitted, reviewed and approved at the July 24, 2008 Planning Commission meeting.

Parking:

Staff spoke with the applicant on July 18, 2008 to discuss Phase One of the project. The revised Phase One boundary must provide adequate parking to support that phase of development. Staff will notify the Planning Commission if this requirement is not met.

Utilities and Sewer:

A Master Plan has been submitted for the property. However, the plan does not show the full extent of water lines and fire hydrants for the entire project. The applicant has agreed to submit a Master Plan showing the information. As of this writing the information has not been submitted. As such, staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be continued until the February 7, 2008 Planning Commission meeting to allow the applicant to submit additional information. **On July 11, 2008 the applicant submitted a**

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revised master plan that includes water lines and fire hydrants for the entire project. The revised plans have been reviewed and approved.

Drainage:

A Master Plan was submitted for the property. However, drainage calculations have not been submitted for review and approval. The applicant has agreed to submit a revised site plan and Master Plan for the property that includes drainage calculations for the property. **On July 11, 2008 the applicant submitted a revised master plan that included drainage calculations. The revised plan has been reviewed and approved.**

Shared Access Agreement:

The plan that was submitted for this project shows part of the entrance to the proposed restaurant crossing the property line of the adjacent property to the east. Prior to Planning Commission approval the applicant must submit a shared access agreement signed by the property owner to the east.

Sign Package:

The applicant submitted two drawings of proposed signs to be located on the property. However, the drawings did not include elevations, dimensions, lighting or a list of materials. Staff has concerns with the design of the signs to be located as an entry way into the community. Further, no wall mounted signs have been identified. As such, prior to Planning Commission approval staff recommends that the applicant submit a revised sign package including elevations, dimensions, lighting and a list of building materials for Phase One for review and approval.

Fire Department:

All current International Fire Codes shall be continually met. In addition, the building shall be fire sprinklered as per the International Fire Code and a building permit shall be obtained for the fire sprinkler system prior to installation.

Outdoor Lighting:

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;

Erosion and Sediment Control:

Prior to the initiation of construction the applicant must obtain an Erosion and Sediment Control permit.

Building Permit:

Prior to Construction the applicant must obtain Building Permit and prior to occupancy the applicant must obtain a Certificate of Occupancy.

Right-Of-Way:

Prior to construction the applicant must obtain a Right to Work in the Right-of-Way Permit from the City of Rapid City.

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Based on the findings outlined above, staff recommends approval of revised Phase One for one structure with stipulations. Further, staff recommends that the balance of the project be denied without prejudice to allow the applicant to resubmit the project as a Planned Commercial Development.