

STAFF REPORT
October 23, 2008

No. 08UR015 - Major Amendment to a Conditional Use Permit to allow on-sale liquor **ITEM 61**

GENERAL INFORMATION:

APPLICANT	Paul Bradsky for Atlantis, LLC
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Atlantis, LLC
REQUEST	No. 08UR015 - Major Amendment to a Conditional Use Permit to allow on-sale liquor
EXISTING LEGAL DESCRIPTION	Lot 1 Revised of Atlantis Subdivision, located in the W1/2 of the SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.32 acres
LOCATION	1314 North Elk Vale Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Box Elder
South:	General Commercial District
East:	Box Elder
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/26/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

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

1. The on-sale liquor establishment shall be for the guests of the existing hotel only and any change in use shall require a Major Amendment to the Conditional Use Permit;
2. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
3. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
4. All applicable provisions of the International Fire Codes shall be continually met; and,

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5. The Major Amendment to a Conditional Use Permit shall expire if the use is not undertaken 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: The subject property is located east of Elk Vale Road and south of Interstate 90 at Exit 61. A hotel and water park complex is currently constructed on the property. A portion of the complex is in the city limits of Box Elder and the remainder of the complex is in the city limits of Rapid City.

On May 4, 2006 Planning Commission approved a Conditional Use Permit (#06UR010) to allow an on-sale liquor establishment for the property with the following stipulations:

1. A certificate of occupancy shall be obtained prior to occupancy;
2. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
3. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
4. All applicable provisions of the International Fire Codes shall be continually met; and,
5. 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.

On September 3, 2008 a Final Plat (#08PL128) was approved for the property expanding the boundaries of Lot 1 of Atlantis Subdivision.

The applicant is now proposing to expand the boundaries of the existing Conditional Use Permit to include the entire Lot 1 Revised of Atlantis Subdivision and to transfer a full on-sale liquor license to the property. The applicant has indicated that the liquor license will be used to serve guests of the hotel and not be available to the general public.

STAFF REVIEW: 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 used for religious worship, school, park, playground, or similar use within a five hundred foot radius.*

There are no places of religious worship, schools or parks located within a 500 foot radius of the property. The surrounding properties to the south and west are zoned General Commercial District. The properties to the north and east are within the City Limits of Box Elder. The property is located adjacent to existing commercial uses.

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

The property is currently zoned General Commercial District. The property is located

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adjacent to existing commercial uses. There are no residential structures located in the immediate area.

- 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."*

No other on-sale liquor establishments are located in the immediate area. Staff does not find this request for an on-sale liquor use to constitute an undue concentration that would cause blight or deterioration or diminish land values in the surrounding area.

- 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 notes the following issues:

Building Permits: Staff noted that a building permit has been obtained for this building and a certificate of occupancy has been obtained prior to occupancy.

Parking: Staff noted the parking plan was approved during the building permit process. Staff also noted that 463 parking spaces are required per Section 17.50.270 of the Rapid City Municipal Code and that 469 parking spaces are provided. The parking plan meets all the requirements of Section 17.50.270 of the Rapid City Municipal Code.

Landscaping: Staff noted the landscape plan was approved during the building permit process. Staff noted that 150,681 landscape points are required and that 256,871 landscape points are provided. The landscape plan meets all the requirements of Section 17.50.300 of the Rapid City Municipal Code.

Fire Code: Staff noted that all applicable provisions of the International Fire Code must be continually met.

Engineering: Staff noted that the site development has been reviewed and approved during the previous building permit submittal.

Notification: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the October 23, 2008 Planning Commission meeting if this requirement has not been met.

Staff is recommending that the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District be approved with the previously stated stipulations.