

STAFF REPORT  
January 22, 2009

---

**No. 08UR017 –Major Ammendment to a Conditional Use Permit for an on sale liquor establishment. ITEM 67**

---

GENERAL INFORMATION:

APPLICANT	Paul Bradsky for Wal-East Development, Inc.
AGENT	Kent Kennedy for Kennedy Design Group, Inc.
PROPERTY OWNER	CAB Properties LLC/Sky Properties LLC
REQUEST	<b>No. 08UR017 - Conditional Use Permit to allow an on-sale liquor establishment</b>
EXISTING LEGAL DESCRIPTION	Lot A of Lot 7 of K3, Marshall Heights Tract, located in the SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.16 Acres
LOCATION	1415 North LaCrosse Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	Low Density Residential District - Medium Density Residential District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	12/4/2008
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. The applicant must obtain a Building Permit prior to the initiation of any construction;
2. All applicable provisions of the Uniform Fire Codes shall be continually met;
3. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
4. The landscaping plan shall continually be maintained in a live vegetative state and replaced as necessary; and,
5. The Major Amendment to a Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning

STAFF REPORT  
January 22, 2009

---

**No. 08UR017 –Major Ammendment to a Conditional Use Permit for an on sale liquor establishment. ITEM 67**

---

Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: The property is located at 1415 North Lacrosse Street. The property is currently zoned General Commercial District. The adjacent properties to the north and south are currently zoned General Commercial District. The adjacent property to the east is currently zoned General Commercial District with a Planned Commercial Development. The adjacent properties to the south are currently zoned Low Density Residential and Medium Density Residential. The applicant is requesting a Major Amendment to a Conditional Use Permit for an on-sale liquor establishment. The applicant is proposing to create a second premise on the site, In Addition, the Major Amendment will eliminate the stipulation that the on sale liquor establishment must be operated in conjunction with a full service restaurant.

On July 8, 2004 the Planning Commission approved a Conditional Use Permit for an on sale liquor establishment with stipulations (File #04UR007).

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 of the Rapid City Municipal Code:

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 or schools located within a 500 foot radius of the subject property; however, Knollwood Heights Park is located within 500 feet of the subject property. The properties located to the north, south, and east are zoned General Commercial. The subject property is located in a corridor of existing commercial uses. Because of the topography of the property relative to the adjacent parcels,, the proposed on-sale liquor establishment would appear to have no significant adverse effect on any place for religious worship, school, park, playground or similar use.

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

The subject property is currently zoned General Commercial. There are single family residences located in a Low Density Residential Zoning District on the lots to the west of the subject property. Section 17.18.080 requires that an opaque ornamental screening fence not less than five nor more than six feet in height shall be constructed along the adjacent property lines when a general commercial zoning district is adjacent to a residential district. A fence has been constructed as required.

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 three other on-sale liquor establishments located in the immediate area. However, the site is already being used as an on-sale liquor establishment. As such, this request for a Major Amendment to a Conditional Use Permit for an on-sale liquor

STAFF REPORT  
January 22, 2009

---

**No. 08UR017 –Major Ammendment to a Conditional Use Permit for an on sale liquor establishment. ITEM 67**

---

establishment would not appear to constitute an undue concentration which 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 that the submitted site plan is in compliance with the parking and landscaping requirements that were approved on July 8, 2004. In addition, staff noted that the landscaping has been installed in compliance with the approved plans. As previously indicated, the property is in compliance with Section 17.18.080 as the required screening fence is located on the west property line.

Building Permit: Prior to the initiation of any construction the applicant must obtain a building permit.

Floor Plan: Staff has reviewed the floor plan that was submitted with this application and noted that two new eight foot high walls will be constructed in the building to be a barrier between the two premises. Staff has compared the new plans with the previously approved plans and noted that no additional floor space is being used. As such, the 98 parking stalls that were required and provided as part of the original conditional use permit will not change and the Major Amendment to the Conditional Use Permit for and on sale liquor establishment will not require any additional parking. In addition, a minimum of four handicap accessible spaces are being provided as required.

As of this writing, the Conditional Use Permit sign has been posted on the property. However, the receipts from the required certified mailings have not been returned. Staff will notify the Planning Commission at the January 22, 2009 Planning Commission meeting if this requirement has not been met. As such, staff recommends that the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment be approved.