

STAFF REPORT
May 7, 2009

No. 09UR011 - Conditional Use Permit to allow an on-sale liquor establishment with video lottery **ITEM 30**

GENERAL INFORMATION:

APPLICANT	Cimarron Casino, Inc.
AGENT	Kennedy Design Group Inc.
PROPERTY OWNER	Damon Riel
REQUEST	No. 09UR011 - Conditional Use Permit to allow an on-sale liquor establishment with video lottery
EXISTING LEGAL DESCRIPTION	Lots 15 thru 18 of Block 22 of Providence Addition and all of the vacated east-west alley lying adjacent to and north of said lots, as vacated in Resolution of Vacation recorded April 11, 1988 in Book 33, Page 9044, and by Resolution Vacating a Utility and Drainage Easement recorded June 8, 1988, in Book 34, page 3924 and the vacated east 25 feet of Sheridan Lake Road, lying adjacent to and west of Lot 15 and the vacated east-west alley, as vacated in Resolution recorded June 8, 1988 in Book 34, Page 3926, excepting therefrom Lot PE1 of said Lot 15, as shown on the plat file in Book of Plats 11, Page 132 all located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota \
PARCEL ACREAGE	Approximately 0.34 acres
LOCATION	2530 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 and sewer
DATE OF APPLICATION	3/27/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment

STAFF REPORT
May 7, 2009

No. 09UR011 - Conditional Use Permit to allow an on-sale liquor establishment with video lottery **ITEM 30**

be denied without prejudice.

GENERAL COMMENTS: (Update, April 29, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 7, 2009 Planning Commission meeting to allow the applicant to submit additional information. The applicant has submitted additional information on landscaping, signage and uses of the property.

The applicant has submitted a request for a Conditional Use Permit to allow an on-sale liquor establishment at 2530 West Main Street for a video lottery casino. The property is currently zoned General Commercial District. Currently a 2,700 square foot commercial structure is located on the property. The applicant is proposing to use 1,346 square feet of the building for a video lottery casino and use the remaining portion of the building for storage.

STAFF REVIEW: Staff has reviewed this request for a Major Amendment to a Conditional Use Permit to expand 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 for religious worship, school, park, playground, or similar use within a five hundred foot radius.*

There are no places of religious worship, schools, playgrounds, parks, or areas of similar use located within 500 feet. **Sioux Park is located 1,400 feet away and the National Guard facilities at Camp Rapid are located across the street. Due to the nature of the uses and the distance from the site the proposed on-sale liquor use would not appear to have a significant adverse effect on any place of religious worship, school, playground, park, or areas of similar use.**

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

Staff noted that the proposed facility abuts commercial development; however, residentially zoned property is located 180 feet from the proposed site. The nearest single family residence is located approximately 300 feet from the property. It does not appear that the property is “sufficiently buffered” from residential development so as not to adversely affect the 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, five on-sale liquor establishments are within 500 feet of the property, including Pizza Hut, Shooters, Golden Phoenix, Khoury’s Mediterranean Cuisine, and Clock Tower Lounge. Four of those establishments are full service restaurants. Additionally, Shotgun Willies and Uncle Sam’s Casino are located approximately 900 feet and 750 feet west of this site. **Staff notes the additional on-sale liquor establishment would pose an undue concentration of similar uses.**

STAFF REPORT
May 7, 2009

No. 09UR011 - Conditional Use Permit to allow an on-sale liquor establishment with video lottery **ITEM 30**

4. *The proposed use has been reviewed under Chapter 17.54.030 (E) Criteria for Review.*

Building Uses: The applicant stated that 1,346 square feet of the building would be used for a video lottery casino and 1,364 square feet of the building would be used for storage. Businesses of this type do not normally require significant storage. Staff recommends that this item be continued to the May 7, 2009 Planning Commission meeting to allow the applicant to clarify the intended uses of the building. It is important to have a clear identification of the uses for purposes of ensuring that adequate parking, ingress and egress are available to the site.

On April 22, 2009 the applicant submitted a letter stating that the 1,364 square feet of building noted for storage will be used for the storage of business equipment. It should be noted that any other uses of these storage areas would likely place the property in violation of the off-street parking requirements.

Building Permits: Staff noted that a building permit must be obtained prior to any construction and a certificate of occupancy obtained prior to occupancy.

Parking: The applicant has submitted a site plan as part of this application showing 14 parking spaces, including one van accessible handicap space. The minimum standard for this property is 14 parking spaces, including one handicap space based on the identified use of half the building for storage. In addition, the proposed parking appears to be located outside of the proposed expansion of Sheridan Lake Road. Staff is requesting clarification regarding the use of the building. Nearly any other allowable use of the property would exceed the off-street parking requirements.

On April 22, 2009 the applicant submitted a letter clarifying that the structure will be used for an on-sale liquor establishment and storage of business equipment in accordance with Section 17.18 of the Rapid City Municipal Code. It appears the proposed parking plan meets the minimum requirements of the Rapid City Municipal Code.

Landscaping: The applicant has submitted a landscaping plan showing 16,900 landscape points as part of this application. A minimum of 15,345 landscape points is required. The applicant will need to reestablish groundcover along the slope on the south side of the building to eliminate the bare ground and prevent further erosion as well as ensuring the slope is stabilized.

On April 29, 2009 the applicant submitted a revised landscape plan indicating that the south slope of the property will be hydro-seeded to prevent further erosion as well as ensuring the slope is stabilized. It appears the submitted site plan meets the minimum requirements of the Rapid City Municipal Code.

Signage: To date the applicant has not submitted a sign package for this property. As such, staff recommends that this item be continued to the May 7, 2009 Planning Commission meeting to allow the applicant to submit a complete sign package for review and approval.

STAFF REPORT
May 7, 2009

No. 09UR011 - Conditional Use Permit to allow an on-sale liquor establishment with video lottery ITEM 30

On April 17, 2009 the applicant submitted a sign package identifying a 32 square foot sign located on the east elevation of the structure and a 128 square foot sign located on the south elevation of the structure. Staff noted that the proposed sign package appears to meet the minimum requirements of Section 15.28 of the Rapid City Municipal Code. Staff recommends that all signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, may be allowed as a Minimal Amendment to the Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

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

Notification: The required sign has been posted on the property and the receipts from the certified mailing have been returned.