

STAFF REPORT
October 22, 2009

No. 09UR023 - Conditional Use Permit to allow an on sale liquor establishment **ITEM 34**

GENERAL INFORMATION:

APPLICANT	Ken Herslip
AGENT	Shawn Shortbull
PROPERTY OWNER	Ken Herslip
REQUEST	No. 09UR023 - Conditional Use Permit to allow an on sale liquor establishment
EXISTING LEGAL DESCRIPTION	Lot 1 of Tract G of Marshall Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.100 acres
LOCATION	2200 North LaCrosse Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/28/2009
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on sale liquor establishment be **denied without prejudice.**

GENERAL COMMENTS: **(Update, October 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the October 22, 2009 Planning Commission meeting to allow the applicant to submit the required information.** The applicant is requesting a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a full service restaurant. The property is located at 2200 North LaCrosse Street. Denny's Restaurant is currently located on the site. The surrounding general commercial properties include restaurants located east and west of the property, a convenience store and restaurant located south of the property, a hotel complex and gas

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station located southwest of the property and vacant land located north of the property.

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) foot radius.

There are no places of religious worship or schools within a 500 foot radius. The area around the property is predominantly commercial. Staff's review of the proposed on-sale liquor establishment finds that the proposed use should have no adverse effect on the surrounding area.

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

There are no single family residences located in the general area of the proposed on-sale liquor establishment. Staff does not anticipate that the proposed use will have a significant negative impact on the residential area because there are no residential areas close by.

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."

There are four on-sale liquor establishments located in the general area of the proposed use. The Ramkota Hotel has a restaurant/lounge and is located at 2111 N. LaCrosse Street. Three restaurants that serve on-sale alcohol are: Boston's Restaurant and Sports Bar at 620 E. Disk Drive, Outback Steakhouse at 665 E. Disk Drive, and TGIF at 2321 N. LaCrosse Street. Staff has some concerns that this proposed use may create a concentration of similar uses in this area. However, the Police Department does not oppose this application as there is no evidence that this establishment will cause additional concerns. In addition, as this on-sale liquor establishment is proposed to operate in conjunction with a full service restaurant, the effects may be mitigated.

4. The proposed use has been reviewed under the Section 17.54.030(E) and Section 5.12.140.

Staff has reviewed the proposed use with respect to Chapter 17.18 of the Rapid City Municipal Code and notes the following issues:

Land Use: The applicant has indicated that the on-sale alcohol use will be in conjunction with the restaurant.

Parking: The parking plan submitted does not accurately indicate what is built on the site. As such, a revised parking plan must be submitted for review and approval.

Access Easement: The property is located along N. LaCrosse Street with access from the adjacent property to the north. A common access easement, 35 feet by 100 feet, is

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recorded on the plat of the adjacent property.

Landscaping: The landscaping plan submitted does not accurately indicate what is located on the site. As such, a revised landscaping plan must be submitted for review and approval.

Elevation: Staff noted that an elevation of the building was not submitted with the application. As such, an elevation plan of the building, indicating the height, color, and materials, must be submitted for review and approval.

Signage: A complete sign package was not submitted with the application. As such, a complete sign package must be submitted for review and approval demonstrating the size and location of all existing signs on the property.

Fire Code: Staff noted that the size of the building exceeds 3,000 square feet and has over 100 occupants. Therefore the building must be protected throughout with an approved fire sprinkler system and associated fire alarm equipment. The installation is to be coordinated with the Fire Department. All applicable provisions of the International Fire Code shall be continually met.

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 September 24, 2009 Planning Commission meeting if these requirements have not been met. Staff has not received any objections regarding the proposed Conditional Use Permit at the time of this writing.

Staff is recommending that the Conditional Use Permit to allow an on-sale liquor establishment be continued to the October 22, 2009 Planning Commission meeting, at the applicant's request, to allow the applicant to submit the required information. **To date, staff has not received the required information. In addition, the applicant has not signed a time waiver to allow the application to be continued. As such, staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment be denied without prejudice. If the applicant should sign the time waiver prior to the October 22, 2009 Planning Commission meeting, staff will recommend that the application be continued to allow the applicant to submit the required information.**