

STAFF REPORT
July 7, 2011

No. 11UR015 - Major Amendment to a Conditional Use Permit to expand an existing On-Sale Liquor Establishment to include an outdoor patio area

ITEM 12

GENERAL INFORMATION:

APPLICANT	Doug Tennyson
PROPERTY OWNER	Doug Tennyson
REQUEST	No. 11UR015 - Major Amendment to a Conditional Use Permit to expand an existing On-Sale Liquor Establishment to include an outdoor patio area
EXISTING LEGAL DESCRIPTION	Outlot A and Lots 1 and 2 of Outlot C of Merchants First Addition located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.72 acres
LOCATION	803 East Saint Patrick 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
DATE OF APPLICATION	6/9/2011
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to expand an existing On-Sale Liquor Establishment to include an outdoor patio area be approved with the following stipulations:

1. The applicant shall initiate a covenant agreement in cooperation with the Rapid City Fire Department to provide fire sprinkler protection and an associated fire alarm system throughout the structure within an acceptable timeframe prior to obtaining a building permit;
2. All applicable provisions of the currently adopted International Fire Code shall continually be met;
3. The applicant shall obtain a building permit prior to construction;

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4. A minimum of 154 parking spaces shall continually be provided including a minimum of 6 handicap accessible spaces with one being "van" accessible;
5. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment; and,
6. Revisions to the patio design that the Growth Management Director determines to be consistent with the original approved elevations shall be allowed as a Minimal Amendment;
7. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of the Conditional Use Permit;
8. 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; and,
9. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of approval by the Planning Commission, or if the use should cease for a period of two years.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment to include an outdoor patio area. In particular, the applicant is proposing to add a patio with an 18 foot by 22 foot barricade of six block piers, metal railings and an 8 foot by 22 foot canopy. The patio accommodates an additional six tables for a minimum of 20 additional customers.

On May 23, 2002 the Planning Commission approved a Conditional Use Permit to allow an On-Sale Liquor Establishment with stipulations.

The property is located approximately 70 feet east of the intersection of East Saint Patrick Street and Hawthorne Avenue. The Robbinsdale Bowling, Lounge, Restaurant, and Casino is located on the property.

STAFF REVIEW:

Staff has reviewed the Major Amendment to a Conditional Use Permit and has noted the following considerations:

1. *The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within (500) foot radius.*

There are no places of religious worship or schools within a five hundred foot radius of the subject property. All of the surrounding properties are currently zoned General Commercial District. It does not appear that the expansion of use to include an outdoor patio will have an adverse effect on any places of worship, schools, parks, playgrounds or similar uses.

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

The property does not adjoin or abut a residential district. The property is buffered from residential properties by a vacant commercial property, East Meade Street, Aspen Avenue and East St. Francis Street. There appears to be a sufficient buffer between residential areas and the subject property. The properties to the north, south, east and west of the property are zoned General Commercial District.

3. *The proposed use will not create an undue concentration of similar uses, so as to cause “blight, deterioration, or substantially diminished or impair property values.”*

There are several on-sale liquor establishments located within the area of the subject property. The Moose Club is located to the east, Diva’s and Rockstars and The American Legion are located to the north, and a convenience store with off-sale liquor is located to the west. This is an established area located within a General Commercial Zoning District and the residential area appears to have a sufficient buffer. The applicant is proposing to expand an existing on-sale liquor establishment to include an outdoor patio area. Staff does not find that this will cause blight, deterioration or diminish or impair property values.

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 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The property is located at 803 East Saint Patrick Street. The proposed outdoor patio will be located on the west edge of the structure to the south of the lounge entrance. The existing building is a one story commercial structure.

2. *The location, character and design of adjacent buildings:*

The properties to the north, west and east are one to two story commercial structures.

3. *Proposed fencing, screening and landscaping:*

The proposed outdoor patio does not trigger additional landscaping or screening. The applicant is proposing to enclose the outdoor patio with six block piers with metal railings.

4. *Proposed vegetation, topography and natural drainage:*

There will be no changes in impervious surfaces, topography or drainage.

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5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:

East Saint Patrick Street, located north of the property, provides vehicular access to the site. A sidewalk is located along East Saint Patrick Street and provides pedestrian access. The site plan shows that the applicant will provide 154 parking spaces with 6 handicap accessible spaces with one space "van" handicap accessible. This is sufficient parking for the proposed expansion.

6. Existing traffic and traffic to be generated by the proposed use:

The outdoor patio should not generate any measurable increase in traffic.

7. Proposed signs and lighting:

There are no additional proposed signs or lighting.

8. The availability of public utilities and services:

The property is currently served by public utilities including Rapid City sewer and water.

9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:

The property is intended to be used for general commercial uses. The proposed expansion to allow an outdoor patio requires a Major Amendment to a Conditional Use Permit. The proposed expansion of the on-sale liquor use is allowed with approval of a conditional use permit in the General Commercial District. One of the goals of the Comprehensive Plan as identified in the Future Land Use Plan Overview adopted in 2008 is to provide a variety of centers for community activities and employment that meet the needs of residents and are integrated into the fabric of the community. The objective of the adopted comprehensive plan is to encourage retail establishments and businesses that are convenient to neighborhood residents, yet compatible with but not intrusive upon residential neighborhoods. Additionally, the objective of the adopted comprehensive plan is to insure that there is sufficient separation of conflicting uses. It appears that there is sufficient buffering between the on-sale liquor establishment and residential districts and therefore is in compliance with the adopted comprehensive plan.

10. The overall density, yard, height and other requirements of the zone in which it is located:

The existing development on the property is in compliance with the density, yard and height requirements of the General Commercial District. The proposed outdoor patio complies with the use requirements.

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11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through which clarifiers, screening, setbacks and orientation:

The proposed outdoor patio is located on the west side of the existing structure and will not be directly facing any residential district. The buffering is sufficient as a separation of conflicting uses.

12. The degree to which conditions imposed will mitigate any probably adverse impacts of the proposed use on existing adjacent uses:

The stipulations of approval of the Major Amendment to a Conditional Use Permit will serve as a tool to insure that the proposed expansion will maintain sufficient parking, will provide fire protection and that the currently adopted International Fire Codes are continually met. The site is sufficiently buffered from existing residential development and will not create additional noise or light nuisances.

Notification: As of this writing, the white slips and green cards have not been returned nor has the required sign been posted on the property. Staff will notify the Planning Commission at the July 7, 2011 Planning Commission meeting if these requirements have not been met.