

STAFF REPORT

March 8, 2001

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**No. 01UR004 - Use On Review to allow an On-Sale Liquor Establishment in conjunction with a full service restaurant**      **ITEM 32**

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GENERAL INFORMATION:

PETITIONER	Shooters, Inc.
REQUEST	<b>No. 01UR004 - Use On Review to allow an On-Sale Liquor Establishment in conjunction with a full service restaurant</b>
LEGAL DESCRIPTION	Lot 2 of Lot K-3 of Marshall Heights Tract located in the SW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .215 Acres
LOCATION	1803 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 water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Use On Review to allow an On-Sale Liquor Establishment in conjunction with a full service restaurant be approved with the following stipulations:

Urban Planning Division Recommendations:

1. That the primary use of the structure shall be a restaurant with the on-sale liquor use being allowed only as an accessory use to the restaurant;
2. That the sale of liquor for off premise consumption, either from inside the restaurant or from the drive up window, shall be prohibited;
3. That the Use On Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years;

Engineering Division Recommendations:

4. Prior to City Council approval, a physical barrier shall be constructed along the south property line of Lot 2 of Lot K-3 of Marshall Heights Tract or financial surety posted in the amount necessary to cover the cost of the improvements and then complete the

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---

- improvements within one paving season; and,
5. Prior to City Council approval, signage shall have been posted identifying the south access location as an exit only access or financial surety posted in the amount necessary to cover the cost of the improvements and then complete the improvements within one paving season.

GENERAL COMMENTS: The applicant is requesting Use on Review approval to locate an on-sale liquor establishment in conjunction with the Bullets restaurant located at 1803 LaCrosse Street. This property is approximately 300 feet from the intersection of LaCrosse Street and the eastbound I-90 off-ramp, a very high traffic commercial area. The existing building is not being changed or modified in any way.

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) feet radius.*

There are no places of religious worship, schools or playgrounds within a five hundred foot radius of this property. Knollwood Heights Park is located approximately 175 feet west of the subject property. This park is primarily utilized as a storm water detention area. No formal recreational activities currently occur within the park. The area around the property is predominantly commercial. Due to the on-sale liquor establishment being allowed in conjunction with a full service restaurant, the proposed use should have no adverse effect on any place used for religious worship, school, park or playground.

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

There are single family residences located approximately five hundred feet west of the proposed use. However, the proximity of the proposed establishment to the residences would not appear to have a negative impact on these residences. The only access to the proposed on-sale liquor establishment will be from LaCrosse Street while the residences are accessed from Downing Street. In addition, Knollwood Heights Park, a major drainage area provides a buffer between the subject property and the residential area. The serving of alcoholic beverages is proposed to be conducted as an accessory use to the principal restaurant use. Staff is recommending that the sale of liquor for off premise consumption, either from inside the restaurant or from the drive up window, be prohibited. Staff does not anticipate that the proposed use will have a significant negative impact on the residential area if conducted in conjunction with a restaurant.

*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."*

## STAFF REPORT

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---

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---

There are two on-sale liquor establishments located within 500 feet of the proposed use. The Ramada Inn Cheers Lounge is located on the adjacent property, 1721 LaCrosse Street and the Quality Inn, 1902 LaCrosse, is located directly across the street. The principal use of this property is for a restaurant and the sale of alcohol to restaurant patrons as an accompaniment to meals should not alter the nature of the existing business. It would not appear that this request for an on-sale liquor use in conjunction with a full service restaurant constitutes 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 the Section 17.54.030 (E).*

Staff has reviewed the proposed use with respect to Section 17.54.030 (E) and has concerns about the three existing access locations utilized by the subject property and the property to the north. The site plan for this property and the property to the north was approved in August 1999, which allowed for the three curb cuts on LaCrosse Street. Since that time, the South Dakota Department of Transportation has conducted a corridor study along Interstate 90. The study showed that the intersection of LaCrosse Street and the eastbound off-ramp of Interstate 90 is a high accident location. The study noted that ... "This interchange ranks 9<sup>th</sup> of the 62 interchanges evaluated in the study based on a 3-year crash rate (1997-1999), and is considered one of the high accident locations. A review of the detailed accident records showed that 28 of the 67 crashes occurred at the eastbound ramp terminal intersection. This indicates that problems may exist with the geometric configuration of this intersection. In particular, the sight distance available to eastbound vehicles approaching the intersection may be deficient. The predominant crash pattern was rear-end type crashes occurring along the eastbound approach to the south ramp terminal intersection, with 13 occurring during the study period. Each of these collisions involved vehicles seeking to turn right from the ramp onto southbound LaCrosse Street. The accident reports for these crashes indicated an uncertainty among drivers regarding the behavior of the lead right-turning driver. A typical rear-end crash occurred when a vehicle following the lead right-turning driver moved forward without making certain that the vehicle ahead of them proceeded into the intersection."

The study also indicated the spacing between the multiple access locations on LaCrosse Street and the south ramp terminal intersection is below standards prescribed in the South Dakota Department of Transportation Roadway Design Manual and that this substandard spacing decreases operational efficiency and detracts from traffic safety along LaCrosse Street. The Engineering Department has also noted that the spacing between the three access locations for these properties does not meet the minimum spacing requirement stipulated by the Rapid City Street Design Criteria Manual.

Engineering and Planning Staff, the South Dakota Department of Transportation and the applicant discussed this traffic safety issue and determined that additional traffic control measures at the south access location are warranted. Patrons from the Bullets Restaurant and the Ramada Inn, located to the south, cross both property's parking lots and utilize each other's access locations to enter LaCrosse Street creating confusing on LaCrosse

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---

Street. In addition, the site plan submitted by the applicant shows that the parking lot circulation was designed to utilize the south access location as an exit only. However no signs have been posted identifying this as an "exit only" access location. Therefore, the Engineering Division is recommending the addition of "exit only" signage and a physical barrier between the Bullets Restaurant and the property to the south to provide better traffic control at the south access location.

As of this writing, the receipts from the certified mailings have been returned and the Use on Review sign has been posted on the property. Two inquiries have been received regarding this proposal.