

STAFF REPORT
June 6, 2013

No. 13UR006 - Conditional Use Permit to allow an On-Sale Liquor Establishment in Conjunction with a Restaurant **ITEM 11**

GENERAL INFORMATION:

APPLICANT	Platinum Restaurant Group
AGENT	Beth Miller
PROPERTY OWNER	Monte Vista Properties, LLC
REQUEST	No. 13UR006 - Conditional Use Permit to allow an On-Sale Liquor Establishment in Conjunction with a Restaurant
EXISTING LEGAL DESCRIPTION	Suite A of Lot 3 (also in Sec 34) of Block 1 of Heartland Retail Center, located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.29 acres
LOCATION	North of Cheyenne Boulevard east of the intersection of North Elk Vale Road
EXISTING ZONING	General Commercial District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District (Planned Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	May 10, 2013
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant be approved with the following stipulations:

1. A minimum of 115 parking spaces shall be provided. Five of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met. In addition, additional parking shall be provided in compliance with Chapter 17.50.270 of the Rapid City Municipal Code when the storage use is changed;

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2. A minimum of 81,600 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
3. All provisions of the General Commercial District shall be met;
4. All applicable provisions of the adopted International Fire Code shall continually be met;
5. 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;
6. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Variance or a Planned Development Overlay. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign; and,
7. The Conditional Use Permit shall allow a 2,094 square foot on-sale liquor establishment in conjunction with a restaurant, a 90 unit hotel, and 2 suites approximately 3,053 square feet in size, to be used exclusively for storage. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change of use for the storage suites shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a restaurant. In particular, the applicant is proposing to open "Marco's Pizza" in the "Baymont Inn and Suites" and to serve beer and wine with meals. The hours of operation are from 10:00 a.m. to 11:00 p.m. seven days a week. The suite is approximately 2,094 square feet. The applicant has also submitted a Conditional Use Permit (File #13UR007) to allow an on-sale liquor establishment in conjunction with a hotel.

On November 26, 2012, a Zoning Exception (File #12ZE003) was administratively approved to allow a maximum height of 47 feet in lieu of the allowed 45 feet for the "Baymont Inn and Suites".

The property is located on the north side of Cheyenne Boulevard approximately 600 feet east of the intersection of Eglin Street and North Elk Vale Road. Currently, a four story hotel is located on the property.

STAFF REVIEW:

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

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

There are no playgrounds or places of worship located within a 500 foot radius of the subject property. All abutting properties are zoned General Commercial District. “University Center Rapid City” is located on the property to the east. Since the on-sale liquor use is being proposed in conjunction with a restaurant, it does not appear that the Conditional Use Permit will have an adverse effect on any places of worship, schools, parks, playgrounds or similar uses.

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

There are no residential zoning districts adjacent to the property. The properties to the north, south, east and west are zoned General Commercial District. Land located approximately 1,200 feet to the south is zoned Low Density Residential District. Currently, that property is undeveloped. Staff does not anticipate that the proposed on-sale liquor use will result in any significant adverse effects on any residences since the use is being proposed 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.”*

A separate Conditional Use Permit has been submitted for the “Baymont Inn and Suites” to allow the applicant to sell beer and wine to hotel guests for consumption in their rooms. Located approximately 150 feet to the north is the Watiki water park. In addition, located approximately 700 feet to the northwest is the “Dakotah Steakhouse”. Both locations currently have an on-sale liquor use approved for their sites. The subject property is located within a commercial corridor south of Interstate 90. It does not appear that the proposed use will create an undue concentration of similar uses so as to cause blight, deterioration, or substantially diminish or impair property values since the use is being proposed in conjunction with a restaurant.

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 4040 Cheyenne Boulevard adjacent to a minor arterial street on the south. The existing building is a four story, 47 foot high hotel on a relatively flat parcel.

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

The Rapid City Municipal Code does not require that fencing or screening be provided for the proposed use. Subsequently, the property to the south is zoned General Commercial District and is currently undeveloped. The property to the east is zoned General Commercial District and is the location of "University Center Rapid City", a three story college building. The property to the west is zoned General Commercial District with a Planned Development. A one story gas station and convenience store are currently located on the property. To the north of the subject property is railroad right-of-way.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any fencing or screening. A minimum of 81,600 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 82,260 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

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

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

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

Vehicular access is off of Cheyenne Boulevard. Property line sidewalk is located along Cheyenne Boulevard providing pedestrian access. A minimum of 115 parking spaces must be provided. In addition, five of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." The applicant has submitted a parking plan showing a total of 116 parking stalls. In addition, seven of the parking spaces are handicap accessible with one of the spaces being "van accessible". The parking plan is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. All provisions of the Off-Street Parking Ordinance must be continually met.

The applicant has indicated that two suites within the hotel will be used exclusively as storage in order to reduce the required parking. The applicant should be aware that any change in use will increase the minimum parking required. As such, additional parking must be provided in compliance with Chapter 17.50.270 of the Rapid City Municipal Code when the storage use is changed.

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

The proposed use is expected to generate approximately 55 trips per weekday peak hour. Cheyenne Boulevard is identified as a Minor Arterial Street on the City's Major Street Plan.

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7. *Proposed signs and lighting:*

The applicant has submitted a sign package identifying proposed wall signs for the "Baymont Inn and Suites" and a proposed 20 foot high pole sign with three 4 foot high by 5 foot wide tenant identification signs and an approximately 4 foot high by 5 foot wide sign at the top identifying the "Baymont Inn and Suites". All signage must continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code will require a Variance or a Planned Development Overlay. Any electronic reader board signs will require the review and approval of a Major Amendment to the Conditional Use Permit. 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.

The applicant has indicated that no additional lighting is being constructed. All outdoor lighting must 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.

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 commercial uses. The proposed on-sale liquor establishment requires a Conditional Use Permit. 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. The property is located in a commercial corridor along Cheyenne Boulevard which is identified as a Minor Arterial Street on the City's Major Street Plan. Property zoned Low Density Residential is located approximately 1,200 feet to the south and is currently undeveloped.

The Conditional Use Permit will allow a 2,094 square foot on-sale liquor establishment in conjunction with a restaurant. In addition, a 90 unit hotel, and 2 suites approximately 3,053 square feet in size to be used exclusively for storage are located on the property.

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Any expansion to the on-sale liquor use will require a Major Amendment to the Conditional Use Permit. Any change in use for the storage suites will require a Major Amendment to the Conditional Use Permit. Any change in use that is a Conditional Use in the General Commercial District will require the review and approval of a Major Amendment to the Conditional Use Permit.

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. All provisions of the General Commercial District must be met unless.

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

It does not appear that the proposed on-sale liquor establishment will have a negative effect on the surrounding neighborhood by causing noise, odor, smoke, dust, air or water pollution since the on-sale liquor use is being proposed in conjunction with a restaurant.

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

The stipulations of approval of the Conditional Use Permit will serve as a tool to insure that the currently adopted International Fire Codes are continually met and that the proposed expansion is in compliance with the zoning ordinance. In addition the stipulations will ensure that parking, landscaping and signage will comply with the Zoning Ordinance.

Notification: The first class mailings have been returned to the Community Planning and Development Services Department for mailing. Staff has subsequently mailed the letters. The sign has been picked up, however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the June 6, 2013 Planning Commission meeting if this requirement has not been met.