

STAFF REPORT

November 22, 2000

**UOR #00UR039 - Use on Review to allow an On-Sale
Liquor Establishment in conjunction with a full service
restaurant**

ITEM 24

GENERAL INFORMATION:

PETITIONER	Century Resources, Inc.
REQUEST	UOR #00UR039 - Use on Review to allow an On-Sale Liquor Establishment in conjunction with a full service restaurant
LEGAL DESCRIPTION	Property described by metes and bounds beginning at the southeast corner of Lot 2 of the Plaza Subdivision, located in the SW1/4 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, thence N 12° 16' 06" E 60.16 feet along the lot line, thence S 87° 44' 45" W 25.83 feet to the true point of beginning, thence S 87° 44' 45" W 34.64 feet, thence N 2° 15' 15" W 100.00 feet, thence N87° 44' 45" E 59.00 feet, thence S 1° 33' 51" W 8.04 feet, thence S 12° 16' 06" W 95.01 feet returning to the true point of beginning, containing 4752.89 square feet, more or less.
PARCEL ACREAGE	Approximately 4752.89 square feet
LOCATION	1221 Omaha Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Light Industrial District
East:	General Commercial District/Light Industrial 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:

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1. Prior to issuance of a building permit, including foundation or grading permits, the applicant shall provide a site plan showing that the minimum number of required parking stalls are being provided;
2. 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. Outdoor seating shall require a Major Amendment to the Use on Review;
3. 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;

Building Inspection Division Recommendation:

4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; and,
5. Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted.

GENERAL COMMENTS: The applicant is requesting Use on Review approval to locate an on-sale liquor establishment in conjunction with a new restaurant. The restaurant will be located on the same lot as the Omaha Plaza retail and office center. In December, 1999 a site plan was submitted as part of a plat application for the subject property. This site plan identified a restaurant located at the northeast corner of the property. The site plan submitted with this request shows the restaurant located further to the south along the 12th Street frontage.

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 or playgrounds located within a five hundred foot radius of the subject property. Tract 17 of the Rapid City Greenway Tracts is located 100 feet north of the subject property, across Omaha Street. The Rapid Trout sculpture and volleyball courts are located in Tract 17. Currently Omaha Street is a five lane principal arterial street. Staff believes that Omaha Street provides a sufficient buffer between the Greenway Tract and the proposed use. Haley Park is located approximately five hundred feet away from the subject property. Zoning Districts surrounding the subject property include light industrial, commercial and flood hazard. Staff's review of the proposed on-sale liquor establishment finds that, due to its being allowed in conjunction with a full service restaurant, the proposed use should have no adverse effect on the surrounding area.

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

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There are no residential zoning districts in the area. Staff does not anticipate that the proposed on-sale liquor use will have a significant negative impact on any residences if conducted in conjunction with a full service 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 has noted that there is one other on-sale liquor establishment and one off-sale liquor establishment currently located in the area. The Executive Municipal Golf Course (200 12th Street) located on the north side of Omaha Street has an on-sale liquor license and the Common Cents (1129 E. Omaha) located across 12th Street has an off-sale liquor license.

Staff does not believe that this proposed use will create an undue concentration of similar uses in this area. Further, since the on-sale liquor establishment is only allowed in conjunction with a restaurant, staff does not believe the concentration of on-sale liquor establishments in the area would cause blight, deterioration or diminish land values of the surrounding properties.

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 finds the proposed use to be in compliance with the 12 criteria for Use on Reviews. Currently, the parking requirements for the occupied portion of the Omaha Plaza, the Office Depot leased parking and this restaurant are being met. However as more of the Omaha Plaza office and retail spaces are occupied the available parking may not be sufficient. Staff is requesting that the petitioner provide a site plan identifying the location of sufficient parking for full occupancy of the Omaha Plaza and the restaurant prior to issuance of any building permit.

As of this writing, the receipts from the certified mailing have not yet been returned by the petitioner. A sign has been posted on the property stating that a Use on Review has been requested. Staff has received one telephone call regarding this request. The caller asked the name of the proposed restaurant and voiced no objections to the proposed on-sale liquor establishment.