

STAFF REPORT

April 4, 2002

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**No. 02UR007 - Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District for 15 event days per year**

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**ITEM 28**

GENERAL INFORMATION:

PETITIONER	Derby Advertising, Inc. dba Canyon Lake Chophouse
REQUEST	<b>No. 02UR007 - Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District for 15 event days per year</b>
EXISTING LEGAL DESCRIPTION	Tract 1 of Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	
LOCATION	2720 Chapel Lane
EXISTING ZONING	Flood Hazard Zoning District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District/Low Density Residential District
East:	Flood Hazard District
West:	Flood Hazard District/General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	03/08/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District for 15 event days per year be denied.

GENERAL COMMENTS: The subject property is located along Jackson Boulevard and is the location of Canyon Lake and Canyon Lake Park. The applicant for this request is the owner of the Canyon Lake Chophouse restaurant. The restaurant is located adjacent to Canyon Lake Park along the west shore of Canyon Lake. This application for a Conditional Use Permit has been submitted to allow the applicant to erect a 30 foot by 30 foot tent/canopy on the adjacent park property on a temporary basis for a maximum of 15 days per calendar year. The applicant has indicated that the tent would be utilized primarily as a dance floor for wedding receptions and other special events the restaurant would be hosting.

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STAFF REVIEW: Staff has reviewed the proposal and has noted the following concerns:

Floodplain issues: The site plan submitted by the applicant identifies that a small portion of the park area where the applicant is proposing to erect the canopy/tent is located outside of the hydraulic floodway. However, the structure will be located within the 100 year floodplain. The Engineering Staff has noted that a Floodplain Development permit will be required prior to erection of the temporary structure and that all provisions of the Flood Area Construction Regulations must be met.

Parking: The addition of a 30 foot by 30 foot represents a 900 square foot expansion of the restaurant use on the property triggering the requirement for 10 additional parking spaces. The applicant has provided a copy of a yearly parking lease agreement identifying that the neighboring property owner will lease 12 parking spaces to the applicant. However, the city has received complaints regarding for the Canyon Lake Chophouse restaurant. The Canyon Lake Chophouse customers and employees have, in the past, parked vehicles in the Canyon Lake Park parking lots and grass areas. While the use of the temporary structure and expansion of the restaurant is a seasonal use, it coincides with the peak use of the Canyon Lake Park and the tourism businesses located in Chapel Valley. Parking is at a premium in this area and staff is concerned about the negative impacts this expansion of the restaurant use will have on the surrounding properties.

Traffic impacts: The additional traffic generated by this expanded use of the restaurant facility will have a negative impact on the intersection of Chapel Lane and Jackson Boulevard. The additional square footage as proposed by this request will likely generate an additional 120 trips per day based on 1997 ITE trip rates. As mentioned in the staff report for the applicant's request for a Conditional Use Permit to expand the outdoor seating for the Chophouse Restaurant (file #02PD010), the Jackson Boulevard/Chapel Lane intersection is already congested. Chapel Lane is the only street providing ingress and egress to the Chapel Lane Village and Chapel Valley Subdivisions. One of staff's recommendations for the approval of the Conditional Use Permit to expand the outdoor seating for the Chophouse Restaurant required that prior to any further expansion of the restaurant use the applicant provide a traffic impact study that evaluated the need for improvements and/or expansion of the Jackson Boulevard/Chapel Lane intersection.

Park Use: As mentioned previously, the applicant is proposing to erect a tent and conduct a portion of the Canyon Lake Chophouse restaurant business within Canyon Lake Park. The Canyon Lake Chophouse restaurant currently has a liquor license and serves alcoholic beverages to their patrons. Section 5.12.110 of the Rapid City Municipal Code states that "It is unlawful for any person to consume any intoxicating liquor or malt beverage or to mix or blend any alcoholic beverage with any other beverage, regardless of whether such beverage is an alcoholic beverage, in any public place." Staff is concerned that the patrons of the restaurant will consume their alcoholic beverages while on park property creating an enforcement issue for the owners of the restaurant and the City.

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Staff is concerned with the negative impacts and enforcement issues the proposed use will have on Canyon Lake Park and the surrounding area and is recommending denial of the Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District for 15 event days per year.

The applicant has posted the required sign and the receipts from the required notification of surrounding property owners have been returned.