

STAFF REPORT
February 9, 2006

No. 05PD088 - Major Amendment to a Planned Commercial Development **ITEM 13**

GENERAL INFORMATION:

PETITIONER	Bob Westlake for Derby Advertising, Inc.
REQUEST	No. 05PD088 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lots B, C, D, H, J, K, L, M and W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.42 acres
LOCATION	2720 Chapel Lane
EXISTING ZONING	General Commercial District - General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District
East:	Flood Hazard District
West:	General Commercial District - Flood Hazard District
PUBLIC UTILITIES	City sewer and water and private well
DATE OF APPLICATION	12/9/2005
REVIEWED BY	Karen Bulman / Bob Dominicak

RECOMMENDATION: Staff recommends that the Major Amendment to a Planned Commercial Development be **approved with the following stipulations:**

- 1. Prior to initiation of construction, a building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structures;**
- 2. The uses allowed within the Planned Commercial Development shall be limited to the private reception area and micro-winery area, as per the site plan submitted, in addition to the current uses allowed for a motel, Laundromat, storage, and restaurant with on-sale liquor to include outdoor seating;**
- 3. Any additional signage on the property will require a Major Amendment to the Planned Commercial Development;**
- 4. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and all required landscaping shall be maintained in a live vegetative state;**
- 5. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements**

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of the Rapid City Municipal Code shall be continually met. The parking lots shall be paved, striped and wheel guards placed in areas that abut a public or private sidewalk, public right-of-way, building entrance or exit or plant material located within a parking lot. All access to parking lots shall be paved;

6. All requirements of the 2003 International Fire Code must be continually met and the structures intended for alcohol use shall be sprinklered;
7. Prior to obtaining a building permit, grading and drainage plans, and a water system analysis to verify source and water quantity for domestic and fire flows, shall be submitted for review and approval;
8. Prior to obtaining a building permit for the micro-winery or the private reception area, a complete set of building plans shall be submitted for any change in use to show compliance with the International Building Codes and related codes;
9. All stipulations of the Planned Commercial Development and Major Amendments to the Planned Commercial Development shall be continually met to include:
 1. All applicable life, safety, building and fire codes shall be met;
 2. The requirements of the Off-street Parking and Landscaping Ordinance be met with all subsequent development;
 3. Any future development modification to the restaurant or motel complex would require a Major Amendment of the Planned Commercial Development; and,
 4. All development on the site shall be done in compliance with the Rapid City Floodplain Ordinance requirements;
 5. That the use of the property continues as shown on the approved site plan or a Major Amendment to the Planned Commercial Development shall be obtained; and,
10. The Major Amendment to a Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: This staff report has been revised as of January 31, 2006. All revised and/or added text is shown in bold print. The subject property is located south of Shore Drive and east of Chapel Lane at 2720 Chapel Lane. The subject property is currently zoned General Commercial District and General Commercial District with a Planned Commercial Development. On May 16, 1994 the City Council approved a Planned Commercial Development (1296) for a restaurant on the subject property. **On August 18, 1997, the City Council approved a Major Amendment to a Planned Commercial Development (#1609) to allow an 11,000 square foot restaurant and on-sale liquor establishment on the subject property. (Revised 1-31-06)** On April 4, 2002, the Planning Commission approved a Major Amendment to the Planned Commercial Development (02PD010) to allow the expansion for outdoor seating. On April 4, 2002, the Planning Commission approved a Conditional Use Permit (02UR007) for the subject property to allow a temporary structure in the Flood Hazard Zoning District for 15 event days per year. The applicant is now proposing to utilize a house and motel on the property for private functions, convert the laundromat into a micro winery and remodel the garage of the house into a jacuzzi suite. **The applicant has since submitted a revised set of plans indicating that**

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the Laundromat will remain in its current location and a storage area will be converted into a micro winery. (Revised 1-31-06) The applicant is seeking approval of a Major Amendment to a Planned Commercial Development for the improvements on the subject property.

STAFF REVIEW: Staff has reviewed the Major Amendment to a Planned Commercial Development and has noted the following considerations:

Building Permit: Staff noted that a Building Permit must be obtained prior to initiation of construction, and that a Certificate of Occupancy must be obtained prior to occupying the building. **Prior to obtaining a building permit for the micro-winery or private reception area, a complete set of building plans indicating compliance with the International Building Codes and related codes shall be submitted for review and approval. (Revised 1-31-06)**

Design Features: A residential structure and a motel located on the subject property are proposed to be used as a place for private parties during the winter months. No changes will be made to the structures for this use. During the summer months, the residential structure will be used as motel space. The applicant is proposing to remodel the garage of the residence into a Jacuzzi suite. In addition, the applicant proposes to change the laundromat structure into a micro winery. **The applicant has provided a revised set of plans indicating that the Laundromat use will remain and a micro winery will be located in a storage building on the southwest corner of the property (Revised 1-31-06).** The redevelopment of the subject property also includes adding additional parking spaces.

Signage: The applicant has not submitted any additional sign packages. Any future signage on the property will require a Major Amendment to the Planned Commercial Development.

Landscaping: The proposed Major Amendment to a Planned Commercial Development will require that all landscaping points be provided. The applicant's site plan shows the proposed location of landscape areas to include trees, shrubs, and grass. The submitted plan appears to meet all the requirements of the Landscape Ordinance.

Parking Plan: The Rapid City Municipal Code requires off-street parking stalls be provided for the proposed development. The applicant's site plan indicates off-street parking stalls. However, the required number has not been determined. A revised site plan of the house and additional structures will be needed to determine the required number of off-street parking spaces. The proposed parking plan must meet the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code. **The revised site plan indicates that 46 off-street parking spaces are proposed for the motel, private reception area, winery, Laundromat, and storage areas, including three handicapped accessible spaces with two of those being van accessible handicapped spaces. The parking requirements for these identified uses total 45 off-street parking spaces. The required off-street parking spaces for the restaurant uses are 106 spaces and 106 spaces continue to be provided. All off-street parking spaces must be paved and**

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marked with striping paint. Wheel guards or curbs shall be provided for every parking area that abuts a public or private sidewalk, public right-of-way, building entrance or exit or plant material located within a parking lot. Access to all parking facilities shall be paved. Off-street parking areas shall be graded and drained as to dispose of all surface water. A grading and drainage plan shall be submitted for review and approval prior to obtaining a building permit. (Revised 1-31-06)

Fire Safety: All requirements of the 2003 International Fire Code must be continually met. The structures that will be used for private parties to include alcohol sales will need to be sprinklered.

Legal Description: The legal description did not include Lots D and K. However, the parking plan submitted includes those lots. As such, the legal description for the Major Amendment must be re-advertised to include Lots D and K. The legal description has been re-advertised to include Lots D and K. (Revised 1-17-06)

Drainage: Any expansion of paved parking areas will require drainage plans. The applicant shall submit plans for any street improvements, parking lot paving, curb and gutter and approaches. A water system analysis to verify the source and adequate water quantity for domestic and fire flows will need to be submitted prior to obtaining a building permit.

Notification: As of this writing the required sign has not been posted on the property and the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the January 5, 2006 Planning Commission meeting if these requirements have not been met. **The required sign has been posted and the receipts from the required notification have been returned (Revised 1-31-06).**

Staff recommends that the Major Amendment to a Planned Commercial Development be continued to the January 26, 2006 Planning Commission meeting at the applicant's request to allow additional information to be submitted and to re-advertise the correct legal description. The applicant has not submitted the additional information needed to review this Major Amendment to a Planned Commercial Development. The legal description has been re-advertised to include Lots D and K. Staff recommends that this Major Amendment to a Planned Commercial Development be continued to the February 9, 2006 Planning Commission to allow the applicant to submit the required information. (Revised 1-17-06) **Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the previously stated stipulations. (Revised 1-31-06)**