

STAFF REPORT
August 9, 2007

No. 07PD035 - Major Amendment to a Planned Commercial Development **ITEM 39**

GENERAL INFORMATION:

PETITIONER	Michael Derby
REQUEST	No. 07PD035 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lots B, C, 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 (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 water and sewer
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

If the Planning Commission is in agreement with the extension of the Letter of Credit to November 15, 2008, then the Major Amendment to a Planned Commercial Development should be approved with the following stipulations:

1. 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 specialty resort in addition to the current uses allowed for a motel, laundromat, storage, and restaurant with on-sale liquor to include outdoor seating;
3. All requirements of the International Fire Code must be continually met and the structures intended for alcohol use, specialty resort or motel use shall be sprinklered. The specialty resort shall be sprinklered no later than November 30, 2007;
4. All paving requirements shall be completed no later than May 15, 2008 with the Letter of Credit to extend to November 15, 2008;
5. Any additional signage on the property will require a Major Amendment to the Planned Commercial Development;

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6. 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;
7. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements 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;
8. Prior to Planning Commission approval, a revised site plan for a minimum of 46 parking spaces shall be submitted in compliance with the Off-Street Parking Requirements of the Rapid City Municipal Code;
9. All applicable life, safety, building and fire codes shall be met;
10. Any future development modification to the restaurant or motel complex would require a Major Amendment of the Planned Commercial Development;
11. All development on the site shall be done in compliance with the Rapid City Floodplain Ordinance requirements;
12. 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,
13. 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 July 27, 2007. All revised and/or added text is shown in bold print. This application was continued at the July 26, 2007 Planning Commission meeting at the applicant's request. This staff report has been revised as of July 17, 2007. All revised and/or added text is shown in bold print. This application was continued at the July 5, 2007 Planning Commission meeting at the applicant's request. This staff report has been revised as of June 25, 2007. All revised and/or added text is shown in bold print. This application was continued at the June 21, 2007 Planning Commission meeting at the applicant's request. This staff report has been revised as of June 12, 2007. All revised and/or added text is shown in bold print. This application was continued at the June 7, 2007 Planning Commission meeting to allow the applicant to submit a revised site plan. 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 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 an on-sale liquor establishment on the subject property. 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. On February 9, 2006, the Planning Commission approved a Major Amendment to the Planned Commercial Development (05PD088) to allow utilizing a house and motel on the property for catering private functions and overnight accommodations, convert a storage area into a

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micro winery and remodel the existing garage into a jacuzzi suite. On October 6, 2006, the Planning Commission approved a Major Amendment to the Planned Commercial Development (06PD069) to extend the paving deadline to June 15, 2007.

Chapter 17.50.27.G.9 of the Rapid City Municipal Code states that if the off-street parking area cannot be paved prior to the issuance of an occupancy permit, surety must be posted to secure the completion of paving through one paving season. The applicant is now requesting a time extension until May 15, 2008 to pave the street and parking lots on the subject property as required by the Major Amendment to the Planned Commercial Development (05PD088) approved on February 9, 2006. In addition, the applicant requests that the land uses be amended to include a motel, laundromat, and storage, and to change the house to a specialty resort as part of the motel uses.

STAFF REVIEW: The Major Amendment to a Planned Commercial Development that was approved on October 6, 2006 included ten stipulations:

1. A Certificate of Occupancy shall be obtained prior to occupancy of the structures;
2. Prior to Planning Commission approval, a revised letter of credit or other surety in a form acceptable to the City Attorney shall be submitted indicating the time extension to June 15, 2007; and,
3. All previous stipulations of the approved Planned Commercial Development and the Major Amendments to the Planned Commercial Development as follows shall be continually met:
 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 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

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- 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;
 4. All development on the site shall be done in compliance with the Rapid City Floodplain Ordinance requirements; and,
 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.

Staff has reviewed the Major Amendment to a Planned Commercial Development and has noted the following considerations.

Land Uses: The applicant has indicated that the prior request to convert a house on the property into a private reception area may no longer be intended as the sole use for the house located on the property. The house is proposed to be used as a specialty resort with five available bedrooms. Pursuant to State Statute, a specialty resort is any bed and breakfast establishment, lodge, dude ranch, resort, building, or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten rental units for up to an average of twenty guests per night and in which meals are provided to only the guests staying at the specialty resort. The micro winery is no longer a proposed use for the property. All other uses will remain the same including a motel, laundromat, and storage areas.

Occupancy Permit: Staff noted that a Certificate of Occupancy must be obtained prior to occupying any building. The Fire Department has indicated that the structure used for the specialty resort is required to be sprinklered. All International Building Codes and related codes shall continually be met. The Fire Department has indicated that the requirement to sprinkle the specialty resort structure must be completed no later than November 30, 2007. (Revised 6-12-07)

Parking Plan: The Rapid City Municipal Code requires that off-street parking spaces be provided for the proposed development. All off-street parking spaces must be paved and 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. The applicant provided a site plan indicating that 46 off-street parking stalls will be provided for

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the motel, private reception area, winery, laundromat, and storage areas. In addition, 106 off-street parking spaces are provided for the restaurant uses adjacent to the subject property. A letter of credit was submitted for the paving and striping with a completion date of October 15, 2006 and subsequently extended to June 15, 2007 as required by the Rapid City Municipal Code. The property owners have identified that the paving will not be completed by this time. The applicant has asked that the completion date for the paving and striping be extended to November 15, 2008. A revised Letter of Credit has been submitted indicating that paving will be completed by May 15, 2008 and the Letter of Credit extended to November 15, 2008. The applicant has indicated that a revised site plan will be submitted for review and approval indicating the required parking plan for the new proposed land uses for the property. The revised site plan has been submitted and indicates uses requiring 46 parking spaces. The site plan identifies a total of 47 parking spaces to include two handicapped parking spaces. One of the parking spaces does not comply with the parking code. As such, prior to Planning Commission approval, a revised site plan shall be submitted eliminating the parking space that does not comply. This will reduce the total parking spaces to 46 and will be in compliance with the required number of spaces and the Off-Street Parking Regulations of the Rapid City Municipal Code. (Revised 6-12-07) A revised site plan has been submitted indicating a total of 46 parking spaces to include two handicapped parking spaces. The number of spaces required for the indicated land uses complies with the Off-Street Parking Regulations. (Revised 7-17-07)

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 June 7, 2007 Planning Commission meeting if these requirements have not been met. The sign has been posted and the required notifications have been returned. (Revised 6-12-07)

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the previously stated stipulations. (Revised 6-12-07) This application was continued at the June 21, 2007 Planning Commission meeting at the applicant's request. (Revised 6-25-07) This application was continued at the July 5, 2007 Planning Commission meeting at the applicant's request. Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the previously stated stipulations. (Revised 7-17-07) **This application was continued at the July 26, 2007 Planning Commission meeting at the applicant's request. If the Planning Commission is in agreement with the extension of the Letter of Credit to November 15, 2008, then the Major Amendment to a Planned Commercial Development should be approved with the previously stated stipulations. (Revised 7-27-07)**