

STAFF REPORT
September 4, 2008

No. 08UR012 - Conditional Use Permit to allow a Banquet Facility with on-sale liquor **ITEM 31**

GENERAL INFORMATION:

APPLICANT	Judy Rhode for Elegant Events
AGENT	Ron Bengs for Advanced Engineering
PROPERTY OWNER	Judy Rhode
REQUEST	No. 08UR012 - Conditional Use Permit to allow a Banquet Facility with on-sale liquor
EXISTING LEGAL DESCRIPTION	Lot 1 of Lot J of the NE1/4 SW1/4, less Lot 3, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.9 acres
LOCATION	1125 Kennel Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Public District
East:	Public District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/11/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a Banquet Facility with on-sale liquor be continued to the October 9, 2008 Planning Commission meeting.

GENERAL COMMENTS: The applicant has submitted a Conditional Use Permit application to construct and operate a banquet facility with on-sale liquor on the property. The property is currently zoned General Agriculture District and there are existing commercial and residential structures located on the property.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit to allow operate a banquet facility with on-sale liquor as it relates to the applicable provisions of Section 17.54.030 of the Rapid City Municipal. However, a complete site plan has not been

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submitted with the application and as such staff cannot provide a complete review of the Conditional Use Permit.

Nonconforming Buildings and Uses

Staff noted that there is an existing mechanic shop and residences on the property. Staff recommends that prior to Planning Commission approval, the applicant must demonstrate that the existing buildings and uses are legally nonconforming or that the illegal uses and structures will be removed. In addition, the applicant must submit a complete site plan

Access

The applicant is proposing to access the proposed lots from the north across the existing railroad right-of-way. However, the applicant has not demonstrated that they have an easement to cross the railroad right-of-way or a permit for the crossing. In addition, there are concerns about access to the adjacent property to the south. As such, staff recommends that this item be continued to allow the applicant to demonstrate legal access across the railroad right-of-way to the proposed lots and to set up a meeting with the Rapid City Parks and Recreation Department to discuss access options to the Star of the West Sports Complex.

Building Permits

Staff noted that a building permit must be obtained prior to any construction and a certificate of occupancy obtained prior to occupancy. Staff also noted that all plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A.

Setbacks

Staff noted that the applicant's site plan meets all the setback requirements as per Section 17.34.040 of the Rapid City Municipal Code.

Building Height

Staff noted that the applicant's plans indicate a one-story structure meet all the building height requirements as per Section 17.10.060 and Section 17.50.260 (C) of the Rapid City Municipal Code.

Design Features

The applicant has submitted structural elevations for the proposed development. However, a complete building materials list and color palette for the structure, including the color of the roof, has not been submitted for review and approval. In addition, the applicant has not submitted elevations for the existing structures on the site. The applicant must also show screening for all roof top mechanical equipment. Staff recommends that prior to Planning Commission approval, a complete set of building elevations be submitted for review and approval.

Floodplain Development Permit

Staff noted that a portion of the proposed development appears to be located within the 100 year floodplain. However, the applicant has not demonstrated what portion of the floodplain the existing and proposed structures are located in. Staff recommends that prior to Planning

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Commission approval, a complete site plan demonstrating the location of the floodplain be submitted for review and approval and if necessary a Floodplain Development Permit must be obtained.

Signage

Staff noted that no sign package was submitted with the Conditional Use Permit application. Staff is recommending that prior to Planning Commission approval, a complete sign package, including any proposed signage on the buildings and direction signs within the parking lot shall be submitted for review and approval.

Parking

The proposed banquet facility requires 303 parking stalls. The site plan demonstrates 309 parking stalls on site. However, the applicant is proposing to pave only 15 of the parking stall for the banquet facility. As such, staff recommends that prior to Planning Commission approval, a revised site plan providing paved parking shall be submitted for review and approval or a Variance must be obtained from the Zoning Board of Adjustment.

Landscaping

Section 17.50.300 of the Rapid City Municipal Code states that all new development or construction which involves the creation of a building or a parking area or the paving of a parking area shall be in full compliance with the landscape regulations. As such, staff recommends that a complete landscape plan in compliance with Section 17.50.300 of the Rapid City Municipal Code be submitted for review and approval for the entire property.

Fire Protection

The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). Staff is recommending that all current adopted International Fire Codes be continually met.

Construction Plans

Staff is recommending that prior to Planning Commission approval, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

Notification

Staff has noted that the sign has not been posted on the property and the required mailings have not been sent. Staff will notify the Rapid City Planning Commission at the September 4, 2008 meeting if the required legal notification requirements have not been met.

Staff recommends that the Conditional Use Permit be continued to the October 9, 2008 Planning Commission meeting.