

STAFF REPORT
October 9, 2008

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

ITEM 35

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 approved with the following stipulations:

- 1. Prior to Planning Commission approval of a Conditional Use Permit application, the applicant shall submit a revised site plan providing the required 303 paved parking stalls for review and approval or a Variance shall be obtained from the Zoning Board of Adjustment;**
- 2. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s);**
- 3. The proposed structure shall conform architecturally to the plans and elevations**

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- and color palette submitted as part of this Conditional Use Permit;
4. Prior to issuance of a building permit the required permits from the South Dakota Department of Transportation shall be obtained;
 5. Prior to issuance of a building permit the applicant shall demonstrate that the existing on-site septic system is functioning adequately. When the on-site septic system fails or the property is subdivided the applicant shall connect all existing and proposed structures to the City of Rapid City sanitary sewer system;
 6. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;
 7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;
 8. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit application. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 9. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
 10. A minimum of 199,730 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 11. The lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,
 12. The Conditional Use Permit shall expire if the use is not undertaken 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: 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 zone 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 a banquet facility with on-sale liquor as it relates to the applicable provisions of Section 17.54.030 of the Rapid City Municipal and has noted the following issues:

1. *The request will not “adversely affect” the use of any place for religious worship,*

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school, park, playground, or similar use within a five hundred foot radius.

There are no places of religious worship or schools located within 500 feet. However, the Star of the West Sports Complex is located adjacent to the property but is buffered from the proposed development by an existing chain link fence. In addition, the proposed banquet facility will be used by people who reserve the facility for special events and will not be open to the general public. As such, staff does not find that this request for an on-sale liquor use will have an adverse effect on any place of religious worship, school, playground, park, or areas of similar use.

2. *The requested use is “sufficiently buffered” with respect to residential areas so as not to adversely affect such areas.*

The property abuts public property on the eastern and southern boundaries and light industrial development on the western and northern boundaries. The property appears to be sufficiently buffered from residential areas so as not to adversely affect such areas.

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”.*

Currently, there are no existing on-sale liquor establishments within the area and the proposed banquet facility will not create an undue concentration of similar uses.

4. *The proposed use has been reviewed under Chapter 17.54.030 (E) Criteria for Review.*

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.

On September 5, 2008 the applicant demonstrated the existing buildings were approved in Pennington County prior to annexation and that the existing structures are legally nonconforming.

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.

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On September 4, 2008 the applicant met with staff to discuss access across their property to Star of the West Sports Complex. On September 24, 2008 the applicant submitted a revised site plan identifying a potential future access easement for access to the Star of the West Sports Complex should the City be able to successfully negotiate for acquiring the easement.

On September 24, 2008, the applicant submitted documentation demonstrating that permit applications have been submitted to the South Dakota Department of Transportation for access and utilities to the proposed development. Staff is recommending that prior to issuance of a building permit the required permits from the South Dakota Department of Transportation must be obtained.

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.

On September 24, 2008 the applicant submitted a complete set of building elevations demonstrating that the structure will be earth tone in color with stone accents and that there is no rooftop mechanical equipment. In addition, the HVAC units are located on the east side of the building and will not impact the existing residential uses on the property and are screened from the adjacent park land. Staff recommends that the proposed structure must conform architecturally to the plans, elevations and color palette submitted as part of this conditional use permit.

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

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the existing and proposed structures are located in. Staff recommends that prior to Planning 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.

On September 24, 2008 the applicant demonstrated that the proposed development is located outside of the 100 year floodplain and that a Floodplain Development Permit is not required for the proposed development.

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.

On September 24, 2008 the applicant submitted a sign package demonstrating a monument sign to be located near the entrance to the property. The proposed sign will be constructed out of simulated stone material. Staff noted that the proposed sign package appears to meet the minimum requirements of Section 15.28 of the Rapid City Municipal Code. Staff recommends that all signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit application. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

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.

The applicant has submitted a Variance to reduce the required parking from 303 stalls to 200 stalls as per Section 17.50.270 of the Rapid City Municipal Code that will be considered at the October 7, 2008 Zoning Board of Adjustment meeting. As such, staff recommends that prior to Planning Commission approval the applicant must submit a revised site plan providing the required 303 paved parking stalls 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

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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.

On September 24, 2008 the applicant submitted a complete landscape plan providing 199,730 landscape points which exceeds the 147,153 landscape points required per Section 17.50.300 of the Rapid City Municipal Code. Staff recommends that a minimum of 199,730 landscaping points must be provided. The landscaping plan must comply with all requirements of the Zoning Ordinance. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Lighting Plan: A complete lighting package was submitted identifying the design of the proposed lighting was submitted for review and approval. The lighting must be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

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.

Sanitary Sewer: Staff noted that the applicant is proposing to connect the existing commercial building and single-family residence located in the northwest corner of the property and the proposed banquet facility to the City of Rapid City sanitary sewer main located to the north of the property. The applicant is also proposing to leave the existing mobile home and single-family residence located in the southwest corner of the property connected to the existing on-site septic system. As such, staff recommends that prior to issuance of a building permit the applicant must demonstrate that the existing on-site septic system is functioning adequately. When the on-site septic system fails or the property is subdivided the applicant must connect all existing and proposed structures to the City of Rapid City sanitary sewer system.

Construction Plans

Staff is recommending that prior to issuance of a building permit, 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 been posted on the property and the required mailings have been sent.

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Staff recommends that the Conditional Use Permit be approved with the above stated stipulations.