

STAFF REPORT
December 4, 2008

**No. 08PD058 - Planned Commercial Development - Initial and Final ITEM 36
Development Plan**

GENERAL INFORMATION:

APPLICANT Thomas P. Walsh Sr. Family Ltd. Partnership

AGENT Janelle Finck for Fisk Land Surveying & Consulting Engineers

PROPERTY OWNER Thomas P. Walsh Sr. Family Ltd. Partnership

REQUEST **No. 08PD058 - Planned Commercial Development - Initial and Final Development Plan**

EXISTING
LEGAL DESCRIPTION

A portion of Lot 2 of Trijowinn Subdivision, located in the NW¼, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed in the office of the Pennington County Register of Deeds on February 7, 1997 and recorded in Book 27 of Plats on Page 183, and more fully described as follows: Beginning at the southeast corner of said Lot 2 of Trijowinn Subdivision, said corner being marked by a 5/8" rebar; thence, northwesterly along the southwesterly line of said Lot 2 of Trijowinn Subdivision, N43°50'26"W, a distance of 290.70 feet more or less to a point marked by a rebar with survey cap "LS 1019"; thence, continuing northwesterly along the southwesterly line of said Lot 2 of Trijowinn Subdivision, N44°03'21"W, a distance of 38.59 feet more or less, to the southwest corner of said Lot 2, said corner being marked by a mag nail in asphalt; thence, northeasterly along the westerly line of said Lot 2 of Trojowinn Subdivision, N46°07'16"E, a distance of 174.11 feet more or less to a point marked by an "x" in concrete; thence, S60°37'55"E, a distance of 25.24 feet more or less, to a point marked by a mag nail in asphalt; thence, S43°30'00"E, a distance of 145.00 feet more or less, to a point marked by a mag nail in asphalt; thence, S66°00'00"E, a distance of 65.00 feet more or less, to a point marked by a mag nail in asphalt; thence, N23°54'33"E, a distance of 30.00 feet more or less, to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, S66°00'00"E, a distance of 15.00 feet more or less to a point on the easterly line of said Lot 2 (Two) of Trijowinn Subdivision, said point being marked by a rebar with survey cap "RW Fisk 6565"; thence, southwesterly along the easterly line of said Lot 2 of Trijowinn Subdivision, S23°54'33"W, a distance of 257.51 feet more or less to the point of beginning

STAFF REPORT
December 4, 2008

**No. 08PD058 - Planned Commercial Development - Initial and Final ITEM 36
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PARCEL ACREAGE	Approximately 2.3 acres
LOCATION	725, 719 and 711 Jackson Boulevard
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/24/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Planned Commercial Development - Initial and Final Development Plan be approved with the following stipulations:

1. Prior to Planning Commission approval, the advertisement banners located on the exterior of the building shall be removed. The balance of the signage shall continually conform to the design, color and location as shown in the sign package submitted and approved as a part of this Planned Commercial Development. 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 Planned Commercial Development. 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);
2. Prior to Planning Commission approval, sewer plans shall be submitted for review and approval showing the relocation of the sewer main from under the Days Inn Motel structure or the applicant shall enter into an agreement with the City to hold the City harmless from any damages resulting in the location of the sewer main and to provide maintenance for this portion of the sewer main;
3. Prior to Planning Commission approval, Exceptions shall be obtained to allow a water and/or sewer service line to cross another lot or construction plans shall be submitted for review and approval showing the relocation of the service lines in compliance with the regulations;
4. The minimum parking requirement is hereby reduced from 146 parking spaces to 67 parking spaces contingent upon no public use of the meeting rooms from May through September of each year. In addition, prior to Planning Commission approval, a parking agreement shall be secured to allow five parking spaces located on the Burger King Tract to be used by this facility;

STAFF REPORT
December 4, 2008

**No. 08PD058 - Planned Commercial Development - Initial and Final ITEM 36
Development Plan**

5. The proposed structure shall conform architecturally to the plans, elevations and color palette submitted as part of this Planned Commercial Development Plan;
6. A minimum of 42,000 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
7. All outdoor lighting shall be reflected within the property boundaries so as to not 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;
8. The dumpster(s) shall be located and screened as shown on the site plan;
9. The currently adopted International Fire Code shall be continually met;
10. The structure shall be used as a hotel and lounge with meeting rooms. The meeting rooms shall be used exclusively by the occupants of the hotel during the months of May through September of each year. The meeting rooms may be used by the public and/or occupants of the hotel during the months of October through April of each year. Any other use of the property will require the review and approval of a Major Amendment to the Planned Commercial Development;
11. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment; and,
12. The 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. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

GENERAL COMMENTS:

**(Update, November 21, 2008. All revised and/or added text is shown in bold print.)
This item was continued at the November 20, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. Staff will notify the Planning Commission at the December 4, 2008 Planning Commission meeting if the stipulations of approval have been met.**

The applicant has submitted an Initial and Final Commercial Development Plan to allow the existing structure located on the property to be used as a hotel with a lounge and public meeting rooms. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV056) to reduce the width of the access easements from 59 feet to 24 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the pavement width from 26 feet to 24 feet.

On December 21, 1998, the City Council approved a Use on Review (File #98UR049) to allow an on-sale liquor establishment within the hotel structure located on the property.

On January 10, 2008, the Planning Commission recommended approval of a Preliminary

STAFF REPORT
December 4, 2008

**No. 08PD058 - Planned Commercial Development - Initial and Final ITEM 36
Development Plan**

Plat (File #07PL164) to subdivide the property into two lots. The City Council will consider the Preliminary Plat application at their November 17, 2008 City Council meeting.

On January 22, 2008, the City Council approved a Variance to the Subdivision Regulations (File #07SV065) to reduce the right-of-way width along W. Kansas City Street from 59 feet to 55 feet.

The property is located south of West Kansas City Street and west of Jackson Boulevard. Currently, the Day's Inn Hotel and lounge with meeting rooms are located within the existing structure located on the property. During the review of the associated Preliminary Plat application, the applicant identified that the two meeting rooms within the hotel are being used by the general public in lieu of exclusively by occupants of the hotel as previously identified. As such, the applicant has submitted an Initial and Final Commercial Development Plan to reduce the parking requirement for the hotel and lounge with public meeting rooms.

STAFF REVIEW:

Staff has reviewed the Initial and Final Commercial Development Plan and has noted the following considerations:

Parking: The 54 unit hotel, the 1,134 square foot lounge and the 3,174 square foot meeting room area require that a minimum of 146 parking spaces be provided. Currently, 62 parking spaces are located on the property. A parking plan for the Burger King Tract located directly north of this proposed lot identifies that five additional parking spaces are available on that parcel. The applicant has indicated that a parking agreement will be secured to allow the five extra parking spaces to be utilized by the Days Inn site. The Days Inn Hotel and lounge require that a minimum of 66 parking spaces be provided. Opening the meeting room area to the public requires that a minimum of 80 parking spaces be provided for the use for a total of 146 parking spaces.

The applicant has indicated that the meeting rooms have been open to the public during the hotel's "off-season" since the opening of the facility in 1968. In particular, the applicant has indicated that from May through September the meeting rooms are closed to the public and used exclusively by occupants of the hotel, which does not trigger any additional parking for the meeting rooms. The meeting room area is open to the public from October to April when the tourism industry typically slows within our area. The applicant has specifically stated that the meeting rooms will not be open during the Sturgis Bike Rally week in August due to the number of bikers that stay at the facility.

To date, staff is not aware of any parking issues that have resulted in the use of the structure as identified. In addition, limiting the use of the meeting rooms to the off-season appears to balance the parking requirements for the facility. As such, staff is recommending that the minimum parking requirement be reduced from 146 parking spaces to 67 parking spaces contingent upon no public use of the meeting rooms from May through September of each year. In addition, prior to Planning Commission approval, a parking agreement must be secured to allow five parking spaces located on the Burger King Tract to be used by this facility.

STAFF REPORT
December 4, 2008

**No. 08PD058 - Planned Commercial Development - Initial and Final ITEM 36
Development Plan**

Water and Sewer: Currently, a sewer main is located within a 12 foot wide sewer easement that extends under the Days Inn Motel to West Kansas City Street. In addition, water and sewer service lines will be located on adjacent properties as a result of the associated Preliminary Plat. The City's Standard Specifications do not allow service lines to cross over another lot unless an Exception has been granted. As such, staff is recommending that prior to Planning Commission approval, water and sewer plans prepared by a Registered Professional Engineer showing the relocation of the service lines to the individual lots be submitted for review and approval or an Exception must be obtained to allow a water and/or sewer service line to cross another lot. In addition, the sewer plans must show the relocation of the sewer main from under the Days Inn Motel structure or the applicant must enter into an agreement with the City to hold the City harmless from any damages resulting in the location of the sewer main and to provide maintenance for this portion of the sewer main.

Signage: The applicant has submitted a sign package showing an existing 3 foot high by 8 foot wide wall sign on the east side of the building, a 3 foot high by 18 foot wide and a 6 foot high by 12 wide foot wall sign located on the north side of the building. In addition a pole sign is located southwest of the existing building with a five foot high by 8 foot wide message board. A 6 foot tall pole sign with a 4 foot high by 8 foot wide message board is also located northeast of the existing building. Please note that none of the signage includes an electronic reader board.

It appears that advertisement banners are also displayed on the exterior of the building. The Sign Code does not allow these types of signs. As such, staff is recommending that prior to Planning Commission approval, the banners be removed from the property. Staff also recommends that the balance of the signage continually conform to the design, color and location as shown in the sign package submitted and approved as a part of this Planned Commercial Development. 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 Planned Commercial Development. 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 must be designed to preclude shining on the adjacent properties and/or street(s).

Landscaping: A minimum of 41,840 landscaping points are required. The applicant's landscaping plan identifies that 42,000 points are being provided. Staff is recommending that the landscaping comply with the proposed landscaping plan. The landscaping plan must also 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.

Notification Requirement: **The certified mailing receipts have been returned and the sign has been posted on the property. Staff has received three calls of inquiry regarding this item. None of the callers opposed the request.**