

STAFF REPORT
April 8, 2010

No. 10PD028 - Major Amendment to a Planned Commercial Development **ITEM 41**

GENERAL INFORMATION:

APPLICANT	Phil Lampert
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Margaret A. Seljeskog
REQUEST	No. 10PD028 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lots A and B of Lot 1 of Lot D less Lot H1, K-W Subdivision, Section 28, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.98 acres
LOCATION	Southwest of the intersection of Edwards Street and North Elk Vale Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/12/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

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

1. Prior to Planning Commission approval, an access and parking easement shall be secured for the 24 foot wide shared access aisle located along the common lot line of Lots A and B and to allow 11 parking spaces located on Lot B to be utilized as parking for Lot A. In addition, a copy of the executed easement shall be submitted to the Growth Management Department for review and approval;

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2. Prior to Planning Commission approval, utility easements shall be recorded as needed for the extension of utilities to serve the proposed restaurant. In addition, a copy of the recorded easement(s) shall be submitted to the Growth Management Department;
3. Prior to Planning Commission approval, the construction plans shall be revised to show a sidewalk along Edwards Street or an Exception shall be obtained from the City Council to waive the requirement;
4. Prior to Planning Commission approval, the construction plans shall be revised to show a sidewalk along Elk Vale Road or an Exception shall be obtained from the Growth Management Director to waive the requirement. If the Exception is denied, the applicant may appeal the Exception request to the City Council;
5. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
7. Prior to the start of construction in Elk Vale Road, a Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation;
8. Prior to the start of construction in Edwards Street, a Permit to Work in the Right-of-way shall be obtained from the City;
9. The proposed structure(s) shall continue to conform architecturally to the approved plans, color palette and elevations;
10. All signage shall conform to the approved sign package. No electronic signs are being approved as a part of the proposed sign package for Lot A. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the 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). A sign permit shall also be obtained for each individual sign;
11. A minimum of 314,597 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;
12. A minimum of 235 parking spaces shall be provided with seven handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
13. All currently adopted International Fire Codes shall be met;
14. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment;
15. The Planned Commercial Development shall allow an on-sale liquor establishment operated in conjunction with a full service restaurant to be located on Lot A and an on-sale liquor establishment operated in conjunction with a hotel banquet facility to be located on Lot B; and,
16. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

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GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Commercial Development to allow a restaurant with on-sale liquor to be located on Lot A. The restaurant offers full service dining and is to be known as "Dakota Steakhouse".

On October 21, 1999, a Planned Commercial Development was approved to allow a brake and equipment service to be located on the property.

On May 22, 2008, the Planning Commission approved a Major Amendment to the Planned Commercial Development (File #08PD018) to remove the brake and equipment service and to construct a hotel on the property.

On July 23, 2009, the Planning Commission approved a Major Amendment to the Planned Commercial Development (File #09PD031) to allow an on-sale liquor establishment to be operated in conjunction with a hotel banquet facility and to revise the sign package.

On September 25, 2009, a Minimal Amendment was approved revising the size of the electronic reader board pole sign previously approved for the site as part of the Planned Commercial Development approval in 2008.

The property is located southwest of the intersection of Edwards Street and North Elk Vale Road. Currently, a hotel is located on Lot B and Lot A is void of any structural development.

STAFF REVIEW:

Staff has reviewed this request with respect to the four criteria established for On-Sale Liquor establishments identified in Section 17.50.185:

1. *The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within five hundred (500) feet radius.*

The West River University campus is currently under construction along Cheyenne Boulevard located approximately 1,400 feet from this property. As noted, the proposed school will be located in excess of 500 feet from the property. There are no other schools or places of religious worship, playgrounds, parks, or similar use located within 500 feet. As such, staff does not find that this request for an on-sale liquor establishment in conjunction with a full service restaurant 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 is currently zoned General Commercial District with a Planned Commercial Development. In addition, all of the surrounding properties are zoned General Commercial District. In addition, there are no residences located on the adjacent to the properties. Interstate 90 right-of-way is located along the north lot line. Railroad right-of-way is located

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along the south lot line and is currently void of any structural development. The property located west is currently void of any structural development. A hotel is currently located east of the property, across Elk Vale Road. The property appears to be sufficiently buffered from residential areas by the general commercial properties.

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".*

The proposed on-sale liquor establishment will be operated in conjunction with a full service restaurant. In addition, the on-sale liquor establishment previously approved for the adjacent hotel requires that it be operated in conjunction with a hotel banquet facility and that it not be open to the general public. Currently, there are two hotel establishments that serve alcohol located approximately 600 feet to the east of this property and a video lottery casino that is located approximately 700 feet to the southeast of this property. Both are located on the east side of Elk Vale Road. Since this establishment will operate in conjunction with a full service restaurant, staff does not find this request for on-sale liquor use to constitute an undue concentration which would cause blight or deterioration or diminish land values in the surrounding area.

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

Design: The applicant has submitted structural elevations identifying that the restaurant will be a one story structure with a peaked roof. The exterior will be constructed with a poplar bark siding, stone veneer columns and stamped concrete. The roof material will include corrugated metal roofing. The building will be constructed in shades of brown.

Staff recommends that the proposed structure conform architecturally to the approved plans, color palette and elevations.

Parking: A total of 165 parking spaces are required for the hotel and 71 parking spaces are required for the restaurant for a total parking requirement of 235 parking spaces. The applicant has submitted a parking plan identifying 235 parking spaces. However, 11 of the spaces required for the restaurant to be located on Lot A are located on the hotel property, or Lot B. In addition, the site plan identifies the 24 foot wide common access easement located along the common lot line between the two properties. As such, prior to Planning Commission approval, an access and parking easement must be secured for the 24 foot wide shared access aisle to allow 11 parking spaces located on Lot B to be utilized as parking for Lot A. In addition, a copy of the executed easement must be submitted to the Growth Management Department for review and approval.

Staff also recommends that a minimum of 235 parking spaces be provided with seven handicap accessible spaces. One of the handicap spaces must be "van" accessible. All provisions of the Off-Street Parking Ordinance must be continually met.

Landscaping: A total of 134,528 landscape points are required on the hotel property and a total of 52,682 landscape points are required on the restaurant property. The applicant has

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submitted a landscape plan identifying 134,528 points existing on the hotel property and 180,069 points proposed on the restaurant property for a total of 314,597 landscape points. The landscape plan complies with the City's Landscape Regulations.

Staff recommends that a minimum of 314,597 landscaping points be provided as proposed. 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.

Signage: The applicant has submitted a sign package for the restaurant property identifying four signs. Each sign is lighted and constructed with a combination of stone masonry and timber components. In addition, the signs are designed in colors to match the proposed restaurant. The first sign is located in the northeast corner of the property and is constructed on two 21 foot high columns with a sign face measuring 15 foot 6.5 inches wide by 13 inches high. The second sign is located at the northwest corner of the property is constructed on two 11 foot high columns with a sign face measuring 9 foot 2 inches wide by 8 foot high. Two monument signs are proposed along the entry walks. Each of the monument signs measures 2 foot 7 inches wide by 5 foot high.

Staff recommends that all signage conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. No electronic signs are being approved as a part of the proposed sign package for Lot A. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, may 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). A sign permit must also be obtained for each individual sign.

Fire Code: Fire Department staff have indicated that the proposed building layout and fire protection features meet the minimum requirements of the Rapid City Fire Department and the International Fire Code. The Fire Department staff has indicated that the applicant must continue to coordinate with the Fire Department to confirm the final locations of the fire sprinkler control room and the Fire Department connection.

Staff recommends that all currently adopted International Fire Codes be continually met.

Notification: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the April 8, 2010 Planning Commission meeting if this requirement has not been met. Staff has not received any objections regarding the Major Amendment to a Planned Commercial Development at the time of this writing.

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the stipulations as outlined above.