

STAFF REPORT  
February 9, 2012

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**No. 12PD002 - Major Amendment to a Commercial Development Plan to allow an On-Sale Liquor Establishment**      **ITEM 18**

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GENERAL INFORMATION:

APPLICANT	Rapid City/BH Lodging, LLC
PROPERTY OWNER	Rapid City/BH Lodging, LLC
REQUEST	<b>No. 12PD002 - Major Amendment to a Commercial Development Plan to allow an On-Sale Liquor Establishment</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 1 of Gateway Business Park Subdivision located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.5 acres
LOCATION	3333 Outfitter Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Light Industrial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	1/13/2012
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Major Amendment to a Commercial Development Plan to allow an On-Sale Liquor Establishment in conjunction with a full service restaurant be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained for construction activities disturbing one acre or more of surface area;
3. Prior to issuance of a Certificate of Occupancy, all stipulation of the original Planned Commercial Development and thus Major Amendment to the Planned Commercial

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- Development shall be met;
4. Prior to issuance of a building permit, all recommendations of the updated Cambria Suites Traffic Impact Study dated March 2011 shall be met. Changes to the site plan which comply with the City's Design Standards shall be allowed as a Minimal Amendment to the Planned Commercial Development;
  5. The proposed structure shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of the original approved Planned Commercial Development. Revisions to the design of the structure, that the Director of Community Planning and Development Services determines to be consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Planned Commercial Development;
  6. A minimum of 111 parking spaces with five of the spaces being handicap accessible shall be provided as a part of Phase One of the development. In addition, one of the handicap spaces shall be "van" handicap accessible;
  7. A minimum of 153,040 landscaping points shall be provided. In addition, the landscaping shall be planted in accordance with the approved plans. All landscaping shall be continually maintained in a live vegetative state and replaced in compliance with the City's adopted Landscape Ordinance;
  8. The dumpster shall be located as shown on the site plan of the original Planned Commercial Development and screened along all four sides with an 8 foot high veneered wall and gated as proposed;
  9. 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;
  10. The currently adopted International Fire Code shall be continually met. In addition, the applicant shall coordinate any expansion or alterations of the project with the Fire Department;
  11. Any changes to the original sign package for the Planned Commercial Development which the Director of Community Planning and Development Services determines to be consistent with the original approved Planned Development may be allowed as a Minimal Amendment to the Planned Commercial Development. The addition of any electronic signage beyond that approved in the original Planned Commercial Development shall require a Major Amendment to the Planned Commercial Development. Signage advertising the restaurant and on-sale liquor establishment shall not be allowed. A sign permit shall be obtained for any additional signage;
  12. The looped internal access aisle shall be constructed as a part of Phase One of the development as stipulated in the original Planned Commercial Development. In particular, the access aisle shall be constructed with a minimum 26 foot wide paved surface when adjacent to parking spaces. The balance of the access aisle shall be constructed with a minimum 200 foot wide paved surface. In addition, the access aisle shall be secured within and access easement prior to issuance of a Certificate of Occupancy;
  13. The maximum allowable height of the structure shall be 56 feet in the southeast corner of the hotel as stipulated in the original Planned Commercial Development in lieu of the maximum 45 feet per the General Commercial District;
  14. The required setback from the western property line to be reduced to 15 feet as stipulated in the original Planned Commercial Development in lieu of the required 25 feet

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- per the General Commercial District;
15. All other provisions of the General Commercial District shall be met unless specifically authorized as a stipulation of the original Planned Commercial Development or a subsequent Major Amendment to the Planned Commercial Development;
  16. The approved use for the property shall allow for a hotel with meeting rooms, conference rooms, and a dining and lounge area with an on-sale liquor establishment in conjunction with a full-service restaurant to be used exclusively by patrons of the hotel. Any other use of the property shall require a Major Amendment to the Planned Commercial Development, and;
  17. 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.

**GENERAL COMMENTS:** The applicant has requested a Major Amendment to the Planned Commercial Development to allow an On-Sale Liquor Establishment in conjunction with a full-service restaurant. In particular, the applicant is requesting that the sale and service of beer and wine be permitted from the hours of 4:00pm to 11pm in conjunction with the restaurant located at the Cambria Inn and Suites, located on Outfitter Road.

On April 21, 2011, the Planning Commission approved a Planned Commercial Development (File #10PD052) to allow the construction of a hotel. The design included a sit-down restaurant for the use of hotel guests. The Initial and Final Planned Commercial Development was approved in conjunction with an associated Preliminary Plat creating Lot 1 and 2 of Block 1 of the Gateway Business Park Subdivision.

A Final Plat (File #11PL034) was approved for Lot 1 of Block 1 of the Gateway Business Park Subdivision on July 1, 2011.

The property is located on Outfitter Road, between Interstate 90 and East Mall Drive. Currently, the Cambria Inn and Suites are located on the property.

**STAFF REVIEW:** Staff has reviewed the Major Amendment to the Planned Commercial Development to allow an On-Sale Liquor Establishment according to Chapter 17.50.185 of the Rapid City Municipal Code and has noted the following considerations:

*A. The requested use will not adversely affect the use of any place used for religious worship, school, park, playground, or similar use within a 500-foot radius:*

There are no places of worship, schools, parks, playgrounds, or similar uses within a 500-foot radius of the subject property. Property to the north, east and west is zoned General Commercial District. Property to the south of Interstate 90 is zoned Light Industrial District. It does not appear the addition of an on-sale liquor establishment will have any effect on places of worship, schools, parks, playgrounds, or any similar uses.

*B. The requested use is sufficiently buffered with respect to residential areas so as not to adversely affect the area:*

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The Planned Development is in the General Commercial District. There are no residential zoning districts in the area. It does not appear that the Major Amendment to allow On-Sale Liquor in conjunction with a full service restaurant will adversely affect any residential areas.

*C. 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:*

Property in the area is currently developing. There are no other on-sale liquor establishments in the area. The approval of the Major Amendment to allow On-Sale Liquor does not appear to create an undue concentration of similar uses.

*D. The proposed use complies with the standards of Rapid City Municipal Code Chapter 17.54.030:*

*1. The location, character, and natural features of the property;*

The Planned Development is located at 3333 Outfitter Road. The proposed on-sale liquor establishment will be added to the existing sit-down dining options provided in the lobby on the ground floor. Currently, the Cambria Inn and Suites is located on the property.

*2. The location, character, and design of adjacent buildings;*

Property adjacent to the north, east, and west is currently undeveloped. The nearest development occurs approximately 400 feet to the west and is the site of Cabela's. Properties in the immediate area are zoned General Commercial District and are generally being developed as retail shops and services. Light industrial development has been expanding to the north of the property. The Black Hills Badlands and Lakes Visitor's Center is located east of the property.

*3. Proposed fencing, screening, and landscaping;*

The original use for this property was approved as a part of an Initial and Final Planned Commercial Development. A minimum of 153,040 landscaping points have been approved as a stipulation of the original Planned Commercial Development. In addition, the dumpster must be screened by an 8 foot tall block fence and gate as approved on the original site plans. The proposed use does not expand the existing structure or change the uses on the exterior of the property. As such, addition fencing, screening, or landscaping beyond the approved Planned Development is not required.

*4. Proposed vegetation, topography and natural drainage;*

There will be no changes to the existing impervious surfaces, topography, or drainage of the site. As such, additional vegetation, grading, or changes to drainage are not required.

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5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;*

The original use for this property was approved as a part of an Initial and Final Planned Commercial Development. A parking/circulation plan was approved with 111 parking stalls at that time. The property will be accessed from Outfitter Road, and interior parking and circulation aisles will provide movement on-site. A looped internal access aisle was approved with the original Planned Development to insure Fire Department access through the site. The aisle is required to be constructed with a minimum 26 foot wide paved surface when adjacent to parking spaces. The balance of the aisle must be constructed with a minimum 20 foot wide paved surface. In addition, the access aisle must be secured within an access easement prior to issuance of a Certificate of Occupancy. The applicant is not proposing any advertising for the restaurant in conjunction with the on-sale liquor establishment. In addition, the applicant has indicated that the on-sale liquor establishment will only serve hotel guests, and as such does not appear to create an increase in vehicle or pedestrian traffic. It appears that additional pedestrian and vehicular access, circulation, and parking are not required.

6. *Existing traffic and traffic to be generated by the proposed use;*

An updated Traffic Impact Study was submitted as a stipulation of approval for the original Planned Commercial Development. The updated study reflected the proposed use of a hotel on the property. The applicant has entered into a Covenant Agreement with the City securing the applicant's participation and timing for improvements pursuant to the recommendations of the approved Traffic Impact Study. Changes to the site plan required to complete the recommendations of the Traffic Impact Study may be allowed as a Minimal Amendment to the Planned Commercial Development. The proposed expansion to include an on-sale liquor establishment will exclusively serve patrons of the hotel. The request does not expand the capacity of the hotel or the restaurant serving the hotel. It does not appear the proposed use will create an increase in existing traffic.

7. *Proposed signs and lighting;*

A sign package including an LED reader board was approved as part of the original Planned Commercial Development. There are no additional proposed signs or lighting being requested with this application. Any changes to the original sign package for the Planned Commercial Development which the Director of Community Planning and Development Services determines to be consistent with the original approved Planned Development may be allowed as a Minimal Amendment to the Planned Commercial Development. The addition of any electronic signage beyond that approved in the original Planned Commercial Development will require a Major Amendment to the Planned Commercial Development. Signage advertising the restaurant and on-sale liquor establishment will not be allowed. In addition, all

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outdoor lighting must be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and not to be a hazard to the passing motorist or constitute a nuisance of any kind. A sign permit must be obtained for any additional signage.

*8. The availability of public utilities and services;*

The property is currently served by Rapid City sewer and water. The proposed use does not appear to create a need for additional City sewer and water capacity.

*9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;*

The Rapid City Comprehensive Plan identifies this property as suitable for commercial development. The proposal to allow service of beer and wine as a part of an eating establishment requires a Major Amendment to the Planned Commercial Development. One of the goals of the Comprehensive Plan is to encourage commercial development that is convenient to residents, yet compatible and not intrusive upon residential neighborhoods. The Comprehensive Plan also serves to create separation among conflicting uses. The Zoning Ordinance is the tool by which the goals of the Comprehensive Plan are achieved. Due to the location of this use in a General Commercial District and away from residential districts, it appears the request for a Major Amendment to the Planned Development to Allow On-Sale Liquor is in compliance with the adopted Comprehensive Plan.

*10. The overall density, yard, height, and other requirements of the zone in which it is located;*

The existing development on the property is in compliance with the density, yard, and height requirements of the General Commercial District and the approved Planned Commercial Development. An exception was approved as a part of the original Planned Commercial development to allow a 15 foot setback in lieu of the required 25 foot setback from the western property line. In addition, an exception for height was approved to allow a 56 foot tall building in the southeastern portion of the hotel in lieu of the maximum allowable 45 foot height per the regulation of the General Commercial District. It does not appear the request will alter the density, yard, or height of the development on the site.

*11. The effects of noise, odor, smoke, dust, air and water pollution and the degree of control through the use of clarifiers, screening, setbacks, and orientation;*

The proposed use will be limited to the interior of the structure on the property. Structures on the site will not be altered or expanded. As such, it does not appear that the request will create excessive noise, odor, smoke, dust, air, or water pollution.

*12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.*

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The stipulations of approval of the original Initial and Final Planned Development and this Major Amendment will serve as the tool to ensure that the proposed use will maintain parking, will maintain sufficient buffering from neighboring businesses and will not create additional light or noise.

Notification Requirements: The required notification signs have been posted on the property. As of this writing, the green cards and white receipts from the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the February 9, 2012 Planning Commission meeting if these requirements have not been met.