

STAFF REPORT  
November 21, 2013

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**No. 13UR019 - Major Amendment to a Conditional Use Permit to change the approved accessory uses within a hotel from storage to restaurant**

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**ITEM 11**

GENERAL INFORMATION:

APPLICANT	Chris Connelly - Monte Vista Properties LLC
PROPERTY OWNER	Monte Vista Properties LLC
REQUEST	<b>No. 13UR019 - Major Amendment to a Conditional Use Permit to change the approved accessory uses within a hotel from storage to restaurant</b>
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 1 of Heartland Retail Center, located in Section 27 (also located in Section 34), T2N, R8E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.29 acres
LOCATION	4040 Cheyenne Boulevard
EXISTING ZONING	General Commercial District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	October 25, 2013
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to change the approved accessory uses within a hotel from storage to restaurant be approved with the following stipulations:

1. A minimum of 127 parking spaces shall be provided. In addition, five of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
2. A minimum of 81,600 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state

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- and replaced as necessary;
3. All provisions of the General Commercial District shall be met;
  4. All applicable provisions of the adopted International Fire Code shall continually be met;
  5. 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;
  6. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Variance or a Planned Development Overlay. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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; and,
  7. The Major Amendment to the Conditional Use Permit shall allow the two storage suites to be used as restaurants as well as to allow the two previously approved Conditional Use Permits to allow an on-sale liquor establishment in conjunction with a hotel and an on-sale liquor establishment in conjunction with a restaurant. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. All permitted uses in the General Commercial District shall be permitted contingent upon an approved building permit and the provision of sufficient parking. All conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Conditional Use Permit to change the approved accessory uses within a hotel from storage to restaurant. The hotel is the "Baymont Inn and Suites". In particular, the applicant is proposing to open an ice cream / candy shop and a sandwich shop in suites previously identified as storage. The two suites are approximately 3,053 square feet in size.

On November 26, 2012, a Zoning Exception (File #12ZE003) was administratively approved to allow a maximum height of 47 feet in lieu of the allowed 45 feet for the "Baymont Inn and Suites".

On June 6, 2013, the Planning Commission approved a Conditional Use Permit (File #13UR006) to allow an on-sale liquor establishment in conjunction with a restaurant and a Conditional Use Permit (File #13UR007) to allow an on-sale liquor establishment in conjunction with a hotel. Stipulations of approval for both Conditional Use Permits require that any change in use for the suites identified as storage would require a Major Amendment to ensure that sufficient parking was being provided.

The property is located on the north side of Cheyenne Boulevard approximately 600 feet east of the intersection of Eglin Street and North Elk Vale Road. Currently, a four story hotel

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is located on the property.

STAFF REVIEW:

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

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

The property is located at 4040 Cheyenne Boulevard on the north side of a minor arterial street. The existing building is a four story, 47 foot high hotel on a relatively flat parcel.

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

The property to the south is zoned General Commercial District and is currently undeveloped. The property to the east is zoned General Commercial District and is the location of "University Center Rapid City", a three story college building. The property to the west is zoned General Commercial District with a Planned Development. A one story gas station and convenience store are currently located on the property. To the north of the subject property is railroad right-of-way.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any fencing or screening. A minimum of 81,600 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 82,260 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

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

There will be no changes in impervious surfaces, topography or drainage.

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

Vehicular access is off of Cheyenne Boulevard. Property line sidewalk is located along Cheyenne Boulevard providing pedestrian access. Previously, the applicant indicated that two suites within the hotel would be used exclusively as storage in order to reduce the required parking. A stipulation of approval for both Conditional Use Permits required that any change in use for the suites would require a Major Amendment to the Conditional Use Permit to ensure that the minimum parking requirement would be met as per Chapter 17.50.270 of the Rapid City Municipal Code. Subsequently, the applicant requested a Variance to reduce the minimum required parking in order to change the use of approximately 3,053 square feet of suite area from storage to restaurant. On October 1, 2013, a Variance was granted by the Zoning Board of

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Adjustment to reduce the minimum required parking from 148 parking spaces to 127 parking spaces for the proposed restaurant uses. As such, a minimum of 127 parking spaces must be provided. In addition, five of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." The applicant has submitted a parking plan showing a total of 116 parking spaces. Seven of the parking spaces are handicap accessible with one of the spaces being "van accessible". In addition, the applicant has submitted a Shared Parking Agreement with the property located to the west for 11 additional parking spaces which secures the minimum parking requirement for the proposed and existing uses. All provisions of the Off-Street Parking Ordinance must be continually met.

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

The proposed uses are expected to generate approximately 55 trips per weekday peak hour. Cheyenne Boulevard is identified as a Minor Arterial Street on the City's Major Street Plan and is designed to accommodate commercial traffic.

7. *Proposed signs and lighting:*

The applicant has submitted a sign package identifying proposed wall signs for the "Baymont Inn and Suites" and a proposed 20 foot high pole sign with three 4 foot high by 5 foot wide tenant identification signs and an approximately 4 foot high by 5 foot wide sign at the top of the pole sign identifying the "Baymont Inn and Suites". All signage must continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code will require a Variance or a Planned Development Overlay. Any electronic reader board signs will require the review and approval of a Major Amendment to the Conditional Use Permit. 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.

The applicant has indicated that no additional lighting is being constructed. All outdoor lighting must 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 availability of public utilities and services:*

The property is currently served by public utilities including Rapid City sewer and water.

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

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The property is intended to be used for commercial uses. The applicant is proposing to change the previously approved uses for two suites from storage to restaurant. On October 1, 2013, a Variance was granted to reduce the minimum required parking for the proposed restaurants uses from 148 parking spaces to 127 parking spaces. As such, sufficient parking is being provided for the proposed change is use from storage to restaurant.

The Major Amendment to the Conditional Use Permit will allow the two storage suites to be used as restaurants as well as to allow the two previously approved Conditional Use Permits to allow an on-sale liquor establishment in conjunction with a hotel and an on-sale liquor establishment in conjunction with a restaurant. Any expansion to the on-sale liquor use will require a Major Amendment to the Conditional Use Permit. All permitted uses in the General Commercial District will be permitted contingent upon an approved building permit and the provision of sufficient parking. All conditional uses in the General Commercial District will require the review and approval of a Major Amendment to the Conditional Use Permit.

*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. All provisions of the General Commercial District must be met.

*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:*

It does not appear that the proposed change in use from storage to restaurant will have a negative effect on the surrounding neighborhood by causing noise, odor, smoke, dust, air or water pollution since the proposed restaurant uses are permitted in the district.

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

The stipulations of approval of the Major Amendment to the Conditional Use Permit will serve as a tool to insure that the currently adopted International Fire Codes are continually met and that the proposed expansion is in compliance with the Rapid City Municipal Code. In addition the stipulations will ensure that parking, landscaping and signage will comply with the Zoning Ordinance.

Notification: The first class mailings have been returned to the Community Planning and Development Services Department for mailing. Staff has subsequently mailed the letters. The sign has been picked up, however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the November 21, 2013 Planning Commission meeting if this requirement has not been met.