

STAFF REPORT
July 24, 2014

No. 14PD015 - Major Amendment to a Planned Development Overlay to allow a restaurant **ITEM 4**

GENERAL INFORMATION:

APPLICANT	James and Jennifer Dettman
PROPERTY OWNER	Tensleep LLC
REQUEST	No. 14PD015 - Major Amendment to a Planned Development Overlay to allow a restaurant
EXISTING LEGAL DESCRIPTION	Lot 1 thru 5 of Block 88 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.4 acres
LOCATION	201 Main Street, Suite G1
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	June 17, 2014
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

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

1. An Exception is hereby approved to reduce the required amount of off-street parking from 164 spaces to 0 spaces;
2. A building permit shall be obtained prior to any future construction on the property. A Certificate of Completion shall be obtained prior to commencement of the use;
3. Prior to issuance of a building permit, an 11.1 Historic Review shall be obtained;
4. If installation of a commercial hood is required, the hood shall be installed and operational prior to commencement of the restaurant use;
5. Any proposed exterior signage shall obtain the review and approval of the Historic Sign Board. All signage shall comply with Chapter 17.50.080 of the Rapid City Municipal Code.

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- No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to the Planned Development. A sign permit shall be required for each sign.
6. All applicable provisions of the International Fire Code shall be continually maintained;
 7. The proposed restaurant shall operate in compliance with the submitted operations plan and the requirements of Chapter 17.18 of the Rapid City Municipal Code. All provisions of the General Commercial District shall be continually maintained unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment to the Planned Development, and;
 8. This Major Amendment to the Planned Development shall allow for a restaurant to be located within suite G1 on the property. The previously approved uses within the Creamery building, including a church, an on-sale liquor establishment, and a caretaker's unit may continue as approved. Changes in the operations plan of the restaurant which result in an increase in the required amount of parking shall require a Major Amendment to the Planned Development. All permitted uses in the General Commercial District that do not require additional parking shall require the review and approval of a Minimal Amendment to the Planned Development. All permitted uses that require additional parking or conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a request to allow a restaurant to be located within one suite of the existing Creamery building. On July 10, 2014, the Planning Commission approved a Major Amendment to the Planned Development (File #14PD013) to allow the expansion of an on-sale liquor establishment with an outdoor seating area within another area of the Creamery. The approved Major Amendment included an Exception to reduce the required amount of off-street parking spaces on the property from 146 to 0 parking spaces. An area of legally non-complying parking currently exists on the property. One suite within the Creamery was formerly the location of a restaurant known as The Beanery. Portions of the former Beanery location were included in a previous Major Amendment to the Planned Development to allow a church (File #13PD011). The applicant is proposing to use the remaining portions from the former restaurant, totaling approximately 1,636 square feet, as a new restaurant, to be known as "Nummies—The Sandwich Shop". The applicant is not proposing to serve alcohol as a part of this request. However, a stipulation of the most recently approved Major Amendment to the Planned Development states that all permitted uses in the General Commercial District which require additional parking will require a Major Amendment to the Planned Development. The propose restaurant space will require an additional 18 parking spaces be provided on the site. As a result, the applicant has submitted this Major Amendment to the Planned Development with a request for an Exception to reduce the required amount of off-street parking from 164 to 0 spaces.

The property is located at 201 Main Street, in Suite G1. The site is the location of the Creamery Building. The Creamery is an individually listed structure on the National Register of Historic Places. Currently the Creamery is developed with a number of different residential and commercial uses.

STAFF REVIEW: Staff has reviewed the request for an Initial Planned Development pursuant

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to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

There are certain conditions pertaining to the particular piece of property in questions because of its size, shape, or topography;

The property is comprised of approximately 17,500 square feet of land zoned General Commercial District. The surrounding properties are zoned General Commercial District and are located in a central, fully developed area of the City. The structure has been placed on the National Register of Historic Places as an individually nominated property. The proposed restaurant use does not require a historic review at this time since no physical changes to the structure are being proposed. The applicant should be aware that future changes to the structure which require a building permit must be approved through an 11.1 Historic Review.

The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;

The structure was constructed in 1929, prior to adoption of the Rapid City Landscaping Ordinance. The existing development does not appear to be in compliance with the Landscaping Ordinance and a landscaping plan was not submitted for the property. The property is considered legally non-complying with regard to landscaping and no expansion or enlargement of the structure is being proposed. As such, the property remains legally non-complying with regards to landscaping and a landscaping plan is not required for review. Main Street is classified as a Major Arterial street on the City's Major Street Plan, meant to accommodate high volumes of commercial traffic.

Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;

The most recently approved Major Amendment to the Planned Development for this property included an Exception to reduce the required amount of off-street parking on the property from 146 spaces to 0 spaces. Submitted plans show that the proposed restaurant is comprised of approximately 1,636 square feet of space in the basement of the structure, requiring a minimum of 18 off-street parking spaces is provided. The additional 18 parking spaces increase the total amount of required parking for the property from 146 to 164 parking spaces. The applicant has requested an Exception to reduce the required amount of off-street parking on the property from 164 to 0. The applicant has indicated that the restaurant will be open primarily on weekdays to serve the lunch crowd in the vicinity. The existing church on the property will operate primarily on Sundays, and the existing on-sale liquor establishment on the property will operate primarily in the evenings during the weekend. Based on the hours of operation identified in the applicant's operation plan, it appears that the restaurant will operate in opposition to the other uses on the property which may be negatively affected by the proposed restaurant. In addition, the applicant anticipates that the majority of customers of the sandwich shop will be people working within walking distance of the Creamery, similar to the operation of the previous restaurant. The Future Land Use Plan recently adopted as a part of the Rapid City Comprehensive Plan shows the

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property as appropriate for downtown development in the future. It is anticipated that future development of this area will be reviewed as appropriate for the Central Business District. No parking is required for properties located within the Central Business District. Based on the operation of the facility and the future land use designation of the property, it appears that potential negative impacts of the requested reduction in parking should be mitigated to the greatest extent possible. As such, it appears that the applicant's requested reduction in parking is in keeping with the purpose and intent of these regulations. For these reasons, staff recommends that the requested reduction in parking from 164 spaces to 0 spaces be approved. Future expansion to the structure or changes to the uses in the building which increase the required amount of parking will require a Major Amendment to the Planned Development.

A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;

The General Commercial District is intended to provide a zoning designation for personal and business services and the general retail business of the city. The proposed restaurant is located in the basement of a two story structure which houses a variety of commercial and retail businesses. The suite has previously served as a restaurant and the applicant's submitted operations plans states that the suite layout, fixtures and equipment from the former restaurant are being utilized as a part of the proposed restaurant. A literal interpretation of this chapter does not deprive the applicant of right that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

This Major Amendment to the Planned Development will serve as the tool to ensure that the proposed restaurant meets all the design standards of the General Commercial District. The property at 201 Main Street is listed on the National Register of Historic Places. Any future changes to the structure which require a building permit must be reviewed through an 11.1 Historic Review. All signage will require the review and approval of the Historic Sign Board. All signage must comply with the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code will be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign.

Building Services staff has noted that if the sandwich shop operates with no cooking, baking, or grease-laden vapors, no additional actions are required. However, staff noted that if cooking or baking is occurring within the facility, then a commercial kitchen hood may be required. The applicant should note that if installation of a commercial hood is required, the hood must be installed and operational prior to commencement of the restaurant use.

Submitted plans show that the structure is legally non-complying with regard to setbacks, landscaping, and parking. No expansions or changes to the exterior of the structure are being proposed. As such, the legally non-complying setbacks and landscaping may remain. Any uses permitted in the General Commercial District which do not result in an increase in

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the required amount of parking may be approved as a Minimal Amendment to the Planned Development. Any uses permitted in the General Commercial District which increase the required amount of parking on the property will require the review and approval of a Major Amendment to the Planned Development. Any conditional uses in the General Commercial District will require a Major Amendment to the Planned Development.

The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;

A restaurant is a permitted use in the General Commercial District. Development of the property through the Planned Development will ensure that the property meets the development standards set forth by the Zoning Ordinance and will be consistent with development in the area. The approved future land use designation on the property shows the area is appropriate for downtown development in the future. The Central Business District zoning district does not require off-street parking. As such, the requested reduction in parking can be supported based on the anticipated development of the area in the future. All provisions of the General Commercial District will be continually maintained unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment to the Planned Development. For these reasons, staff recommends that the Major Amendment to the Planned Development be approved with the stipulations outlined above.

Notification Requirements: The sign has been posted on the property. The letters of notification have been returned to Community Planning and Development Services for mailing. As of this writing, there have been no inquiries into the proposed Major Amendment to The Planned Development.