

STAFF REPORT
April 23, 2015

No. 15PD009 - Major Amendment to a Planned Development to allow a rental reunion cabin **ITEM 4**

GENERAL INFORMATION:

APPLICANT	Michael Derby
PROPERTY OWNER	Derby Advertising Inc.
REQUEST	No. 15PD009 - Major Amendment to a Planned Development to allow a rental reunion cabin
EXISTING LEGAL DESCRIPTION	Lot D through G less Lot H1 of Lot G of Kashmir (Revised), located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.11 acres
LOCATION	2720 Chapel Lane
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District (Planned Development)
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	Rapid City water and Rapid Canyon Sanitary District
DATE OF APPLICATION	March 26, 2015
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to allow a rental reunion cabin be approved with the following stipulations:

1. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Upon submittal of a Building Permit, a utility plan shall be submitted for review and approval showing domestic water service and fire service lines constructed in compliance with the design requirements of the Infrastructure Design Criteria Manual;
3. A minimum of 22 parking spaces shall be provided. In addition, one of the parking spaces shall be van handicap accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
4. A minimum of 39,452 landscaping points shall continually be provided. All provisions of

STAFF REPORT
April 23, 2015

No. 15PD009 - Major Amendment to a Planned Development to allow a rental reunion cabin **ITEM 4**

- 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 and replaced as necessary;
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 provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment;
 7. All signage shall continually comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to the Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs;
 8. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 9. The Major Amendment to a Planned Development shall allow for a nine bedroom "reunion" cabin with a maximum of 22 beds and a maximum occupancy of 47 people as per the building code. Any expansion to the "reunion" cabin or any change in use shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Development to convert the "Chophouse" restaurant into a "reunion" cabin. In particular, the existing 9,300 square foot two-story structure will be divided into two rental units. The first floor will be one unit with a living area and five bedrooms with 10 beds. The second floor will be a second unit with four bedrooms and nine beds. The 22 beds will consist of 11 queen beds, three bunk beds, and five sofa sleepers. The applicant has stated that the restaurant use has ceased. The approval of this Major Amendment will remove the restaurant use from this site.

On June 6, 1994, the City Council approved a Rezoning request (File #RZ1297) to change the land use designation of the subject property from Flood Hazard District to General Commercial District. The staff report states that after the 1972 flood, "greenway" properties were acquired and that the subject property was determined to be relatively safe from flood hazard and was not acquired. The 1981 Federal Emergency Management Agency floodplain map and a 1992 floodplain review by the Corps of Engineers validated that the property was located in the 500-year floodplain and not the 100-year floodplain. On May 16, 1994, the City Council approved a Commercial Planned Development (File #PD1296) to allow a restaurant on the property.

On August 18, 1997, the City Council approved a Major Amendment to the Planned Development (File #PD1609) to allow a two-story, 9,300 square foot restaurant with an on-sale liquor establishment for the "Chophouse". On April 4, 2002, the Planning Commission approved a Major Amendment to the Planned Development (File #02PD010) to allow an expansion to the on-sale liquor use for a 860 square foot outdoor patio area.

STAFF REPORT
April 23, 2015

No. 15PD009 - Major Amendment to a Planned Development to allow a rental reunion cabin **ITEM 4**

On September 15, 2008, the City Council denied an Initial Planned Development to construct a full-service upscale resort around the existing “Chophouse” restaurant. The proposed re-development included a four-story, 75 unit hotel with a wedding reception area.

In December of 2010, the “Chapel Valley Access and Route Alignment Study” final report was issued. The purpose of the report was to develop alternative alignments for an alternate means of access for the Chapel Valley area and to determine the feasibility of providing an alternate access since the Chapel Valley neighborhood is isolated due to topography with a single point of access over Chapel Lane bridge. The single access leaves Chapel Valley residents vulnerable to being stranded in emergencies. Alternative “G” was selected as the most feasible alternative and would extend south from Chapel Valley extending the Red Rock Canyon Road alignment. Subsequently, an addendum to the report was added that focused on providing a safe exit and to review non-construction options to address emergency events. The recommendations included forming an emergency management planning task force. On December 6, 2010, the City Council unanimously voted not to build a second exit, but to form the Emergency Management Task Force.

Starting in 2010, the City convened the “Ad Hoc Chapel Valley Community Emergency Management Task Force”. In June of 2011, the “Chapel Valley Community Emergency Preparedness Plan” was drafted and on July 5, 2011 the City Council acknowledged the report. The group was comprised of Chapel Valley residents, City Council members, agency representatives in emergency management, and City staff. The emergency preparedness plan addressed the following items:

- Identification of Hazards;
- Evacuation;
- 72-Hour Sustainability Readiness;
- Residents with Special Needs, Children, and Pets;
- Family Plans;
- Organization of the Neighborhood;
- Implementing the Emergency Plan;
- Meetings of the Chapel Valley Community; and,
- Amending the Chapel Valley Community Emergency Preparedness Plan.

The applicant has submitted an “Emergency Site Evacuation Procedures” plan and a letter from Rapid City – Pennington County Emergency Management indicating concurrence with the proposed request.

The property is located on the east side of Chapel lane approximately 588 feet south of the intersection of Jackson Boulevard and Chapel Lane which is the only access point to the Chapel Valley neighborhood. Currently, a two-story commercial structure is located on the property that was previously used as the “Chophouse” restaurant.

STAFF REVIEW:

Staff has reviewed the Final Planned Development Overlay with respect to Chapter

STAFF REPORT
April 23, 2015

No. 15PD009 - Major Amendment to a Planned Development to allow a rental reunion cabin **ITEM 4**

17.50.050(F)5 and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The property is approximately 48,352 square feet in size and is located on the west side of Canyon Lake approximately 588 feet south of the intersection of Jackson Boulevard and Chapel Lane. The property is located in the Federally designated 500-year floodplain which does not prohibit structures. Currently, the property is developed with a two-story structure with a patio that was originally constructed as the “Chophouse” restaurant. On the west side and the south side of the structure is paved parking. The applicant is proposing to convert the existing structure into a “reunion” cabin and is not proposing to expand the footprint of the building.

The property is located in the Chapel Valley area which has only one point of access across the Chapel Lane bridge. The existing restaurant use could potentially generate approximately 67 weekday peak hour trips compared to the 11 weekday peak hour trips for the proposed “reunion” cabin. In addition, the minimum required parking will be reduced from 116 parking spaces to 22 parking spaces. The proposed cabin should result in a significant reduction in the amount of traffic generated by the use of the property. The applicant has submitted a letter from Rapid City – Pennington County Emergency Management indicating concurrence with the proposed “reunion” cabin stating that the impact to traffic flow from the proposed business during an emergency evacuation would be negligible and could easily be mitigated through proactive emergency planning. The applicant has submitted an approved “Emergency Site Evacuation Procedures” plan and the existing structure is fire sprinkler protected.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The property is zoned General Commercial District. A “reunion” cabin is a permitted use in the district. The applicant is not requesting any Exceptions from the area regulations of the underlying zoning district.

3. *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:*

As noted above, the applicant is not requesting any Exceptions from the area regulations of the General Commercial District. The property is located in the Chapel Valley area which has only one point of access across the Chapel Lane bridge. The existing restaurant use could potentially generate approximately 67 weekday peak hour trips compared to the 11 weekday peak hour trips for the proposed “reunion” cabin. In addition, the minimum required parking will be reduced from 116 parking spaces to 22 parking spaces. The proposed cabin should result in a significant reduction in the amount of traffic generated by the use of the property. The applicant has submitted a letter from Rapid City – Pennington County Emergency Management indicating concurrence with the proposed “reunion” cabin stating that the impact to traffic flow from the proposed business during an emergency

STAFF REPORT
April 23, 2015

No. 15PD009 - Major Amendment to a Planned Development to allow a rental reunion cabin **ITEM 4**

evacuation would be negligible and could easily be mitigated through proactive emergency planning. The applicant has submitted an approved "Emergency Site Evacuation Procedures" plan and the existing structure is fire sprinkler protected. For these reasons, it does not appear that the proposed "reunion" cabin will cause an undue hardship to the public good.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The proposed "reunion" cabin is a permitted use in the General Commercial District. As such, the literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

A number of interested parties have raised concerns regarding the proposed conversion of the "Chophouse" restaurant into a 22-bed "reunion" cabin. Those concerns include flood hazard, emergency evacuation, number of dwelling units with only one point of access, and the increase in overnight stays. The property is not located in the Federally designated 100-year floodplain. The Rezoning of the property in 1994 from Flood Hazard District to General Commercial District identified that the subject property was determined to be relatively safe from flood hazard and was not acquired as a part of the "Greenway" purchases. The existing restaurant use could potentially generate approximately 67 weekday peak hour trips compared to the 11 weekday peak hour trips for the proposed "reunion" cabin. In addition, the minimum required parking will be reduced from 116 parking spaces to 22 parking spaces. The proposed cabin should result in a significant reduction in the amount of traffic generated by the use of the property. The applicant has also submitted an approved "Emergency Site Evacuation Procedures" plan which includes National Oceanic and Atmospheric Administration (NOAA) radios in each room. An on-site manager will also assist with evacuation procedures. The applicant has submitted a letter from Rapid City – Pennington County Emergency Management indicating concurrence with the proposed "reunion" cabin stating that the impact to traffic flow from the proposed business during an emergency evacuation would be negligible and could easily be mitigated through proactive emergency planning. The existing structure is also fire sprinkler protected. Another concern is that the Chapel Valley neighborhood with only one point of access does not allow any further dwelling units to be constructed in the neighborhood. Section 2.6 of the Infrastructure Design Criteria Manual states that a street with a single access shall not be used for more than 40 dwelling units. Currently, there are over 500 dwelling units in the neighborhood. However, the proposed "reunion" cabin is not a dwelling unit as defined by the Rapid City Municipal Code which defines a dwelling unit for the exclusive use of a single-family maintaining a household. The proposed "reunion" cabin is for short term rentals not for establishing households. Based on the limited number of occupants and the applicant's preparedness plan, it appears that adverse impacts from the proposed "reunion" cabin use will be reasonably mitigated.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to*

STAFF REPORT
April 23, 2015

No. 15PD009 - Major Amendment to a Planned Development to allow a rental reunion cabin **ITEM 4**

be modified:

As noted above, no Exceptions are being requested.

Traffic and Parking: The proposed change in use from a restaurant to a “reunion” cabin will significantly reduce the weekday peak hour trips generated by the use of the property from approximately 67 trips to 11 trips. In addition, the minimum required parking for a restaurant was 116 parking spaces whereas the reunion cabin requires a minimum of 22 parking spaces. The parking for the “reunion” cabin was calculated at one parking space per bed. Typically, a hotel or motel would be required to provide one parking space per room.

Landscaping: A minimum of 39,452 landscape points is required for the existing development. The applicant is not proposing any expansion to the facility. The landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code.

Fire Services: Upon submittal of a Building Permit, a utility plan must be submitted for review and approval which confirms that the domestic water and fire service lines are compliant with the design standards of the Infrastructure Design Criteria Manual. The intent is to ensure that the domestic and fire lines are separated and the fire line will not be affected by shutting off the water service.

Signage: The applicant has submitted a sign package identifying a six foot high by eight foot wide pole sign on the northwest side of the property and a three foot high by eight foot wide ground sign located in front of the structure facing Shore Drive. The existing signage is in compliance with the sign code. No additional signage or electronic signage is being proposed.

Notification: The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the April 23, 2015 Planning Commission meeting if this requirement has not been met.