

STAFF REPORT

April 23, 2015

No. 15PD010 - Major Amendment to a Planned Development to allow a restaurant

ITEM 5

GENERAL INFORMATION:

APPLICANT	Daniel Vogel - Northcott Company
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Atlantis, LLC
REQUEST	No. 15PD010 - Major Amendment to a Planned Development to allow a restaurant
EXISTING LEGAL DESCRIPTION	Lot 1 revised of Atlantis Subdivision, located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.32 acres
LOCATION	1300 North Elk Vale Road
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Mixed Use Commercial
SURROUNDING ZONING	
North:	Box Elder
South:	General Commercial District - General Commercial District (Planned Development)
East:	General Commercial District
West:	General Commercial District - (Planned Development) - General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	March 27, 2015
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

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

1. If the Planning Commission should determine that the proposed 60 foot tall on-premise sign is appropriate for the location, then the Exception to increase the permitted height of the proposed on-premise sign from 45 feet to 60 feet is hereby approved. All additional signage shall comply with the requirements of the Rapid City

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- Sign Code. 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 LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;
2. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to operation of the restaurant;
 3. Prior to issuance of a building permit, plans shall be revised to address all Public Works design change comments;
 4. Prior to issuance of a building permit, the property owner must enter into an agreement with the City for access to the water shutoff valve to be located on private property;
 5. Prior to issuance of a building permit, the property owner must enter into an agreement with the City for the maintenance of the proposed storm water sumps and flexstorm filters for storm water quality treatment;
 6. Prior to issuance of a building permit, final plans signed and sealed by registered professional pursuant to SDCL 36-18A shall be submitted;
 7. Handicap accessibility shall be provided throughout the structure as necessary;
 8. Erosion and sediment control measures shall be installed throughout the project and maintained as necessary;
 9. All proposed parking shall be constructed as shown in the approved parking plan and in compliance with the requirements of the Rapid City Parking Ordinance. Changes to the parking in compliance with the Rapid City Parking Ordinance may be permitted as a Minimal Amendment to the Planned Development;
 10. All landscaping shall be constructed as shown in the approved landscaping plan and in compliance with the requirements of the Rapid City Landscaping Ordinance. Changes to the landscaping plan in compliance with the Rapid City Landscaping Ordinance may be permitted as a Minimal Amendment to the Planned Development;
 11. All lighting shall be designed to preclude shining on adjacent properties or rights-of-way so as to become a nuisance to neighbors or passing pedestrian or vehicular traffic;
 12. All requirements of the International Fire Code shall be continually maintained;
 13. All requirements of the General Commercial District shall be maintained unless specifically authorized as a part of this Major Amendment or a subsequent Major Amendment to the Planned Development, and;
 14. This Major Amendment to the Planned Development shall allow for a restaurant and parking to be located on the property. Any use permitted in the General Commercial District may be permitted contingent upon an approved building permit and provision of sufficient parking. Any conditional uses shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a request for a Major Amendment to the Planned Development to allow a Perkins restaurant to be located to the west of the existing Fairfield Inn at the Watiki Waterpark resort. The Watiki Waterpark campus is comprised of a number of hotels, restaurants, and a water park. The campus straddles the border between Rapid City and Box Elder. The proposed restaurant will be connected to the existing structures by a breezeway and will be located entirely within the City Limits of Rapid City. Access to the resort is located in Box Elder. The applicant is proposing to

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construct additional parking to the west of the proposed restaurant as a part of the development. In addition, the applicant is requesting an Exception to allow a 60 foot tall pole sign to be located on the property.

On August 8, 2013 Planning Commission approved a Final Planned Development (File #13PD029) to expand the existing on-sale liquor establishment as a part of a planned expansion of the primary water park and resort. As a part of that Final Planned Development, agreements were recorded and submitted for shared access, parking, and landscaping for the entire campus, including those portions currently located in Box Elder. The agreement remains in place for the entire site and, as such, the parking and landscaping provided for this Final Planned Development are in addition to the existing approved parking and landscaping plans for the entire campus. The conditional use to allow an on-sale liquor establishment is not being expanded to include the proposed restaurant. The applicant should note that the addition of an on-sale liquor use within the proposed restaurant will require another Major Amendment to the Planned Development.

The property is located southeast of the intersection of North Elk Vale Road and the South Interstate 90 Service Road. The property is currently developed as a part of the existing Watiki Waterpark resort and hotel complex.

STAFF REVIEW: Staff has reviewed the request for a Major Amendment to the Planned Development pursuant 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 6.32 acres of property zoned General Commercial District with a Planned Development. The area is in a developing commercial neighborhood. The property is typically level however, eastern portions of the campus are graded approximately 15 feet lower than the balance of the property. The proposed restaurant is located on the western side of the campus on level ground currently developed as a parking lot. It does not appear that there are any conditions on the property due to its size, shape, or topography which would limit the development of the site.

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

As previously noted, the site is within the boundary of a previously approved Final Planned Development. The applicant is requesting an Exception to increase the permitted height of a proposed pole sign as a part of this development and, as such, a Major Amendment to the Planned Development is required for the proposed restaurant. The application of these regulations does not create a practical difficulty or undue hardship on the property.

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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;

Staff should note that submitted plans show a 70 foot tall flagpole is being proposed on a portion of the site located within Box Elder City Limits. The applicant has requested an Exception to allow a 60 foot tall, internally illuminated on-premise pole sign for the restaurant to be located approximately 10 feet from the western property line adjacent to North Elk Vale Road in the Rapid City limits. Rapid City Municipal Code Chapter 17.50.100.B.2 states that a maximum 45 foot tall on-premise sign is permitted. The applicant has submitted line-of-sight diagrams and a profile section of the proposed sign in order to demonstrate that the proposed additional height of the sign is necessary to elevate the sign to a reasonable viewing height from the neighboring transit/commercial corridors. The submitted materials show that the footing of the pole sign is located approximately 15 feet lower than the grade of the adjacent North Elk Vale Road. The topographical difference results in a 45 foot tall pole sign which does not rise above the height of surrounding development and is, as a result, harder to distinguish from the surrounding development. The materials also show that the proposed 60 foot tall sign would raise the sign to a height similar to the perceived height of other signage in the area. However, in the past, the Planning Commission has directed staff to present Exception requests to the Sign Code to the Planning Commission for their consideration. If the Planning Commission should determine that the proposed increase in the permitted height of the sign is appropriate for the neighborhood, then staff recommends that the Exception request to increase the permitted height of an on-premise sign from 45 feet to 60 feet be approved. Staff should note that no electronic or Light Emitting Diode (LED) signage is being approved as a part of this application. The addition of LED signage on the property 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 district for the personal, business service, and general retail business of the City. Restaurants are a permitted use in the General Commercial District. A literal interpretation of this chapter does not deprive the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

Parking: Based on the previously approved Final Planned Development, a minimum of 359 parking spaces must be provided on the property. Based on the submitted operations plan and the uses proposed on the property as a part of this Major Amendment, a total of 60 additional parking spaces are required for the restaurant. Subsequently, a total of 419 parking spaces are required on the entire campus. The proposed development of the restaurant includes the addition of 104 parking spaces on the property. As such, a total of 463 parking spaces are being proposed on the campus. Four of the newly proposed parking spaces will be handicap accessible. Two of the newly proposed handicap accessible spaces are designed as van accessible spaces. It appears the parking meets the requirements of the Rapid City Parking Ordinance. All parking must continue to comply

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with the requirements of the Rapid City Parking Ordinance and the submitted parking plan.

Public Works comments: Public Works staff has noted that prior to issuance of a building permit, the following issues must be addressed:

- The site plan must be revised to include sidewalks on all street rights-of-way adjacent to Rapid City limits, or an Exception waiving the requirement for sidewalks must be obtained from City Council;
- A storm water drainage report must be submitted showing that the existing detention facility can accommodate drainage for all existing and proposed impervious surface;
- On Sheet 7 of the submitted plans, the fire hydrant being removed as a part of this project must be salvaged by the City Utility Maintenance Department and the new fire hydrant must be placed pursuant to the requirements of the Rapid City Standard Specifications Section 8.3.J.2. In addition, the developer must coordinate with the City's Industrial Waste Program for the sand/oil separator installation and routine inspection. The separator must be sized by the manufacturer's recommendations based on anticipated flow rates and sizing information must be included in construction plans. The existing sanitary sewer service must be abandoned west of the point of connection for the new service;
- Prior to issuance of a building permit, the property owner must enter into an agreement with the City for access to the water shutoff valve to be located on private property, and;
- Prior to issuance of a building permit, the property owner must enter into an agreement with the City for the maintenance of the proposed storm water sumps and flexstorm filters for storm water quality treatment.

Rapid City Fire Department comments: The Rapid City Fire Department has noted the proposed structure will be equipped with a fire sprinkler protection system. No other issues have been identified. All requirements of the International Fire Code must be continually maintained.

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;

The applicant is proposing the addition of a Perkins restaurant to the existing Watiki Waterpark campus. The proposed restaurant is a permitted use in the General Commercial District. The applicant is not proposing the sale or service of alcohol in the restaurant. The proposed development includes the construction of additional parking and meets all setback, density, parking, and landscaping requirements. The applicant has proposed a 60 foot tall, interior illuminated, on-premise, monopole sign to be located on the western boundary of the property which the Planning Commission may determine is appropriate for the area. Based on the conformance of the proposed development with the requirements of the Rapid City Municipal Code with the exception of the proposed sign height, staff recommends that the Major Amendment to the Planned Development be approved with the stipulations outlined above.

Notification Requirements: The letters of notification have been returned to Community

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Planning and Development Services for mailing. The sign has been picked up, but as of this writing staff has not confirmed that the sign has been posted on the property. Staff will inform the Planning Commission at the April 23, 2015 Planning Commission meeting if this requirement has not been met. As of this writing, there have been no inquiries into the requested Major Amendment.