

STAFF REPORT
August 9, 2007

No. 07PD058 - Major Amendment to a Planned Commercial Development ITEM 27

GENERAL INFORMATION:

PETITIONER	TSP Three, Inc. for Bob Brandt
REQUEST	No. 07PD058 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Dan's Supermarket Tract Revised less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.61 acres
LOCATION	333 Omaha Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Light Industrial District - Flood Hazard District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/16/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

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

1. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. In particular, the proposed monument signs shall be located a minimum distance of three feet from all fire hydrants. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The 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;

STAFF REPORT
August 9, 2007

No. 07PD058 - Major Amendment to a Planned Commercial Development ITEM 27

2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;
4. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
5. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
6. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the Commercial Development Plan;
8. The structures shall be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment to the Planned Commercial Development. In addition, an on-sale liquor use in conjunction with a full service restaurant shall be allowed in the 1,400 square foot restaurant. Any other use shall require a Major Amendment to the Planned Commercial Development. In addition, a Final Commercial Development Plan shall be reviewed and approved prior to issuance of a building permit for Phase Two of the development;
9. A minimum of 129,240 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
10. A minimum of 209 parking spaces shall be provided. Seven of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
11. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed with a four foot high screening fence. A six foot high screening fence shall be allowed if a Fence Height Exception is obtained as needed;
12. 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;
13. All currently adopted Fire Codes shall be met; and,
14. 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 submitted a Major Amendment to a Commercial Development Plan to revise the sign package. In addition, the applicant has submitted a Fence Height Exception (File #07FV006) to allow a six foot high fence around the dumpster located in the southeast corner of the property. The applicant indicated that the commercial development will be known as "Tuscany Square Shopping Center".

STAFF REPORT
August 9, 2007

No. 07PD058 - Major Amendment to a Planned Commercial Development ITEM 27

On March 8, 2007, the Planning Commission approved an Initial Commercial Development Plan to allow a 64,237 square foot retail building, a 13,300 square foot strip mall and a 5,940 square foot restaurant to be located on the subject property.

On April 5, 2007, the Planning Commission approved a Final Commercial Development Plan to allow a 64,237 square foot retail building and a 13,300 square foot strip mall as Phase One of the development with the following stipulations of approval:

1. The revised sign package and site plan shall be approved with a 10 foot front yard setback to the sign structure along Omaha Street. In addition, the sign package shall be revised to eliminate the 14 foot X 14 foot LED sign from the northwest corner of the 64,237 square foot retail structure. The balance of the signage shall conform to the design, color and location as shown in the sign package submitted and approved as a part of the Planned Commercial Development. The lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign. In addition a sign permit and/or a Historic Sign Review shall be obtained as needed for each sign
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;
4. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
5. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
6. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
8. The structures shall be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment to the Planned Commercial Development. In addition, an on-sale liquor use in conjunction with a full service restaurant shall be allowed in the 1,400 square foot restaurant. Any other use shall require a Major Amendment to the Planned Commercial Development. In addition, a Final Commercial Development Plan shall be reviewed and approved prior to issuance of a building permit for Phase Two of the development;
9. A minimum of 129,240 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
10. A minimum of 209 parking spaces shall be provided. Seven of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
11. The dumpsters shall be located as shown on the site plan and screened on all four

STAFF REPORT
August 9, 2007

No. 07PD058 - Major Amendment to a Planned Commercial Development ITEM 27

- sides as proposed with a four foot high screening fence. A six foot high screening fence shall be allowed if a Fence Height Exception is obtained as needed;
12. 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;
 13. All International Fire Codes shall be met; and,
 14. 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.

The property is located in the southwest corner of the intersection of 3rd Street and Omaha Street. Currently, a 64,237 structure is located on the property which was previously the location of "Dan's Supermarket". In addition, the proposed strip mall located along Rapid Street is currently under construction.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Commercial Development Plan and has noted the following considerations:

Signage: The previously approved sign package included signage on the two proposed buildings and throughout the parking lot. In addition, a 16 foot wide by 40 foot high tower with signage was approved to be located approximately ten feet from the Omaha Street right-of-way. The applicant has subsequently submitted a revised sign package as follows:

1. Eliminate the free standing tower structure along Omaha Street;
2. Add a revised letter sign to the front of the existing building and to change the shape of the tower element on the building from a curved front to a square front;
3. Add two monument signs, measuring four foot high by 12 foot wide on a two foot high stone veneer base, adjacent to Omaha Street and Third Street, respectively; and,
4. To allow temporary signage during the grand opening of each store.

Staff had originally identified safety concerns with the construction of a 40 foot high tower with signage along Omaha Street. In particular, staff noted that Omaha Street is classified as a principal arterial street with an average daily vehicle count of 32,150 vehicles along this stretch of the street. Revising the sign package as proposed eliminates the tower along Omaha Street. In addition, the proposed monument signs are shown to be located outside of the sight triangles and the proposed signage along the front of the existing building should not negatively impact the adjacent roadways. As such, staff is recommending that the revised sign package be approved. In addition, changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

STAFF REPORT
August 9, 2007

No. 07PD058 - Major Amendment to a Planned Commercial Development ITEM 27

Final Commercial Development Plan: Other than the signage, the applicant has not requested any additional changes to the previously approved Final Commercial Development Plan. As such, staff is recommending that the previously approved stipulations of approval be stipulated as a part of this review and approval.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned. Staff will notify the Planning Commission at the August 9, 2007 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.