

STAFF REPORT  
November 20, 2008

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**No. 08PD057 - Major Amendment to a Planned Commercial Development**

**ITEM 12**

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GENERAL INFORMATION:

APPLICANT	Marci Wieseler
AGENT	Bob Brandt
PROPERTY OWNER	Bank West, Inc.
REQUEST	<b>No. 08PD057 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	Tract 1 of Tuscany Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.84 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	10/17/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. The structures shall be used as a medical facility, personal service, carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage unless otherwise specifically authorized as 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;
2. All 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. Changes to

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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;

3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
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. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
6. 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;
7. 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;
8. 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;
9. 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;
10. All currently adopted International Fire Codes shall be met; and,
11. 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:

**(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. Staff is recommending that this item be approved with the stipulations of approval as noted above.**

The applicant has submitted a Major Amendment to a Planned Commercial Development to allow a medical clinic as a permitted use.

On April 5, 2007, the Planning Commission approved a Commercial Development Plan (File #07PD021) to allow a 64,237 square foot retail building and a 13,300 square foot strip mall as Phase One of the Tuscany Square development. A stipulation of approval stated that the structures be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage. In addition, an on-sale liquor use in conjunction with a full service restaurant was allowed in the 1,400 square foot restaurant. Any other use requires a Major Amendment to the Planned Commercial Development. As such, the applicant has submitted the Major Amendment to the Planned Commercial

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Development to allow a medical clinic within the strip mall.

On August 9, 2007, the Planning Commission approved a Major Amendment to the Commercial Development Plan (File #07PD058) to revise the sign package.

On August 7, 2008, the Planning Commission approved a Major Amendment to the Commercial Development Plan to allow a bank to be constructed on Tract 2 of Tuscany Square Subdivision as a part of the Tuscany Square Development. This proposed Major Amendment is to allow a medical facility on Tract 1 of the Tuscany Square Development.

The property is located south of Omaha Street and west of Third Street. Currently, two commercial buildings are located on the property.

**STAFF REVIEW:**

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

**Parking:** The parking requirement for this phase of the Tuscany Square development was reduced from 251 parking spaces to 209 parking spaces as a part of the Initial and Final Planned Commercial Development for Phase One. During that review, the applicant indicated that this area of the strip mall would be used as a retail store which requires a minimum of 5 parking spaces per 1,000 square foot gross floor area be provided. A medical facility requires that a minimum of 4 parking spaces per 1,000 square foot gross floor area be provided. Amending the Major Amendment to the Planned Commercial Development to allow a medical facility will result in a reduced parking requirement for this phase of the development.

Staff is recommending that the Major Amendment to the Planned Commercial Development to allow a medical facility be approved with the stipulation that a minimum of 209 parking spaces be provided as originally stipulated. Seven of the spaces must 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.

**Use:** The property is currently zoned General Commercial District. A medical facility is a permitted use within the General Commercial District. As such, amending the previously approved Planned Commercial Development to allow a medical facility is in compliance with the intent of the General Commercial District. However, since the parking requirement was previously reduced in conjunction with the approved use(s) of the structures, any other use of the property will require that a Major Amendment to the Planned Commercial Development be reviewed and approved to determine if sufficient parking is being provided.

**Notification Requirement:** City staff is mailing new legal notification letters to the surrounding property owners as required notifying them of the change in hearing date. As of this writing, staff has not received any calls of inquiry regarding this item.