

STAFF REPORT  
September 24, 2009

---

**No. 09PD043 - Major Amendment to a Planned Commercial Development**      **ITEM 14**

---

GENERAL INFORMATION:

APPLICANT	Good Guys, LLC
AGENT	Bob Brandt
PROPERTY OWNER	Don Wieseler
REQUEST	<b>No. 09PD043 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	Tract 1 and Tract 2 of Tuscan Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.61 acres
LOCATION	Between Omaha Street and Rapid Street and between Third Street and Fifth 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	8/28/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be continued to the October 22, 2009 Planning Commission meeting with the applicant's concurrence.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Commercial Development to reduce the parking requirement for Tuscan Square from 235 parking spaces to 212 parking spaces.

STAFF REPORT  
September 24, 2009

---

**No. 09PD043 - Major Amendment to a Planned Commercial Development      ITEM 14**

---

On March 8, 2007, the Planning Commission approved an Initial Planned Commercial Development (#07PD008) 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. As a stipulation of approval, the parking requirement was reduced from 277 parking spaces to 235 parking spaces.

On April 5, 2007, a Final Planned Commercial Development (#07PD021) was approved to allow a 64,237 square foot retail building and a 13,300 square foot strip mall to be located on the subject property as Phase One of the development. In addition, a 1,400 square foot restaurant with on-sale liquor was approved within the strip mall.

On August 9, 2007, a Major Amendment to the Planned Commercial Development (#07PD058) was approved to revise the sign package for Phase One of the development.

On August 7, 2008, a Major Amendment to the Planned Commercial Development (#08PD037) was approved to allow a 6,300 square foot bank on the property with drive through teller windows and an ATM machine on Tract 2 as Phase Two of the development.

On November 20, 2008, a Major Amendment to the Planned Commercial Development (#08PD057) was approved to allow a medical clinic as a permitted use within the Tuscany Square development.

The property is located in the southwest corner of the intersection of Omaha Street and 3<sup>rd</sup> Street. Currently, a 64,237 square foot retail building, a 13,300 square foot strip mall and a 6,300 square foot bank 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:** As noted above, a stipulation of approval of the Initial Commercial Development Plan for Phase One and Phase Two of the Tuscany Square development reduced the parking requirement from 277 parking spaces to 235 parking spaces. This resulted in a reduction in the minimum number of off-street parking spaces of 15.16%. At that time, the applicant did not know the specific use(s) within portions of the retail building and the strip mall. Pursuant to Chapter 17.50.270.E.2.a, parking was calculated at a ratio of five parking spaces per 1,000 square feet gross floor area for the unspecified use(s). However, many of the existing tenants within the retail building and strip mall are home centers and furniture and carpet stores which have a lower off-street parking requirement. As such, the actual parking requirement for Phase One and Phase Two is currently 250 parking spaces. This includes a requirement for the current vacant 8,376 square foot area of the strip mall calculated at a parking ratio of 5 parking spaces per 1,000 square feet gross floor area. If the required parking is reduced at the same rate of 15.16% as previously granted by the Planning Commission, then a minimum of 212 parking spaces must be provided. The applicant has subsequently submitted a parking plan showing 211 parking spaces. However, one of the spaces located adjacent to the loading area cannot be counted since it interferes with the

STAFF REPORT  
September 24, 2009

---

**No. 09PD043 - Major Amendment to a Planned Commercial Development**      **ITEM 14**

---

access aisle needed to access other parking spaces. The applicant has indicated that one additional space is located directly north of the strip mall which is not currently shown on the site plan. The applicant has subsequently indicated that the site plan will be revised to show 212 parking spaces. As such, staff recommends that the Major Amendment to the Commercial Development Plan be continued to allow the applicant to submit a revised site plan identifying a minimum of 212 parking spaces in compliance with the City's adopted Parking Regulations.

Sign: To date, a sign permit has not been obtained for the existing monument sign located at the entrance to the site along 3<sup>rd</sup> Street. In addition, it has been noted that the sign is located three feet within the ten foot minimum required setback to the street. As such, prior to Planning Commission approval of this Major Amendment to the Planned Commercial Development, a Variance from the Sign Code Board of Appeals must be obtained to reduce the setback from ten feet to seven feet or the sign must be relocated to provide the minimum ten foot setback. In addition, a sign permit must be obtained for the sign.

If the applicant submits the Variance request to the Development Services Center by September 25, 2009, the request could be considered at the Sign Code Board of Appeals meeting on October 21, 2009. As such, Staff recommends that the Major Amendment to the Planned Commercial Development be continued to the October 22, 2009 Planning Commission meeting to allow the applicant to submit the Variance request as noted and to allow the Sign Code Board of Appeals to consider the request.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the September 24, 2009 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Major Amendment to the Planned Commercial Development be continued to the October 22, 2009 Planning Commission meeting to allow the applicant to address the outstanding issues as identified above.