

STAFF REPORT  
October 22, 2009

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

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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 **approved with the following stipulations:**

- 1. Prior to Planning Commission approval, a Variance from the Sign Code Board of Appeals shall be obtained for the sign located along 3<sup>rd</sup> Street to reduce the setback from ten feet to seven feet or the sign shall be relocated to provide the minimum ten foot setback. In addition, a sign permit shall be obtained;**
- 2. A minimum of 212 parking spaces shall be provided. Seven of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In**

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- addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
3. The structures shall be used as a bank, 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;
  4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
  5. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
  6. The proposed structure(s) shall continue to conform architecturally to the approved plans and elevations and color palette submitted as part of the original Commercial Development Plan(s);
  7. 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;
  8. 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 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;
  9. 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;
  10. 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;
  11. All currently adopted International Fire Codes shall be met; and,
  12. 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: October 12, 2009.) This item was continued at the September 24, 2009 Planning Commission meeting to allow the applicant to submit a revised parking plan and to submit a Variance request to the Sign Code Board of Appeals for an existing sign located on the property. The applicant has subsequently submitted a revised parking plan and submitted the Variance request as identified.

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

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

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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 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.

**(Update: October 12, 2009.) As noted above, this item was continued to allow the applicant to submit a revised parking plan with a minimum of 212 parking spaces. Seven of the parking spaces must be handicap accessible. In addition, one of the handicap spaces must be "van" accessible. The applicant has subsequently submitted a revised parking plan showing 213 parking spaces. In addition, eight of the spaces are handicap accessible with two of the handicap accessible spaces being "van" accessible.**

**Staff recommends that a minimum of 212 parking spaces be provided. In addition, seven of the spaces must be handicap accessible with one of the handicap spaces being "van accessible". All provisions of the Off-Street Parking Ordinance must be continually met.**

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.

**(Update: October 12, 2009.) As noted above, the applicant has submitted a Variance to reduce the setback from ten feet to seven feet for the existing sign located adjacent to 3<sup>rd</sup> Street. The Sign Code Board of Appeals will consider the request at their October 21, 2009 meeting.**

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Staff recommends that prior to Planning Commission approval, a Variance from the Sign Code Board be obtained as identified or the sign must be relocated to provide the minimum ten foot setback. In addition, a sign permit must be obtained.

**Notification Requirement:** The receipts from the certified mailings have been returned and the sign been posted on the property. Staff has received several calls of inquiry regarding this item. None of the callers objected to the request.