

STAFF REPORT
January 7, 2010

No. 09PD099 - Major Amendment to a Planned Commercial Development **ITEM 11**

GENERAL INFORMATION:

APPLICANT	Good Guys, LLC
AGENT	Bob Brandt
PROPERTY OWNER	Good Guys, LLC
REQUEST	No. 09PD099 - Major Amendment to a Planned Commercial Development
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	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	11/13/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be continued to the **January 21, 2010** Planning Commission meeting.

GENERAL COMMENTS:

(Update, December 24, 2009. All revised and/or added text is shown in bold print.)
This item was continued at the December 10, 2009 Planning Commission meeting to allow the applicant to submit documentation identifying that off-site parking has been secured for the proposed cosmetology, esthetics and massage therapy school and salon proposed to be located on the property. However, to date, the information has not been submitted for review and approval. As such, staff recommends that the

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Major Amendment to the Planned Commercial Development be continued to the January 21, 2010 Planning Commission meeting to allow the applicant to address the issue.

The applicant has submitted a Major Amendment to a Planned Commercial Development to allow a cosmetology, esthetics and massage therapy school and salon as a part of "Tuscany Square" and to reduce the parking requirement for the use from 95 parking spaces to 37 parking spaces. In particular, the applicant is proposing to utilize the remaining 37 parking spaces on the property for the school and saloon and to secure an additional 58 off-site parking spaces. The applicant is also proposing to revise the sign package for Bank West to allow an additional 19 inch high by 20 foot long wall sign on the west side of the Bank West building.

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 property and known as "Tuscany Square". 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.

On October 22, 2009, the Planning Commission approved a Major Amendment to the Planned Commercial Development (#09PD043) to reduce the parking requirement for Tuscany Square from 235 parking spaces to 212 parking spaces.

The property is located in the southwest corner of the intersection of Omaha Street and 3rd 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:

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Off-street 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 15.16% reduction in the minimum required number of off-street parking spaces. 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. Subsequently, using the same rate of 15.16% as previously granted by the Planning Commission and based on the actual uses within the development, the parking requirement for Tuscany Square was reduced from 235 parking spaces to 212 parking spaces as a part of the recently approved Major Amendment to the Planned Commercial Development (#09PD043).

The applicant has indicated that the proposed cosmetology, esthetics and massage therapy school and saloon will include no more than 65 students, ten employees and 20 clients being on the property at any one time. Based on the applicant's projected operation of the school and saloon, a minimum parking requirement of 95 parking spaces is required. Currently, 37 parking spaces exist on the property for this area of the strip mall. The applicant has indicated that they are currently exploring three options to secure an additional 58 off-site parking spaces. However, to date the applicant has not submitted documentation identifying that the off-site parking has been secured. As such, staff recommends that the Major Amendment to the Planned Commercial Development be continued to allow the applicant to address the issue.

Use: As previously indicated, a minimum of 95 parking spaces must be provided for the proposed cosmetology, esthetics and massage therapy school and salon to be located on the property. Until the applicant demonstrates that sufficient parking for the use can be provided, staff cannot determine if it is an appropriate use for the property. As such, staff recommends that the Major Amendment to the Planned Commercial Development be continued to allow the applicant to address the issue.

Signage: As previously indicated, the applicant is proposing to revise the sign package for Bank West to allow an additional 19 inch high by 11 foot long wall sign on the west side of the Bank West building. The applicant has indicated that the sign will be constructed with aluminum letters and a plexi-glass face. In addition, the sign will consist of the same orange and brown colors to match the existing signage on the building.

The additional sign is in compliance with the City's adopted Sign Code Regulations. As such, staff recommends that the revised sign package be approved. In addition, all signage must conform to the design, color and location as shown in the sign package submitted and

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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 must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Notification Requirement: The receipts from the certified mailing have been returned and the sign has been posted on the property. Staff has received several telephone calls of inquiry regarding this item.

Staff recommends that the Major Amendment to the Planned Commercial Development be continued to the **January 21, 2010** Planning Commission meeting to allow the applicant to address the parking issue.