

STAFF REPORT
January 21, 2010

No. 09PD099 - Major Amendment to a Planned Commercial Development **ITEM 7**

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 **approved with the following stipulations:**

- 1. Prior to issuance of a Certificate of Occupancy for the cosmetology, esthetics and massage therapy school and salon, the parking lot located on Lots 20 through 30, Block 78, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, SD shall be constructed as per the approved Parking Plan. In addition, a minimum of 28,000 landscape points with one planter island shall be provided within the proposed parking lot as per the approved Landscape Plan;**
- 2. Prior to the start of construction of the off-site parking lot, a building permit shall**

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- be obtained. In addition, all red line comments shall be addressed prior to issuance of a building permit;
3. The cosmetology, esthetics and massage therapy school and salon shall be allowed on the property as proposed from April 1, 2010 to April 1, 2013. Prior to April 1, 2013, a Major Amendment to the Planned Commercial Development shall be obtained demonstrating that sufficient parking is being provided for the cosmetology, esthetics and massage therapy school and salon use, or on April 1, 2013 the cosmetology, esthetics and massage therapy school and salon use shall cease. In addition, the proposed cosmetology, esthetics and massage therapy school and salon shall include no more than 65 students, 10 employees and 20 clients being on the property at any one time. The balance of the structures on the property 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 minimum of 212 on-site parking spaces shall be provided. Seven of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, a minimum of 58 off-site parking spaces shall be provided for the cosmetology, esthetics and massage therapy school and salon. Three of these spaces shall be handicap accessible with one of the handicap spaces being "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
 5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 6. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
 7. The 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);
 8. A minimum of 129,240 landscaping points shall be provided on-site. 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;
 9. 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;

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10. **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;**
11. **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;**
12. **All currently adopted International Fire Codes shall be met; and,**
13. **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, January 11, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 7, 2010 Planning Commission meeting to allow the applicant to submit a parking plan for the proposed off-site parking spaces to be constructed on property located between Second Street and Third Street along the north side of Main Street. Subsequently, on January 8, 2010, the applicant submitted a parking plan for the property identifying 69 off-site parking spaces.

(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 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 salon 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.

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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:

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 salon 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 salon, a minimum parking requirement of 95 parking spaces is required. Currently, 37

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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.

As previously indicated, on January 8, 2010, a parking plan identifying 69 parking spaces with three of the spaces being handicap accessible was submitted for review and approval. The parking lot is located between Second Street and Third Street along the north side of Main Street, approximately 1,000 feet from the applicant's property. The property is legally described as Lots 20 through 30, Block 78, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, SD and is currently owned by the Black Hills Federal Credit Union. The applicant has also submitted a parking lease agreement signed by the Black Hills Federal Credit Union and Headlines Academy to allow Headlines Academy the use of 58 parking spaces on the property beginning April 1, 2010 for a period of three years. Thereafter, the lease is reviewed and renewable for one-year terms. The City Attorney's Office has reviewed and approved the parking lease agreement.

Staff has reviewed the parking plan has noted that, other than a few redline comments, the plan complies with the City's adopted Parking Regulations. In addition, a Landscaping Plan has been submitted identifying 28,000 landscape points being provided with one planter island, which exceeds the minimum 27,950 required landscape points required for the site.

Staff recommends that prior to issuance of a Certificate of Occupancy for the cosmetology, esthetics and massage therapy school and salon, the parking lot be constructed as per the approved Parking Plan and Landscape Plan. In addition, prior to the start of construction of the off-site parking lot, a building permit must be obtained. All red line comments must be addressed prior to issuance of a building permit.

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. 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. 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.

As noted above, the applicant has submitted a parking lease agreement and a parking plan securing the 58 additional parking spaces needed for the proposed use. However, the parking lease agreement stipulates that the use of the 58 parking spaces on the Black Hills Federal Credit Union property shall begin April 1, 2010 for a

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period of three years. Thereafter, the lease is reviewed and renewable for one-year terms. As per the terms of the parking lease agreement, staff recommends that the cosmetology, esthetics and massage therapy school and salon be allowed on the applicant's property from April 1, 2010 to April 1, 2013. Prior to April 1, 2013, a Major Amendment to the Planned Commercial Development shall be obtained demonstrating that sufficient parking is being provided for the cosmetology, esthetics and massage therapy school and salon use, or on April 1, 2013 the cosmetology, esthetics and massage therapy school and salon use shall cease.

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 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 **approved with the stipulations of approval as noted above.**