

STAFF REPORT  
January 10, 2013

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**No. 12PD041 - Major Amendment to Planned Development to Review the Cosmetology School Parking and to Request a Reduction in Parking for an Additional Beauty Salon** **ITEM 8**

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GENERAL INFORMATION:

APPLICANT	Good Guys, LLC
PROPERTY OWNER	Good Guys, LLC
REQUEST	<b>No. 12PD041 - Major Amendment to Planned Development to Review the Cosmetology School Parking and to Request a Reduction in Parking for an Additional Beauty Salon</b>
EXISTING LEGAL DESCRIPTION	Tract 1 of Tuscany Square Subdivision, located in Section 36, T2N, R7E and in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.84 acres
LOCATION	333 Omaha Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Light Industrial District - Flood Hazard District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	December 13, 2012
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to Planned Development to review the cosmetology school parking and to request a reduction in parking for an additional beauty salon be approved with the following stipulations:

1. An exception is hereby granted to reduce the parking requirement from 246 parking spaces to 174 parking spaces. A minimum of six of the parking 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,

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- 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. In addition, a Major Amendment to the Planned Development shall be required at any time should a complaint be received regarding shortage of parking;
2. The cosmetology school shall be allowed on the property as proposed until November 1, 2016. At that time, if the applicant can demonstrate that the 58 off-site parking spaces will continue to be provided, a Minimal Amendment shall be obtained to extend the use of the cosmetology school on the property. If the applicant cannot demonstrate that the 58 off-site parking spaces will be provided, then a Major Amendment to the Planned Development shall be obtained or the cosmetology school shall cease operation. In addition, a Major Amendment to the Planned Development shall be required at any time should a complaint be received regarding shortage of parking;
  3. A minimum of 129,240 landscaping points shall continually be provided. In addition, a minimum of 28,000 landscaping points with one planter island shall continually be provided within the off-site parking lot. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  4. All applicable provisions of the adopted International Fire Code shall continually be met;
  5. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. 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 the proposed signs;
  6. All outdoor lighting shall continually 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;
  7. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent amendment in compliance with Chapter 17.50.050 of the Rapid City Municipal Code; and,
  8. The Major Amendment to the Planned Development shall allow a cosmetology school and a new salon with a maximum of eight work stations. In addition, an on-sale liquor establishment in conjunction with a full service restaurant shall be allowed on the property. Minimal Amendments shall be allowed as per Chapter 17.50.050 of the Rapid City Municipal Code. Any change in use that requires additional parking or is a conditional use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Planned Development to review the

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cosmetology school parking and to request a reduction in parking for an additional beauty salon. The previous Major Amendment to the Planned Development stipulated that in three years, the Planned Development needed to be renewed to ensure that adequate parking continues to be provided for the cosmetology school called "Headlines Academy". The applicant has submitted a renewed parking agreement for 58 off-site parking spaces for "Headlines Academy" that runs through November 1, 2016. In addition, the applicant is proposing to locate a new salon with eight work stations in the "Tuscany Square" mall and is requesting a reduction in the minimum parking requirement from 246 parking spaces to 174 parking spaces.

On March 8, 2007, the Planning Commission approved an Initial Planned Commercial Development (File #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 (File #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 (File #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 (File #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 (File #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 (File #09PD043) to reduce the parking requirement for Tuscany Square from 235 parking spaces to 212 parking spaces.

On January 21, 2010, the Planning Commission approved a Major Amendment to a planned Commercial Development (File #09PD099) 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.

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.

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STAFF REVIEW:

Staff has reviewed the Major Amendment to a Planned Development with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

Chapter 17.50.050(F)5: Staff has reviewed the Major Amendment to the Planned Development and determined that the request to review the cosmetology school parking and to request a reduction in parking for an additional beauty salon is in compliance with the six criteria for review. The property is located in the historic district environs and has multiple street frontages limiting the developable area. In addition, there are railroad tracks located on the west side of the property.

Use: The applicant is requesting to allow a cosmetology school to remain on the property and to allow a new salon to be located in the "Tuscany Square" mall. The proposed uses are permitted in the General Commercial District. Previously, a Major Amendment to a Planned Development was approved to allow an on-sale liquor establishment in conjunction with a full service restaurant. The Major Amendment to the Planned Development will allow the cosmetology school to remain on the property and allow a new salon. In addition, an on-sale liquor establishment in conjunction with a full service restaurant will be allowed on the property. Minimal Amendments will be allowed as per Chapter 17.50.050 of the Rapid City Municipal Code. Any change in use that requires additional parking or is a conditional use in the General Commercial District will require the review and approval of a Major Amendment to the Planned Development.

Parking: The previous Major Amendment to the Planned Development for "Tuscany Square" approved the cosmetology school to be located on the property provided that the applicant submit a parking space lease agreement for 58 parking spaces. A stipulation of approval required that a Major Amendment to the Planned Development be obtained prior to April 1, 2013, showing that the 58 off-site parking spaces continue to be provided. Subsequently, the applicant has submitted a new parking space lease agreement for the 58 off-site parking spaces that runs through November 1, 2016. As such, the cosmetology school will be allowed on the property as proposed until November 1, 2016. At that time, if the applicant can demonstrate that the 58 off-site parking spaces will continue to be provided, a Minimal Amendment must be obtained. If the applicant cannot demonstrate that the 58 off-site parking spaces will be provided, then a Major Amendment to the Planned Development must be obtained or the cosmetology school must cease operation. In addition, a Major Amendment to the Planned Development will be required at any time should a complaint be received regarding shortage of parking.

The applicant is also proposing to open a new salon in the "Tuscany Square" mall. The proposed salon will have eight work stations and requires a minimum of 24 parking spaces be provided. In previous Major Amendments to the Planned Development, the minimum parking requirement has been reduced. The applicant is requesting a reduction again in the minimum parking requirement from 246 spaces to 174 spaces. The applicant has submitted a site plan that identifies 174 on-site parking spaces and has submitted a parking lease agreement for 58 off-site parking spaces for the

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cosmetology school. The applicant has stated that even on the busiest holiday shopping days of the year, anywhere from 57 to 61 parking spaces are open. The applicant has also indicated that during the "Headlines Academy's" Annual "Cut-a-Thon" event, parking may be a concern since this is the largest and most parking intensive event of the year. In addition, the applicant has indicated that the types of businesses and the peak use hours for the businesses located in the "Tuscany Square" mall will ensure that the parking provided will be adequate for the current and proposed uses. Based on these reasons, an exception is hereby granted to reduce the parking requirement from 246 parking spaces to 174 parking spaces. A minimum of six of the parking spaces must be handicap accessible with one of the handicap spaces being "van accessible". In addition, a minimum of 58 off-site parking spaces must be provided for the cosmetology, esthetics and massage therapy school and salon. Three of these 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. In addition, a Major Amendment to the Planned Development will be required at any time should a complaint be received regarding shortage of parking.

Zoning: The property is zoned General Commercial District with a Planned Development. The applicant is requesting a reduction in the minimum required parking from 246 spaces to 174 spaces. All provisions of the General Commercial District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent amendment in compliance with Chapter 17.50.050 of the Rapid City Municipal Code.

Landscaping: The applicant is not proposing to expand the existing structures or construct new structures on the property. Previously, a landscaping plan for the property was approved. As such, a minimum of 129,240 landscaping points must continually be provided. In addition, a minimum of 28,000 landscaping points with one planter island must continually be provided within the off-site parking lot. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, must be continually met. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Signage and Lighting: The applicant is not requesting a change to the previously approved sign package. As such, all signage must continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be allowed as a Minimal Amendment to the Planned Development. All signage not in conformance with the Sign Code or any electronic reader board signs will require the review and approval of a Major Amendment to the Planned Development. 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 the proposed signs.

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The applicant is not proposing any additional outdoor lighting. All outdoor lighting must continually 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.

Fire Department: All applicable provisions of the adopted International Fire Code must continually be met.

Notification: As of this writing, the white certified mail receipts and green cards have not been returned. The required sign has not been posted on the property. Staff will notify the Planning Commission at the January 10, 2013 Planning Commission meeting if these requirements have not been met.