

STAFF REPORT
April 5, 2007

No. 07PL038 - Preliminary Plat

ITEM 46

INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07PL038 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot BR of Lot 2 of the SE1/4 SW1/4 of Section 29; Lot C of Lot 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lot 1 of the SW1/4 SE1/4 Section 29; Lot A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lot 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lot H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lot M, located in the NW1/4 SE1/4 of Section 30; part of Lot K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota.
PROPOSED LEGAL DESCRIPTION	Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, of Rushmore Crossing and Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota.
PARCEL ACREAGE	Approximately 126.54 acres
LOCATION	Southeast of the intersection of Interstate 90 and North LaCrosse Street
EXISTING ZONING	General Commercial District - General Commercial District (Planned Development Designation) - Medium Density Residential District
SURROUNDING ZONING	
North:	General Commercial District - Light Industrial District (Planned Development Designation)
South:	General Agriculture District - Low Density Residential District - Medium Density Residential District - General

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East: Commercial District
General Commercial District
West: General Commercial District
General Commercial District

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 2/23/2007

REVIEWED BY Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Preliminary Plat be **approved with the following stipulations:**

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department no later than April 9, 2007;**
2. **Prior to Preliminary Plat approval by the City Council, complete water plans showing the design of the off-site improvements shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, complete sewer plans showing the design of the off-site improvements shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the existing Elk Vale Road lift station has capacity to accommodate the proposed development or construction plans must be submitted for review and approval showing the improvements to the lift station as needed;**
5. **Prior to Preliminary Plat approval by the City Council, the geotechnical report shall be revised to include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;**
6. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate the ability to maintain the 48 inch RCP drainage pipe extending between the north and south detention ponds at a 30 foot depth within a 30 foot wide easement or the easement width must be revised accordingly;**
7. **Prior to Preliminary Plat approval by the City Council, drainage information shall be submitted for review and approval demonstrating that run-off from Rapp Street will not flow into the Quality Inn parking lot or the construction plans shall be revised accordingly;**
8. **Prior to Preliminary Plat approval by the City Council, road construction plans for Interstate 90 shall be submitted for review and approval. In particular, the plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
9. **Prior to Preliminary Plat approval by the City Council, road construction plans for E. North Street shall be submitted for review and approval. In particular, the plans shall show the street constructed with sidewalk, street light conduit, water and**

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10. sewer or a Variance to the Subdivision Regulations shall be obtained; Prior to Preliminary Plat approval by the City Council, road construction plans for Rapp Street shall be submitted for review and approval. In particular, the plans shall show the street constructed with sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show an additional five feet of right-of-way along Rapp Street;
11. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highways shall be submitted for review and approval. In particular, the plans shall show the streets constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated;
12. Prior to Preliminary Plat approval by the City Council, road construction plans for Sunnyside Avenue shall be submitted for review and approval. In particular, the plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
13. Prior to Preliminary Plat approval by the City Council, road construction plans for Cambell Street shall be submitted for review and approval. In particular, the plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 9.5 additional feet of right-of-way;
14. Prior to Preliminary Plat approval by the City Council, road construction plans for Access Easements shall be submitted for review and approval. In particular, the plans shall show the streets located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
15. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised demonstrating that storage is being provided along Eglin Street, LaCrosse Street, Luna Avenue, E. North Street and the intersection of LaCrosse Street and E. Anamosa Street as per the Traffic Impact Study. In addition, the construction plans shall be revised to show new striping along LaCrosse Street and E. North Street to provide the required storage as per the Traffic Impact Study;
16. Prior to Preliminary Plat approval by the City Council, the Traffic Impact Study shall be revised to clearly identify the criteria used in determining the need for the connection of Luna Avenue to E. Anamosa Street and what threshold will require the street improvement. In addition, the construction plans shall be revised to include the improvements as needed. The applicant shall also enter into an agreement with the City regarding the construction of the street improvements to serve their development as identified in the Traffic Impact Study;
17. Prior to Preliminary Plat approval by the City Council, the Traffic Impact Study shall be revised to clearly identify the criteria used in determining the need for the improvements at the intersection of LaCrosse Street and E. Anamosa Street and what threshold will require the street improvements. In addition, the construction plans shall be revised to include the improvements as needed. The applicant shall

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18. also enter into an agreement with the City regarding the construction of the street improvements to serve their development as identified in the Traffic Impact Study; Prior to Preliminary Plat approval by the City Council, the Traffic Impact Study shall be adjusted to assume 900,000 square feet of commercial development in lieu of 861,000 square feet. In addition, the construction plans shall be revised to provide any additional street improvements as needed;
19. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the fence along Interstate 90 as a maximum four foot high fence or a Fence Height Exception to allow the proposed six foot high fence shall be obtained;
20. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide an easement for that portion of the retaining wall(s) located outside of right-of-way used in the design of the street(s). In addition, an Engineer stamped design for all proposed retaining walls in excess of four feet shall be submitted for review and approval;
21. Prior to Preliminary Plat approval by the City Council, the applicant must identify the location and design of the approach to the Quality Inn property. In addition, the applicant must demonstrate that the parking lot and retaining wall are outside of the right-of-way;
22. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the lot located in the northwest corner of the intersection of Eglin Street and Rapp Street labeled with a lot and block number. In addition, a note shall be placed on the plat document identifying the use of the lot since the size of the lot precludes any structural development or the lot shall be platted into an adjacent property;
23. Prior to Preliminary Plat approval by the City Council, a copy of the approved Approach Permit from the South Dakota Department of Transportation for the modifications to the approach onto East North Street shall be submitted for review and approval;
24. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the ten foot wide power line easement located in the southeast corner of the property to be vacated. In addition, written documentation from the utility company shall be submitted for review and approval concurring with the proposed easement vacation;
25. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide non-access easements as per the Street Design Criteria Manual or an Exception shall be obtained;
26. Prior to Preliminary Plat approval by the City Council, a revised cost estimate of the subdivision improvements shall be submitted for review and approval;
27. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to retain that portion of the Rapp Street right-of-way and the 66 foot wide public access easement to be vacated as a utility easement or the utilities shall be relocated. In addition, written documentation from Black Hills Power shall be submitted for review and approval indicating concurrence with the Vacation requests;
28. Prior to submittal of a Final Plat application, the plat document shall be revised to show Eglin Street as Farnwood Avenue or a Road Name Change shall be submitted for review and approval;

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29. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Lot H-1 located in the S1/2N1/2SE1/4 of Section 30". In addition, the title shall be revised to read "part of Lot M of the NW1/4SE1/4 of Section 30". The plat shall also be revised to show the correct book and page in lieu of "Plat Book 9, Page 58" as currently shown. In addition, the plat document shall also be revised to eliminate one of the Director of Equalization signatures. The plat shall also be revised to remove the "temporary easements" from the document. In addition, the plat title shall be revised to specifically identify the proposed vacation of each proposed access easement, right-of-way and/or section line highway;
30. Upon submittal of a Final Plat application, surety shall be posted for traffic signals as needed and/or the applicant shall enter into an agreement to install the signalized lights when warrants are met;
31. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
32. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

GENERAL COMMENTS:

(Update, March 28, 2007. All revised and/or added text is shown in bold print.) This item was continued at the March 22, 2007 Planning Commission meeting to allow the applicant to submit additional information.

The applicant has submitted a Preliminary Plat application to subdivide 126.54 acres into 24 commercial lots and to vacate a 30 foot wide private access easement, to vacate a portion of a section line highway located between Sections 29 and 32, to vacate a portion of a section line highway located between Sections 29 and 30, to vacate a portion of Rapp Street and to vacate a 66 foot wide public access easement. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV013) to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional rights-of-way and/or easement(s). The applicant has also submitted a Vacation of Right-of-way request (#07VR002) to vacate a portion of Rapp Street currently located in an H Lot. In addition, the applicant has submitted a Vacation of Right-of-way request (#07VR003) to vacate a portion of Farnwood Avenue, also located within an H Lot. The applicant has also submitted an Amendment to the Comprehensive Plan (#07CA010) to change the land use designation of a portion of the subject property, or .04 acres, from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development. In addition, the applicant has submitted a Rezoning request (#07RZ015) to change the zoning designation of the .04 acre parcel from General Agriculture District to General Commercial District. The applicant has also submitted a Planned Development Designation request (#07PD016) for the .04 acre parcel. The commercial development is to be known as "Rushmore Crossing".

On August 1, 2005, the City Council approved a Layout Plat (#05PL085) to subdivide a 95.28 acre parcel into 17 commercial lots. The Layout Plat included the subject property.

On February 6, 2006, the City Council approved Tax Increment District #56 for the construction of streets, traffic signals, a regional drainage detention dam, high pressure

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water main and sanitary sewer main and the relocation of power lines associated with the proposed Rushmore Crossing project.

On October 2, 2006, the City Council approved a Layout Plat (#06PL142) to subdivide a 117.29 acre parcel into 15 commercial lots and two detention pond lots. The Layout Plat included the subject property.

The property is located between LaCrosse Street and E. North Street on the south side of Interstate 90 and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Preliminary Plat and has noted the following considerations:

Master Utility Plan: A Master Utility Plan must be submitted for review and approval identifying the location of proposed and existing private and public utilities. In addition, any portion of the existing utility easement(s) extending into or across Eglin Street should be vacated to preclude any conflict of use if it is demonstrated that the utility easements are not needed. **The applicant has indicated that the ten foot wide power line easement located in the southeast corner of the subject property will be vacated on the plat. However, the plat document does not show the easement labeled as being vacated. In addition, written documentation from the utility company must be submitted for review and approval concurring with the proposed easement vacation. Staff is recommending that the plat document be revised and the written documentation submitted prior to Preliminary Plat approval by the City Council.**

The Master Utility Plan must also identify any utilities located within the rights-of-way to be vacated to determine if a utility easement must be retained. In addition, the Master Utility Plan must show how the land south of the project will have access to sanitary sewer. The Master Utility Plan must also show that the water mains crossing under Interstate 90 align with the Rapid Implement east lot line. Staff is recommending that the Preliminary Plat be continued to allow the applicant to submit a Master Utility Plan and to revise the plat document accordingly. **The applicant has submitted a Master Utility Plan as identified. In particular, the Master Utility Plan identifies the location of public and private utilities through the subject property. In addition, the plan identifies the location of off-site water and sewer extensions to serve the subject property. Staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show a utility easement for that portion of Rapp Street to be vacated as needed for existing and/or proposed utilities or a utility easement must be recorded as a miscellaneous document at the Register of Deed's Office.**

Water: The water plans do not include any off-site improvements for the low level water zone. In particular, the water plans as shown do not identify a connection to an active water main. As such, the water plans must be revised to include the extension of a water main east along Eglin Street to an active water source. In addition, the water calculations have not been submitted demonstrating that adequate flows off the high level zone can be obtained without looping the line from Mall Drive. The construction plans also show the high and low level water mains north of Luna Avenue located within a 20 foot wide easement. The easement width must be revised to 25 feet to allow ten feet from the center of each main to

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the edge of the easement. In addition, the construction plans must be revised to include the water calculations as identified and to show the location of service line(s). **The applicant has submitted revised construction plans showing the water main along Luna Avenue located within a 25 foot wide easement in lieu of a 20 foot wide easement as requested. The applicant has also submitted plans showing the off-site improvements for the water system. In addition, the applicant has submitted water calculations that indicate adequate flows are available to serve the subject property. However, the detail design for the off-site improvements has not been submitted for review and approval. As such, staff is recommending that prior to City Council approval of the Preliminary Plat, complete water system plans showing the design of the off-site improvements be submitted for review and approval.**

The May 2004 Ferber East Mall Drive Design Report indicates that a 20 inch water main south of Eglin Street in Luna Avenue and a 15 inch sewer main in Eglin Street, west of E. North Street, are needed. The applicant's water plans show a 16 inch water main and a 12 inch sewer main, respectively. Justification for downsizing the mains as identified must be submitted for review and approval or the plans must be revised accordingly. The Ferber Report also assumes the use of a large portion of the property as Medium Density Residential in lieu of General Commercial. The applicant must demonstrate that the water mains are adequately sized with the increased flows generated from the commercial development or the plans must be revised accordingly. **The applicant has submitted revised construction plans showing a 20 inch water main south of Eglin Street in Luna Avenue and a 15 inch sewer main in Eglin Street, west of E. North Street, as per the Ferber East Mall Drive Design Report.**

Sewer: The sewer plans must be revised to include the off-site improvements. In particular, the plans must be revised to show the extension of a sewer main east to the existing Lowry Lane sewer main in order to carry sewer from the site. In addition, the sewer plans must be revised to demonstrate that adequate capacity exists at the downstream lift station on Elk Vale Road. The sewer plans must also be revised to include a sewer stub from Eglin Street along Spruce Street to preclude disturbing traffic along Eglin Street when this adjacent property develops or the applicant must demonstrate an alternate sewer location to serve the property(s) along Spruce Street. In addition, the sewer plans must be revised to show service lines. Staff has also noted that the sewer mains should, for the most part, be centered in the street or the applicant should provide information documenting the need to install the sewer along the south side of Eglin Street. **The applicant has submitted revised construction plans showing a sewer stub from Eglin Street along Spruce Street. In addition, the plans show the sewer main centered in the street. The construction plans also identify the location of the sewer service lines as requested. In addition, the applicant has submitted plans showing the location of the off-site improvements for the sewer system. However, the detail design for the off-site improvements has not been submitted for review and approval. As such, staff is recommending that prior to City Council approval of the Preliminary Plat, complete sewer plans showing the design of the off-site improvements be submitted for review and approval.**

The lift station on Elk Vale Road operates at a capacity of 500 gallons per minute. It is anticipated that improvements to the lift station will increase capacity to 1,000 gallons per minute. However, there is no indication as to when the improvements to the lift

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station will be made. As such, staff is recommending that prior to City Council approval of the Preliminary Plat, the applicant demonstrate that the existing lift station has capacity for the proposed development or construction plans must be submitted for review and approval showing the improvements to the lift station as needed.

The May 2004 Ferber East Mall Drive Design Report shows a potential sewer connection from Manhole #29 to Manhole #71. As such, information should be submitted for the elimination of the sewer connection or the plans must be revised accordingly. **The applicant has demonstrated that the extensive grading on the subject property will allow gravity sewer along Eglin Street to serve sub-basin 112, or that portion of the subject property located south of Eglin Street. In addition, the applicant is proposing to construct Eglin Street in a single phase, eliminating the need for interim sewer service for portions of the subject property.**

Geotechnical Report: The construction plans must be revised to provide cathodic protection or geotechnical information must be submitted for review and approval demonstrating that it is not needed. In addition, geotechnical information must be submitted verifying the assumptions used in the pavement design. **Staff is recommending that prior to Preliminary Plat approval by the City Council, the geotechnical report be revised to include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections must be provided as needed for buried water system metal fixtures.**

Drainage: It appears that street run-off from Rapp Street may flow into the Quality Inn parking lot. As such, the construction plans must be revised to address this issue. In addition, the applicant should demonstrate the ability to maintain the 48 inch RCP drain pipe extending between the north and south detention ponds at a 30 foot depth within a 25 foot wide easement or the easement width must be revised accordingly. The construction plans should also be revised to show sub-drains at all curb lines per the geotechnical report. Staff has noted that the applicant must submit a detail showing how the detention pond(s) will function as a wetlands area. Staff has also noted that the parking lot inlets should be designed and constructed as a part of the development of each site to ensure proper placement and size. Staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the revised drainage information and construction plans as identified. **The applicant has submitted additional drainage information identifying that sub-drains have been added at all curb lines as per the recommendation of the geotechnical report. The applicant has also indicated that the parking lot inlets will be designed and constructed as a part of the site improvement for each phase of the development. As such, the parking lot inlets have been removed from the Eglin Street construction plans.**

The construction plans also identify the easement for the RCP drainage pipe as 30 feet in width in lieu of 25 feet as previously proposed. However, staff continues to have concern that the easement is not of sufficient width to allow maintenance of the 48 inch RCP drainage pipe at a 30 foot depth. As such, staff is recommending that

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prior to Preliminary Plat approval by the City Council, the applicant must demonstrate the ability to maintain the 48 inch RCP drainage pipe extending between the north and south detention ponds at a 30 foot depth within a 30 foot wide easement or the easement width must be revised accordingly.

Staff is also recommending that prior to Preliminary Plat approval by the City Council, drainage information be submitted for review and approval demonstrating that run-off from Rapp Street will not flow into the Quality Inn parking lot or the construction plans must be revised accordingly.

Interstate 90: Interstate 90 is located along the north lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. To date, curb, gutter, sidewalk, street light conduit, water and sewer have not been constructed along the street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

E. North Street: E. North Street is located along the east lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. To date, sidewalk, street light conduit, water and sewer have not been constructed along the street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Eglin Street: Eglin Street is located along the northern portion of the subject property. The street is classified in part on the City's Major Street Plan as a collector street and as a minor arterial street. The applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan (File #06CA028) to change the classification of the eastern portion of the street from a minor arterial street to a collector street. The City Council will consider this item at their March 19, 2007 City Council meeting. **On March 19, 2007, the City Council approved the Comprehensive Plan Amendment to the Major Street Plan to change the classification of the eastern portion of Eglin Street from a minor arterial street to a collector street.**

The construction plans identify Eglin Street located in a 100 foot wide right-of-way and constructed as a three lane street with additional turning and stacking lanes at the intersections of LaCrosse Street, Rapp Street, Pine Street, Luna Avenue, E. North Street and the proposed access easement location(s). The plans also identify the construction of curb, gutter, curb side sidewalks, street light conduit, sewer and water. The construction plans must be revised to show property line sidewalks along the street or an Exception to allow curb side sidewalks must be obtained. In addition, the plat document must be revised to provide an easement for the accessible ramps along the curb side sidewalks, if needed. **An Exception has been granted to allow curb side sidewalks.**

The construction plans must be revised to show the Rapp Street and Eglin Street profiles matching at the intersection of the two streets. In addition, the applicant must demonstrate that adequate turning movements for cars and/or trucks are provided at all of the intersections along Eglin Street to insure that the proposed island(s) do not cause an

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interference. The construction plans must also be revised demonstrating that storage is being provided as per the Traffic Impact Study. In addition, the construction plans must be revised to show new striping along LaCrosse Street and E. North Street to provide the required storage as per the Traffic Impact Study. **The applicant has submitted revised construction plans showing that the profiles for Rapp Street and Eglin Street have been adjusted to align at the intersection of the two streets. The applicant has also reduced the length of the proposed islands to allow turning movements for cars and/or trucks at all of the intersections along Eglin Street. To date, the construction plans do not show storage along LaCrosse Street and E. North Street as per the Traffic Impact Study. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the construction plans be revised demonstrating that storage is being provided as per the Traffic Impact Study. In addition, the construction plans must be revised to show new striping along LaCrosse Street and E. North Street to provide the required storage as per the Traffic Impact Study.**

The construction plans show the street designed with a superelevation. Justification should be submitted for review and approval for the superelevation design or the construction plans should be revised to show a normal crown along Eglin Street. **Eglin Street is being constructed as a three lane street with an eastbound lane, a westbound lane and a center turning lane to serve the proposed development. However, the applicant has indicated that Eglin Street has been designed for an ultimate street section of five lanes, or two additional lanes along the north side of the street. Allowing the superelevation design results in a ½ lane offset of crown for the final street section. As such, staff is in concurrence with the proposed superelevation design of Eglin Street.**

The construction plans must also be revised to include any modifications to existing approaches that will be affected by the construction of the street. In addition, the construction plans must be revised to show the fence to be located along I-90 as per the South Dakota Department of Transportation Permit to Occupy Right-of-way. An Exception to allow the stipulated six foot high fence along Eglin Street must be obtained or the fence height must be reduced to four feet. **The applicant has submitted revised construction plans showing the location of the proposed six foot high fence along Interstate 90. However, a maximum four foot high fence is allowed along a street right-of-way. As such, staff is recommending that prior to City Council approval of the Preliminary Plat, the construction plans be revised to show the fence as a maximum four foot high fence or a Fence Height Exception to allow the proposed six foot high fence must be obtained.**

The plat document must also be revised to provide an easement for that portion of the retaining wall(s) located outside of right-of-way used in the design of the street(s). In addition, an Engineer stamped design for all proposed retaining walls in excess of four feet must be submitted for review and approval.

The applicant must also submit a copy of the approved Approach Permit from the South Dakota Department of Transportation for the approach onto East North Street. **Staff is recommending that prior to Preliminary Plat approval by the City Council, a copy of the approved Approach Permit shall be submitted for review and approval.**

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Rapp Street: Rapp Street is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans show that Rapp Street is located in a 59 foot wide right-of-way and constructed with a varying pavement width of 28 feet to 40 feet. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the road construction plans must be revised to show the installation of sidewalk on both sides of the street, water and sewer or a Variance to the Subdivision Regulations must be obtained.

The construction plans show Rapp Street as an "S" shaped street extending north from Eglin Street. In addition, the construction plans show the street off the center line of the right-of-way in order to provide longer turning radii for trucks within the "S" shaped right-of-way. Staff is recommending that the construction plans be revised to show the street in the center of the right-of-way as per the Street Design Criteria Manual or an Exception to waive the requirement must be obtained. **An Exception has been granted to allow the street to be constructed off the center of the right-of-way with the stipulation that additional right-of-way be dedicated along Rapp Street to allow for street signage and a sidewalk. To date, the construction plans and/or plat document have not been revised to show the additional right-of-way. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show an additional five feet of right-of-way.**

It appears that a corner of the parking lot for Quality Inn and a retaining wall along the parking lot will be located in the Rapp Street right-of-way. The applicant must demonstrate that the parking lot and retaining wall are outside of the right-of-way. In addition, the applicant must demonstrate that access to the Quality Inn is being maintained with the proposed realignment of Rapp Street. **The applicant has indicated that vacating a portion of Rapp Street along the Quality Inn property will increase the site area for Quality Inn by providing additional room for an approach. However, to date the applicant has not identified the location and/or design of the approach. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the applicant must identify the location and design of the approach to insure that it provides adequate access to the site. In addition, the applicant must demonstrate that the parking lot and retaining wall are outside of the right-of-way.**

Luna Avenue: The plat document identifies Luna Avenue extending south from Eglin Street. Staff has noted that the plat document should be revised to show Luna Avenue extending north from Eglin Street to connect with the existing Luna Avenue right-of-way located west of the subject property. The street connection will provide access to properties located north of Eglin Street and west of the subject property. In addition, the future development of the adjacent property(s) will require that Luna Avenue be improved to City Street Design Standards providing a street connection to Pine Street. This future road connection will provide improved access to the properties north of Eglin Street alleviating traffic from Rapp Street. Staff has also noted that an approximate street grade of 9% could be maintained along this portion of Luna Avenue which is within the allowable grades as per the Street Design Criteria Manual. The applicant has indicated that the Preliminary Plat will be revised to eliminate this portion of the property from the plat in order to further review the future

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street networking within this area of the property. Staff is recommending that the plat be revised to show the street connection as identified or revised to show the elimination of this area of the subject property from this phase of the proposed development prior to Planning Commission approval. **The applicant has submitted a revised plat document identifying that this area of the subject property has been eliminated from the plat.**

The Traffic Impact Study, Third Addition, dated February 2007 states that Luna Avenue should be extended to Anamosa Street by approximately 2013. Staff recommends that additional information be submitted for review and approval identifying when the street connection must be made. In addition, as a part of the associated Planned Commercial Development for the subject property, an agreement must be entered into requiring the applicant to construct the street as identified in the Traffic Impact Study. **The applicant submitted a memo from Felsburg, Holt & Ullevig stating that "the proposed development would comprise 45 percent of the need for extending Luna Avenue". In addition, the memo states that Luna Avenue should be constructed by approximately 2013. However, it was not identified how this was determined and/or what threshold will require the extension of Luna Avenue. As such, staff is recommending that prior to Preliminary Plat approval, the Traffic Impact Study be revised to clearly identify the criteria used in determining the need for the connection of Luna Avenue to E. Anamosa Street and what threshold will require the street improvement. In addition, the construction plans must be revised to include the improvements as needed. The applicant must also enter into an agreement with the City regarding the construction of the street improvements to serve their development as identified in the Traffic Impact Study.**

Spruce Street: Spruce Street is located along the west lot line of the subject property and is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Spruce Street is an unimproved street with a 59 foot wide right-of-way. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the road construction plans must be revised accordingly or a Variance to the Subdivision Regulations must be obtained.

The applicant should be aware that the extension of Luna Avenue north of Eglin Street as identified above will provide a street connection to the properties along Spruce Avenue. As such, it may be appropriate to vacate this section of Spruce Street once an alternate street connection is provided. **As previously indicated, the applicant has submitted a revised plat document identifying that this area of the subject property has been eliminated from the plat.**

LaCrosse Street/Anamosa Street Intersection: The Traffic Impact Study, Third Addition, dated February 2007 and prepared by Felsberg Holt and Ullevig identifies that improvements will be required at the intersection of LaCrosse Street and Anamosa Street to maintain the existing level of service due to the traffic generated from the proposed development of the subject property. Additional information should be submitted for review and approval identifying what is driving the need to improve the intersection and identifying when the improvements will be needed. **The memo from Felsburg, Holt & Ullevig states that the intersection will operate at a Level of Service D by the year 2030 without construction**

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of Rushmore Crossing and a Level of Service E with the completion of Rushmore Crossing. It is also recommended that Anamosa Street be widened in the future to accommodate an additional westbound left turn lane at LaCrosse Street by the year 2013. In addition, it is recommended that a second eastbound through lane also be added to the intersection at the time the additional westbound turn lane is constructed to improve the intersection operations to Level of Service C. The memo also states that the proposed development would comprise 24 percent of the need to improve the intersection. However, it was not identified how this was determined and/or what threshold will require the improvement. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the Traffic Impact Study be revised to clearly identify the criteria used in determining the need for the improvements at the intersection of LaCrosse Street and E. Anamosa Street and what threshold will require the street improvements. In addition, the construction plans must be revised to include the improvements as needed. The applicant must also enter into an agreement with the City regarding the construction of the street improvements to serve their development as identified in the Traffic Impact Study.

The Traffic Impact Study also assumed 861,000 square foot of commercial development on the subject property. However, the applicant has indicated that a total of 900,000 square foot of commercial development is proposed within the development. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the Traffic Impact Study be adjusted as identified. In addition, the construction plans must be revised to provide any additional street improvements as needed.

Sunnyside Avenue: Sunnyside Avenue is located along the south lot line of the subject property and is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Sunnyside Avenue is an unimproved street with an 80 foot wide right-of-way. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the road construction plans must be submitted or a Variance to the Subdivision Regulations must be obtained.

Cambell Street: Cambell Street is located along the south lot line of the subject property and is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Cambell Street is an unimproved street with a 40 foot wide right-of-way. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the road construction plans must be revised accordingly or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised to provide an additional 9.5 foot wide right-of-way. The applicant also has the option of vacating the right-of-way.

Access Easements: The Preliminary Plat identifies four access easements serving as access to several of the proposed lots. The access easements are classified as commercial streets requiring that they be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The plat document identifies the easements with varying widths from 30 feet to 75

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feet. To date, construction plans for the access easements have not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the construction plans as required.

The Preliminary Plat identifies the access easement extending north of the intersection of Eglin Street and Luna Avenue serving six lots. The Street Design Criteria Manual states that an access easement may serve a maximum of four lots. As such, an Exception must be obtained to allow the easement to serve six lots or the plat document must be revised accordingly. In addition, access to Lot 1 must be taken from the commercial street located within the access easement in lieu of Eglin Street or an Exception must be obtained to allow access from the higher order street. As noted above, the applicant has indicated that the Preliminary Plat will be revised to eliminate this portion of the property from the plat in order to further review the future street networking within this area of the property. Staff is recommending that the plat document be revised as proposing showing the elimination of this area of the subject property from this phase of the proposed development prior to Planning Commission approval or the access easement issues must be addressed as identified.

The Preliminary Plat identifies an access easement extending south from Eglin Street approximately 116 feet west of the intersection of Eglin Street and E. North Street. The Street Design Criteria Manual states that a minimum separation of 230 feet must be provided. As such, an Exception to reduce the separation between intersections must be obtained or the plat document must be revised accordingly.

Signalization: The Traffic Impact Study, Third Addition, dated February 2007 states that four of the intersections along Eglin Street may require signalization when warrants are met. As such, staff is recommending that upon submittal of a Final Plat application, surety be posted for the improvement or the applicant shall enter into an agreement to install the signalized lights when warrants are met.

Vacation of Rights-of-way/Section Line Highways/Access Easements: The Preliminary Plat identifies the vacation of a portion of Rapp Street, the vacation of two section line highways extending through the subject property, the vacation of a 30 foot wide private access easement and the vacation of a 66 foot wide access easement. Prairiewave Communications, Quest and Montana Dakota Utilities have indicated that they currently have utilities within the Rapp Street right-of-way. In addition, Quest has indicated that a ten foot wide easement must be retained within the 66 foot wide public access easement for their existing cable line. As such, prior to City Council approval, the plat document must be revised to retain Rapp Street right-of-way and the 66 foot wide public access easement as a utility easement as identified or the utilities must be relocated. The applicant must also submit written documentation from Black Hills Power concurring with the Vacation requests.

Street Name: The Preliminary Plat identifies Eglin Street extending through the subject property from LaCrosse Street to E. North Street. The western portion of the street is currently named Farnwood Avenue. Eglin Street currently exists east of E. North Street and extends south to Anamosa Street. Naming the street through the subject property "Eglin Street" will require that Farnwood Avenue be renamed and that a different street name be given to that portion of Eglin Street extending south to Anamosa Street. As such, prior to submittal of a

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Final Plat application, the plat document must be revised to show Eglin Street as Farnwood Avenue or Road Name Change(s) must be submitted for review and approval as identified. The applicant also has the option of naming the street something other than Farnwood Avenue if a Road Name Change is submitted for review and approval for Farnwood Avenue.

Non-Access Easements: The plat document must be revised to show non-access easements in compliance with the Street Design Criteria Manual. Staff is recommending that the plat document be revised as identified prior to Preliminary Plat approval by the City Council.

Fire Department: The Fire Department has indicated that all streets and turnarounds must be designed and constructed in compliance with the Street Design Criteria Manual and the International Fire Code. In addition, fire hydrants must be in place and operational prior to any building construction. The Fire Department has also indicated that street signs and lot addresses must be posted prior to or in conjunction with any building construction. The International Fire Code will need to be continually met.

Plat Labeling: The Register of Deed's Office has indicated that the plat title must be revised to read "Part of Lots 1 and 2 , Block 2 of Rapps Addition, located in the SE1/4 of Section 30; Part of Lot M, of the NW1/4 SE1/4 of Section 30". In addition, the plat document must be revised to show the "record documents" on the title sheet as follows:

- Lot BR of Lot 2 SE1/4SW1/4 of Section 29
- Lot C of Lot 2 SE1/4 SE1/4 of Section 29
- Lot H-1 Located in the S1/2N1/2SE1/4 of Section 30-Highway Plat Book 10, Page 163
- Lots 1 and 2, Block 2 of Rapps Addition
- Lot K-4 of Marshall Heights

In addition, "Tract C in the NE1/4NW1/4NW1/4NE1/4 of Section 32, Plat Book 9, Page 58" must be removed from the plat document. The plat document must also be revised to eliminate one of the Director of Equalization signatures. In addition, the plat document must be revised to re-label the proposed lots as Tracts A thru E in lieu of Tracts B thru F. The plat must also be revised to remove the "temporary easements" from the document. In addition, the plat title must be revised to specifically identify the proposed vacation of each proposed access easement, right-of-way and/or section line highway. Staff is recommending that the plat document be revised as identified prior to submittal of a Final Plat application.

The Register of Deed's Office has reviewed the revised plat document and has noted that the plat title must be revised to read "Lot H-1 located in the S1/2N1/2SE1/4 of Section 30". In addition, the title must be revised to read "part of Lot M of the NW1/4SE1/4 of Section 30". "Plat Book 9, Page 58" is incorrect as shown on the plat document and must be revised to show the correct book and page. The plat document must also be revised to eliminate one of the Director of Equalization signatures. Staff is recommending that the plat document be revised as identified prior to submittal of a Final Plat application.

Warranty Surety: On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period

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of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

The proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.