

STAFF REPORT
March 5, 2009

No. 09PL005 - Preliminary Plat

ITEM 29

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	No. 09PL005 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Tracts A and B of Block 2 of Rushmore Crossing, located in the W1/2 of the SW1/4 of Section 29 and the E1/2 of the SE1/4 of Section 30, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 5 of Block 2 of Rushmore Crossing, Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 44.364 Acres
LOCATION	South of Eglin Street and east of Luna Avenue
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/6/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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;

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2. Prior to Preliminary Plat approval by the City Council, revised water plans shall be submitted for review and approval showing a connection to the low level water zone in lieu of the high level water zone as proposed. In addition, the plat document shall be revised to provide a minimum 20 foot wide public water easement as needed for any public waterlines;
3. Prior to Preliminary Plat approval by the City Council, an addendum to the Traffic Impact Study shall be submitted for review and approval demonstrating that the eastern approach (Approach #9) should be signalized in lieu of the western approach (Approach #8) and shall identify what threshold will require the signalization or the construction plans shall be revised to show the signalization of the western approach as per the approved Traffic Impact Study;
4. Upon submittal of a Final Plat application, surety shall be posted for the proposed traffic signal and/or the applicant shall enter into an agreement to install the signalized lights when warrants are met;
5. Prior to Preliminary Plat approval by the City Council, a revised site plan shall be submitted for review and approval showing the existing and proposed infrastructure and grading on the eastern portion of Lot 5 and on the adjacent properties as required;
6. Prior to Preliminary Plat approval by the City Council, road construction plans for the 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;
7. Prior to Preliminary Plat approval by the City Council, the Vacation of Right-of-way request (File #09VR001) to vacate Sunnyside Avenue right-of-way shall be approved or road construction plans for Sunnyside Avenue shall be submitted for review and approval showing 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;
8. Prior to Preliminary Plat approval by the City Council, the Vacation of Right-of-way request (File #09VR001) to vacate the western half of Cambell Street right-of-way shall be approved or road construction plans for Cambell Street shall be submitted for review showing the street located within 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;
9. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the proposed area of Eglin Street to be vacated retained as a utility easement or the applicant shall relocate the existing 2 inch and 4 inch gas mains located within the right-of-way as per Montana Dakota Utility requirements;
10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Cambell Street right-of-way and the east half of the section line highway retained as a public utility and drainage easement;
11. 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,
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

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GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to create five lots as a part of Rushmore Crossing. In addition, the Preliminary Plat identifies the vacation of a portion of Cambell Street and Eglin Street. The applicant has also submitted a Variance to the Subdivision Regulations (File #09SV005) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement(s) from 59 feet to 26 feet as they extend through the property. In addition, the applicant has submitted an Initial and Final Commercial Development Plan (File #09PD004) to construct a 141,253 square foot commercial store with a gas station. In particular, the site will be the future location of "Sam's Club".

The property is located in the southeast intersection of Luna Avenue and Eglin Street. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Water: The water plans currently show the property being served from the high level water zone located in Luna Avenue. However, the property must be served from the low level water zone located in Eglin Street. As such, staff recommends that prior to Preliminary Plat approval by the City Council, revised water plans be submitted for review and approval showing a connection to the low level water zone in lieu of the high level water zone as proposed. In addition, the plat document must be revised to provide a minimum 20 foot wide public water easement as needed for any public waterlines.

Traffic Signal: The Traffic Impact Study previously submitted and approved identified the western approach to Lot 1 (Approach #8) as a future signalized intersection. The construction plans submitted with this Preliminary Plat identify the eastern approach (Approach #9) to Lot 1 as the signalized intersection. Since this location was not addressed as a part of the approved Traffic Impact Study, staff recommends that prior to Preliminary Plat approval by the City Council, an addendum to the Traffic Impact Study be submitted for review and approval demonstrating that the eastern approach should be signalized in lieu of the western approach and identify what threshold will require the signalization or the construction plans must be revised to show the signalization of the western approach as per the approved Traffic Impact Study.

Staff notes that it does not appear that the traffic signal will be warranted at this time. Staff recommends that upon submittal of a Final Plat application, surety be posted for the proposed traffic signal and/or the applicant must enter into an agreement to install the signalized lights when warrants are met.

Access Easements: The Preliminary Plat identifies access easements extending through the proposed five lots to provide internal access between the properties. The access easements are classified as commercial streets requiring that they be located within a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer.

Staff recommends that prior to Preliminary Plat approval by the City Council, road

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construction plans for the access easements be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Sunnyside Avenue: Sunnyside Avenue is located along the south lot line of proposed Lot 5. Sunnyside Avenue is classified as a commercial street requiring that it be located within 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 applicant has submitted a Vacation of Right-of-way request (File #09VR001) to vacate this portion of Sunnyside Avenue as well as the west half of the Campbell Street right-of-way. On February 19, 2009, the Planning Commission recommended approval of the Vacation request. The City Council will consider the request at their March 16, 2009 City Council meeting.

Staff recommends that prior to Preliminary Plat approval by the City Council, the Vacation of Right-of-way request (File #09VR001) to vacate Sunnyside Avenue right-of-way be approved or road construction plans for Sunnyside Avenue be submitted for review and approval showing 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 must be obtained.

Cambell Street: As noted above, the applicant has submitted a Vacation of Right-of-way request (File #09VR001) to vacate the west half of the Cambell Street right-of-way. The Preliminary Plat document identifies the vacation of the east half of the Cambell Street right-of-way. The City Council will consider the Vacation of Right-of-way request at their March 26, 2009 City Council meeting. All of the affected utilities have indicated concurrence with vacating all of the Cambell Street right-of-way as it abuts the property.

Staff recommends that prior to Preliminary Plat approval by the City Council, the Vacation of Right-of-way request (File #09VR001) to vacate Cambell Street right-of-way be approved or road construction plans for Cambell Street be submitted for review and approval showing 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 must be obtained.

Staff has also noted that the portion of the Cambell Street right-of-way and section line highway proposed to be vacated via this plat must be retained as a public utility and drainage easement. The easement secures a corridor for future utilities to be extended through this area which may be needed to serve adjacent properties in the future. The public utility and drainage easement area could also be used to detain drainage and/or mitigate wetlands if needed by the applicant. Staff recommends that prior to submittal of a Final Plat application, the plat document be revised to show the Cambell Street right-of-way and the east half of the section line highway retained as a public utility and drainage easement.

Eglin Street: The Preliminary Plat identifies the vacation of a small portion of Eglin Street as it abuts proposed Lot 1. In particular, it appears that the approximate 25 foot wide by 120 foot long area was secured as a future approach location into the site. The final layout of the lots

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does not require an approach in this area.

All of the affected utility companies have reviewed the vacation request and indicated concurrence with the exception of Montana Dakota Utilities. They have indicated that an existing 2 inch and an existing 4 inch gas main are currently located within this area of the right-of-way. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the plat document be revised to show the proposed area of Eglin Street to be vacated retained as a utility easement or the applicant must relocate the existing 2 inch and 4 inch gas mains located within the right-of-way as per Montana Dakota Utility requirements.

Inspection Fees and Surety: Chapter 16.20.080 of the Rapid City Municipal Code states that before any Final Plat is approved, an additional fee shall be paid to the City to cover the costs of inspection of the subdivision improvements required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. Upon submittal of a Final Plat application, surety must be posted and subdivision inspection fees be paid as required.

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 of two years after the required final inspection and the City has accepted the improvements. Prior to the City's acceptance of any public improvements, a Warranty Surety must be submitted for review and approval if subdivision improvements are required as a part of any future platting of the property.

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