

STAFF REPORT  
August 27, 2009

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**No. 09PL048 - Preliminary Plat**

**ITEM 31**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09PL048 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Tract 3 of Discovery Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Tract 3 of Discovery Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 32.46 acres
LOCATION	1851 Discovery Circle
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	Box Elder
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	7/31/2009
REVIEWED BY	Marcia Elkins / Karley Halsted

RECOMMENDATION:

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

1. Upon Final Plat submission, the property owner's certificate on the mylar shall be corrected;
2. Upon Final Plat submission, copies of drainage easements recorded as miscellaneous documents shall be submitted for review and approval as needed;
3. Upon Final Plat submission, an exception to allow the conversion of the on-premise sign to an off-premise sign shall be approved or the sign shall be removed from the Balance of Tract 3;

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4. Prior to City Council approval of the Preliminary Plat, a Storm Water Quality Management Plan shall be submitted for review and approval for any required subdivision improvements;
5. Upon Final Plat submission, surety shall be posted for any required subdivision improvements that have not been completed and subdivision inspection fees shall be paid as required;
6. Prior to City Council approval of the Preliminary Plat, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
7. Prior to the City's acceptance of any required subdivision improvements, warranty surety shall be submitted for review and approval as required;
8. Prior to Planning Commission approval of the Preliminary Plat, a landscaping plan documenting compliance with all applicable provisions of the Rapid City Municipal Code shall be submitted for review and approval;
9. Prior to City Council approval of the Preliminary Plat, an agreement on the number of off-street parking spaces to be provided (including over size spaces) as well as addressing the use of the existing spaces, maintenance of the existing spaces and construction of the revised parking lot layout shall be approved by the City Council;
10. Prior to City Council approval of the Preliminary Plat, construction plans for the extension of sewer and water mains shall be submitted for review and approval, or a Subdivision Variance waiving the requirement for the extension of sewer and water mains in the proposed access and utility easement shall be granted and an exception to allow non-conforming water and sewer lines to cross an adjacent property shall be granted.
11. Prior to City Council approval of the Preliminary Plat, construction plans for the widening of Discovery Circle to a minimum of 26 foot wide paved surface and for the construction of sidewalks shall be submitted for review and approval, or a Variance to the Subdivision Regulations shall be obtained;
12. Upon submission of any additional platting of Tract 3 or of any Initial or Final Development Plan application, a Traffic Impact Study shall be submitted for review and approval;
13. Upon submission of any additional platting of the Balance of Tract 3 or of any Initial or Final Development Plan application, a Master Plan for the Balance of Tract 3 shall be submitted for review and approval; and,
14. Upon Final Plat submission, copies of the recorded easement for the access, utility and parking easement, the water line easement and the sewer line easement shall be submitted for review and approval.

**GENERAL COMMENTS:** The applicant has submitted this Preliminary Plat application (09PL048) proposing to create one 4.381 acre lot out of the existing 32.458 acre parcel. Proposed Lot 1 is the current site of the Visitor Information Center and Black Hills Badlands and Lake Offices and related off-street parking areas. The property is located south of East Mall Drive and west of North Elk Vale Road. It is currently owned by the City of Rapid City. The applicant has submitted a related Subdivision Variance application (09SV016) requesting to waive the requirement to install sidewalk, water and sewer and reduce the pavement width from 26 feet along the access easement as per Chapter 16.16 of the Rapid City Municipal Code.

The City of Rapid City entered into an amended agreement with Cabela's Retail, Inc. in

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2007. Pursuant to that agreement, the 32.458 acre legally described as Tract 3 Discovery Subdivision will be transferred to Cabela's. Subsequently, Cabela's is required to plat the Visitor Information Center property and transfer the Visitor Information Center parcel back to the City within 120 days of Cabela's receiving ownership of the land. To date, the 32.458 acre parcel has not been transferred to Cabela's and is still owned by the City of Rapid City. Approval of this plat will allow the transfer of property to occur as identified in the agreement.

Cabela's working through Dream Design International previously submitted a plat application (09PL014) on March 13, 2009 proposing to subdivide Tract 3 into three parcels. That plat application was subsequently denied without prejudice on August 3, 2009 at the applicant's request. Dream Design International resubmitted this plat application (09PL048) and the related Subdivision Variance application (09SV016) on July 31, 2009. Cabela's is now proposing to plat only Lot 1 of Tract 3 of Discovery Subdivision to facilitate the transfer of the property in accordance with the 2007 revised agreement. The remaining balance of Tract 3 incorporating 28.077 acres would not be platted at this time and would remain a non-transferable balance until such time as it is platted. The applicant has indicated that Cabela's has no plans for the remaining 28.077 acres. The applicant has submitted a Planned Development Designation request and it has been approved. That will require that before any additional building permits are issued for the site, the owners will need to submit an Initial and Final Development Plan for review and approval.

As noted above, the applicant is proposing to plat a 4.381 acre parcel and leave the remaining 28.077 acres as a non-transferable balance to be platted when the development plan for the property is known. Access to the property is proposed to be provided from the existing 20 foot wide one-way driveway known as Discovery Circle. The applicant is proposing to grant an access, utility and parking easement on the balance of Tract 3 as a miscellaneous document. The applicant has requested that the City enter into agreements to allow those easements to be released when right-of-way is dedicated in the future. In addition, a 20 foot wide water line easement would be granted along the western boundary of the balance of Tract 3 extending from proposed Lot 1 of Tract 3 north to the East Mall Drive right-of-way. The existing water service line is located in that easement. A 20 foot wide sanitary sewer easement is also proposed to be granted extending from proposed Lot 1 of Tract 3 in a northeasterly direction to the East Mall Drive right-of-way. The existing sewer service is located in this easement. The applicant has also submitted a request for the conversion of an on-premise sign to an off-premise sign for the Visitor Information Center. An exception has also been submitted requesting approval for non-conforming sewer and water service lines crossing another property on a temporary basis.

**STAFF REVIEW:** Staff has reviewed the Preliminary Plat application and has noted the following considerations:

**Master Plan:** To date, a Master Plan has not been submitted for review and approval identifying the proposed future development of the site. The owner has indicated that they have no plan for the development of the property at this time; however, they would like to plat the lot that the Visitors Information Center is located on to facilitate the transfer of property as identified in the 2007 amended agreement between Cabela's Retail, Inc. and the City of Rapid City. The Planning Commission may wish to recommend waiving the requirement for

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the provision of a master plan for the property based on the fact that the applicant is proposing to plat only the developed area of the property. Before development of the balance of Tract 3 may proceed, the owner will need to submit a request for approval of an Initial and Final Development Plan and potentially further subdivision plats. Thus the Planning Commission could recommend waiving the requirement until further subdivision or development of the property is submitted for review and approval.

Traffic Impact Study: A Traffic Impact Study has not been submitted for review and approval addressing the traffic impacts of the development of the property. As the additional uses of the property are not known, it may be appropriate to delay submission of the Traffic Impact Analysis until such time as further subdivision or development of the property is submitted for review and approval.

Discovery Circle: As noted, the Rapid City Visitors Information Center is located on the property. The applicant has submitted topographic information identifying the location of the existing building, parking and circulation aisles as they currently exist on the site. Discovery Circle is currently a 20 foot wide one way driveway that extends from East Mall Drive southwest to the proposed Lot 1 of Tract 3. A portion of the driveway provides access to existing parking areas originally constructed to support the Visitors Information Center. A portion of the existing driveway includes areas where vehicles back into the driveway. The applicant has proposed to grant an access, utility and parking easement by miscellaneous document to the City of Rapid City for the existing driveway and parking areas. The applicant has indicated that this will be a temporary arrangement until such time as a development plan is prepared for the property. An agreement would address the elimination of the easement at such time in the future as a development is prepared for the balance of Tract 3 and right-of-way is dedicated providing permanent access and utility corridors to proposed Lot 1 of Tract 3.

Access easements are allowed to serve four or fewer lots. Based on the current configuration, the proposed easement would serve two lots. The road is classified as a commercial/industrial road requiring a minimum 59 foot right-of-way or easement and a 26 foot wide paved surface. The proposed easement exceeds the minimum width requirement based on the unusual one-way dual roadway system that exists. The applicant has requested a variance to reduce the minimum paved surface from 26 feet to 20 feet. A variance must be obtained or construction plans must be submitted for a minimum 26 foot wide paved surface.

In addition, the applicant has requested a Subdivision Variance to waive the requirement for construction plans for sidewalks to be submitted for review and approval. It should be noted that the sidewalks along Discovery Circle are not required to be constructed until such time a building permit is obtained for development of the site. Construction plans for the sidewalks along Discovery Circle shall be submitted for review and approval prior to City Council approval or a Subdivision Variance shall be obtained.

Sanitary Sewer and Water: The applicant has requested a variance to waive the requirement for the extension of sewer and water mains in the proposed access and utility easement. Currently, the sanitary sewer line serving the Visitor Information Center extends northeast from the existing building across the Balance of Tract 3. The water service line providing

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service to the existing building runs north from proposed Lot 1 of Tract 3 along the western boundary of the Balance of Tract 3. The applicant has requested that the variance be granted waiving the requirement to install sewer and water mains in the proposed Discovery Circle access and utility easement. The applicant has proposed providing easements for the existing service lines across the Balance of Tract 3 and constructing sewer and water mains in the future when a development plan is submitted through the subdivision review process or the Initial and Final Development Plan review process. It should be noted that in addition to the Subdivision Variance, the applicant will need to obtain an exception to allow non-conforming water and sewer lines to cross adjacent property. The applicant has indicated that they will be requesting the exception on a temporary basis similar to an exception previously granted by the City Council. Prior to City Council approval of the Preliminary Plat, construction plans for the extension of sewer and water mains shall be submitted for review and approval, or a Subdivision Variance waiving the requirement for the extension of sewer and water mains in the proposed access and utility easement shall be granted and an exception to allow non-conforming water and sewer lines to cross an adjacent property shall be granted.

Parking Plan: The applicant has submitted a site plan showing the existing parking currently located on Lot 1 of Tract 3 as well as a portion located on the Balance of Tract 3. It appears that adequate off-street parking to meet the minimum requirements for the Visitors Information Center will be provided on proposed Lot 1 of Tract 3. However, discussions have previously identified the need for a minimum of eight over-size parking spaces to accommodate recreational vehicles and vehicles with trailers. A proposed parking plan identifies the reconstruction of the parking to accommodate six over-sized vehicles. This plan identifies the elimination of the backing of vehicles into the looped road system addressing a significant safety concern. Prior to Preliminary Plat approval by the City Council, an agreement on the number of off-street parking spaces to be provided (including over size spaces) as well as addressing the use of the existing spaces, maintenance of the existing spaces and construction of the revised parking lot layout will need to be drafted and approved.

Landscaping Plan: The applicant submitted a written document identifying an estimate of the existing landscaping on proposed Lot 1 of Tract 3; however, a landscaping plan has not yet been submitted. Prior to Planning Commission approval, a landscape plan shall be submitted for review and approval documenting that the proposed lot configuration insures compliance with the minimum landscaping requirements in accordance with all applicable provisions of the Rapid City Municipal Code.

Visitors Information Sign: The applicant has identified the location of the existing Visitors Information Sign located on the Balance of Tract 3. As a result of the proposed platting, the sign will no longer be an on-premise sign. City Ordinance allows for the City Council to grant exceptions to the sign regulations for signs that become off-premise signs as a result of platting. The applicant has submitted a request for an exception. Prior to Final Plat application, an exception to allow the conversion of the on-premise sign to an off-premise sign shall be approved or the sign shall be removed from the Balance of Tract 3.

Drainage: The existing drainage from the developed portion of Lot 1 of Tract 3 crosses the Balance of Tract 3. As such, drainage easements must be granted by miscellaneous

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document prior to submission of a Final Plat application.

Storm Water Management Plan: The City of Rapid City has adopted Storm Water Quality Management Regulations for all development. Prior to City Council approval, a Storm Water Quality Management Plan shall be submitted for any required subdivision improvements and a Storm Water Quality Management Permit shall be obtained prior to construction of any required subdivision improvements.

Inspection Fees and Surety: Prior to Final Plat approval, an additional fee must be paid to the City of Rapid City to cover the costs of inspection of any subdivision improvements. In addition, surety for any required subdivision improvements that have not been completed must be posed. As such, staff recommends that upon submittal of a Final Plat application, surety 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 addition, 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. As such, staff recommends that prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

Plat Certificates: Prior to Final Plat submission, the owner's certificate on the mylar shall be corrected.

The proposed plat generally complies with all applicable Subdivision Regulations assuming compliance with the recommended stipulations of approval listed above.