

STAFF REPORT  
November 5, 2009

**No. 08PL131 - Preliminary Plat**

**ITEM 33**

GENERAL INFORMATION:

APPLICANT Rapid City Economic Development Foundation

AGENT FourFront Design, Inc.

PROPERTY OWNER Rapid City Economic Development Foundation

REQUEST **No. 08PL131 - Preliminary Plat**

EXISTING

LEGAL DESCRIPTION

Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning

PROPOSED

LEGAL DESCRIPTION

Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

STAFF REPORT  
November 5, 2009

---

**No. 08PL131 - Preliminary Plat**

**ITEM 33**

---

PARCEL ACREAGE	Approximately 6.3 acres
LOCATION	333 Concourse Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Light Industrial District
East:	General Commercial District
West:	Medium Density Residential District (Planned Development Designation) - Low Density Residential District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/12/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth / Marcia Elkins

**RECOMMENDATION:** Staff recommends approval of the Preliminary Plat with the following stipulations:

1. Prior to initiation of construction or submission of a Final Plat application, whichever shall occur first, an Erosion and Sediment Control Permit shall be obtained;
2. Prior to City Council approval of the Preliminary Plat application, the developer and the City shall have entered into an agreement for the payment of any oversize costs for public improvements;
3. 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;
4. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
5. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the Preliminary Plat shall be deemed to be expired. However, the owner or applicant of the property proposed to be platted may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

**GENERAL COMMENTS:** (Update, November 4, 2009. All revised and/or added text is shown in bold print.) Staff has reviewed the revised plans previously submitted and the additional information submitted since October 22, 2009. Staff recommends approval of the Preliminary Plat for Lot 1R of Block 3 of Rushmore Business Park with the stipulations outlined above.

(Update, October 22, 2009. All revised and/or added text is shown in bold print.) This request was continued at the October 22, 2009 meeting to allow the revised plans to be reviewed and several issues discussed. The applicant has discussed the over sizing

STAFF REPORT  
November 5, 2009

---

**No. 08PL131 - Preliminary Plat**

**ITEM 33**

---

agreements with staff. It appears that many of the outstanding issues have been resolved. Staff will review the final submittals with the applicant prior to the November 5, 2009 Planning Commission meeting and provide a recommendation at that time.

(Update, October 15, 2009. All revised and/or added text is shown in bold print.) This request was continued at the October 8, 2009 Planning Commission to allow staff to review the revised plans that had been submitted. Staff reviewed the revised plans and requested a meeting to discuss several issues. Due to scheduling conflicts, the consulting engineer is not able to meet with the staff until after the deadline for completing the staff reports. For this reason, staff recommends that the Preliminary Plat application be continued to the November 5, 2009 Planning Commission meeting.

(Update, October 2, 2009. All revised and/or added text is shown in bold print.) This request was continued to the October 8, 2009 Planning Commission meeting to allow the applicant to submit revisions to the public improvement plans previously redlined and returned to the applicant on September 11, 2009. Staff had previously requested that the revised drawings be submitted no later than September 24, 2009 to allow the application to be reviewed and potentially acted on at the October 8, 2009 Planning Commission. The applicant was not able to submit the revised drawings until September 28, 2009. Because of the issues associated with the over sizing requests, the number of changes, the timing of the submission of the revised drawings, report distribution deadlines and staff scheduling, staff has not had a chance to complete the review of the revisions submitted on September 28, 2009. For this reason, staff is recommending that this plat application and the related subdivision variance request (08SV047) be continued to the October 22, 2009 Planning Commission meeting.

(Update, September 18, 2009. All revised and/or added text is shown in bold print.) This application was continued to the September 24, 2009 Planning Commission to allow the applicant to submit the public improvement plans for review and approval. The plans were submitted and reviewed by City staff. Redline comments were returned to the applicant on September 11, 2009. Staff is recommending that the application be continued to the October 8, 2009 Planning Commission meeting to allow the applicant to submit revised plans addressing the redline comments.

(Update, July 29, 2009. All revised and/or added text is shown in bold print.) The item was continued to the August 6, 2009 Planning Commission meeting to allow the applicant to submit the required information. The consulting engineer has been in discussion with City staff regarding the alignment of East Anamosa Street and they have resolved that issue allowing the consulting engineer to proceed with design of the public improvements. The consulting engineer has indicated that the public improvement plans will be submitted by August 28, 2009 allowing the project to be reviewed by the Planning Commission on September 24, 2009. As such, staff is recommending that this item be continued to the September 24, 2009 Planning Commission meeting.)

(Update, July 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 23, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the August 6, 2009 Planning

STAFF REPORT  
November 5, 2009

---

**No. 08PL131 - Preliminary Plat**

**ITEM 33**

---

Commission meeting.

(Update, June 15, 2009. All revised and/or added text is shown in bold print.) This item was continued to the June 25, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the July 23, 2009 Planning Commission meeting.

(Update, May 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the June 4, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the June 25, 2009 Planning Commission meeting.

(Update, May 11, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 21, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the June 4, 2009 Planning Commission meeting.

(Update, April 28, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 7, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the May 21, 2009 Planning Commission meeting.

(Update, March 31, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 9, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the April 23, 2009 Planning Commission meeting.

(Update, March 16, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 26, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the April 9, 2009 Planning Commission meeting.

(Update, February 24, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 5, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the March 26, 2009 Planning Commission meeting.

(Update, February 9, 2009. All revised and/or added text is shown in bold print.) This item was continued to the February 19, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the March 5, 2009

STAFF REPORT  
November 5, 2009

---

**No. 08PL131 - Preliminary Plat**

**ITEM 33**

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Planning Commission meeting.

(Update, January 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the February 5, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the February 19, 2009 Planning Commission meeting.

(Update, January 9, 2009. All revised and/or added text is shown in bold print.) This item was continued to the January 22, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the February 5, 2009 Planning Commission meeting.

(Update, December 5, 2008. All revised and/or added text is shown in bold print.) This item was continued to the December 18, 2008 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the January 22, 2009 Planning Commission meeting.

(Update, November 21, 2008. All revised and/or added text is shown in bold print.) This item was continued to the December 4, 2008 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the December 18, 2008 Planning Commission meeting.

(Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. As of this writing, all of the outstanding issues have not been addressed, as such staff is recommending that this item be continued to the December 4, 2008 Planning Commission meeting.

The applicant has submitted a Preliminary Plat to revise an existing lot, create one additional lot and leaving the remaining portion of the property as an unplatted balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations(#08SV047) to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code. The property is located at the southwest of the intersection of East Anamosa Street and Concourse Drive. The property is currently zoned Light Industrial District and a manufacturing facility is currently located on a portion of the property.

**STAFF REVIEW:**

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

**East Anamosa Street:** East Anamosa Street is located along the north lot line of the property and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no

STAFF REPORT  
November 5, 2009

---

**No. 08PL131 - Preliminary Plat**

**ITEM 33**

---

on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. The street is currently undeveloped and located in a minimum ~~400~~ **124** foot wide right-of-way. Staff is recommending that prior to City Council approval of the Preliminary Plat application, road construction plans for East Anamosa Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. **The revised stamped and signed construction plans and Final Design Report has been submitted, reviewed and approved.**

Concourse Drive: Concourse Drive is located along the east lot line of the property and is classified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. Concourse Drive is currently constructed with a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, street light conduit, water and sewer. However, there is currently no sidewalk constructed along Concourse Drive. On August 4, 2008 City Council approved Ordinance Amendment No. 5410 requiring Section 16.60.080 of the Rapid City Municipal Code requiring sidewalks to be constructed in areas zoned Light Industrial District. The Ordinance Amendment became effective August 29, 2008. Staff is recommending that prior to City Council approval of the Preliminary Plat application, road construction plans showing the construction of sidewalks along Concourse Drive be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. **The revised stamped and signed construction plans and Final Design Report have been submitted, reviewed and approved.**

Drainage: As part of the Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas must be submitted for review and approval. In addition, a drainage plan must be submitted for review and approval. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. Staff also noted that the location of water flow throughout the subdivision and the location and size of all culverts and pipes should be shown on the drainage plan. Staff is recommending that prior to City Council approval of the Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan must be submitted for review and approval. **The grading plan and erosion and sediment control plan have been submitted, reviewed and approved. An Erosion and Sediment Control permit must be submitted for review and approval prior to initiation of construction or submission of the Final Plat application, whichever shall occur first.**

Water: Staff noted that no information on the water system was submitted with the Preliminary Plat. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat application, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows must be submitted for review and approval. **The required information has been submitted verifying the water source and demonstrating that sufficient quantities for domestic and fire flows are available.**

Sanitary Sewer: Staff noted that no information on the sanitary sewer information was

STAFF REPORT  
November 5, 2009

---

**No. 08PL131 - Preliminary Plat**

**ITEM 33**

---

submitted with the Layout Plat. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat application, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines must be submitted for review and approval. **The construction plans and Final Design Report have been submitted, reviewed and approved.**

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that prior to Preliminary Plat approval by the Planning Commission, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval. **The required Erosion and Sediment Control Plan has been submitted, reviewed and approved. Prior to initiation of construction or submission of the Final Plat, an Erosion and Sediment Control Permit must be obtained.**

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

Master Plan: On January 21, 1991, City Council adopted a resolution to establish a policy to request a proposed master plan for surrounding property prior to plat approval. To date, a master plan for the entire property has not been submitted identifying efficient circulation of traffic, adequate access to adjoining properties, and extension of public utilities. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat application, a master plan must be submitted for review and approval as identified. **A Master Plan for the area has been submitted and attached for the Planning Commission's review. The plan appears to provide for a logical platting of future lots. The owner has been in conversation with City staff regarding the possible donation of the existing detention cell to the City of Rapid City. Currently, the owner is restoring and repairing the drainage facilities and will be pursuing the potential transfer in the near future.**

Oversize Agreements: The applicant has requested that the City enter into an Oversize Agreement for several of the public improvements. Staff recommends that prior to City Council approval of the Preliminary Plat, the developer and the City shall have

STAFF REPORT  
November 5, 2009

---

**No. 08PL131 - Preliminary Plat**

**ITEM 33**

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entered into an Oversize Agreement.

Based on compliance with all applicable requirements, Staff recommends approval of the Preliminary Plat with the stipulations as outlined above.