

STAFF REPORT  
January 27, 2011

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**No. 10PL096 - Preliminary Plat**

**ITEM 11**

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GENERAL INFORMATION:

APPLICANT	THF Stoneridge Development, LLC
AGENT	Wolverton & Associates
PROPERTY OWNER	Stoneridge, LLC
REQUEST	<b>No. 10PL096 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 2 of Fifth Street Office Plaza and a portion of the S1/2 of the NE1/4 of Section 24 located in the NE1/4 of the NE1/4 and in the S1/2 of the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 5 of Block 4 of Black Hills Center and Dedicated East Stumer Road right-of-way
PARCEL ACREAGE	Approximately 41.129 acres
LOCATION	Northwest of the intersection of Fifth Street and East Stumer Road
EXISTING ZONING	General Commercial District/Office Commercial District/Medium Density Residential District (Planned Development Designation) - General Commercial District/Public District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District/Medium Density Residential District (Planned Development Designation) - Public District/General Agriculture District/Low Density Residential District
South:	General Commercial District/Office Commercial District (Planned Development Designation)
East:	Low Density Residential District - General Agriculture District
West:	Office Commercial District/Medium Density Residential District (Planned Development Designation) - Public District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/21/2010

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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 and signed and sealed final construction plans shall be submitted to the Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
3. Upon submittal of a Final Plat application, a Covenant Agreement shall be executed to provide the maintenance of the stormwater management facility to be located on proposed Lot 3;
4. Prior to submittal of a Final Plat application, the plat document shall be revised to show the vacation of the access and utility easement previously recorded along the north lot line of proposed Lot 3 as it abuts 5<sup>th</sup> Street;
5. 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. In particular, surety shall be posted for the signalization at the intersection of 5<sup>th</sup> Street and E. Stumer Road, the construction of turn lanes along 5<sup>th</sup> Street and E. Stumer Road, the extension of public utility mains and the construction of on-site regional drainage and stormwater treatment improvements;
6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
7. 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 plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to create five lots to be known as Lots 1 through 5, Block 4 of the Black Hills Center. In addition, the applicant has submitted a Final Commercial Development Plan (File #10PD071) to allow a 154,750 square foot "Walmart Supercenter" with an outdoor garden center on proposed Lot 2 and to allow a 30,900 square foot mini-anchor retail store, a 16,000 square foot shopping center and a detention facility on proposed Lot 3.

The applicant has also submitted a Fence Height Exception request (File #10FV018) to allow a 10 foot high fence in lieu of an 8 foot high fence to enclose a pallet storage area located along the west side of the proposed "Walmart Supercenter" building to be constructed on proposed Lot 2.

An Initial Commercial Development Plan (File #10PD031) was approved with stipulations by the Planning Commission on June 14, 2010 and upheld upon appeal by the City Council on

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June 28, 2010. The Initial Commercial Development Plan was approved to allow a 154,750 square foot "Walmart Supercenter" with an outdoor garden center and to allow a 30,900 square foot mini-anchor retail store and a 16,000 square foot shopping center on the property.

On July 19, 2010, the City Council approved several Rezone requests and Comprehensive Plan Amendment requests for the property. They are as follows:

On July 19, 2010, the City Council previously approved several Rezoning requests and Comprehensive Plan Amendment requests for the property. They are as follows: File #10RZ016, 10RZ017, 10RZ018, 10RZ019, 10CA005, 10CA006, 10CA007 and 10CA008.

On September 7, 2010, the City Council approved a Fence Height Exception (File #10FV011) to allow 10 foot to 16 foot high fence(s) on the property to enclose the garden center along the southern portion of the proposed building, the environmental cage and pallet storage areas on the west side of the proposed building and the compressor house on the north side of the proposed building.

The property is located northeast of the intersection of Black Hills Boulevard and Stumer Road and west of 5<sup>th</sup> Street. The property is currently void of any structural development.

**STAFF REVIEW:**

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

**Zoning:** Proposed Lot 1 is currently zoned Medium Density Residential District with a Planned Development Designation, Office Commercial District with a Planned Development Designation and General Commercial with a Planned Development Designation. Proposed Lots 2 and 5 are currently zoned General Commercial District with a Planned Development Designation. Proposed Lots 3 and 4 are currently zoned General Commercial District with a Planned Development Designation and Public with a Planned Development Designation. As previously noted, a Final Planned Commercial Development application has been submitted for Lots 2 and 3. The applicant should be aware that prior to issuance of a permit for all of the proposed lots, an Initial and Final Planned Development must be reviewed and approved by the Rapid City Planning Commission. In addition, the proposed use(s) must be in compliance with the underlying zoning designation.

**Drainage:** As a part of the subdivision of the property, the existing detention facility will be expanded in the northern portion of proposed Lot 3 as it abuts 5<sup>th</sup> Street. The existing detention facility accommodates regional drainage flows. The expanded facility will accommodate the regional drainage as well as the additional drainage flows and storm water management control associated with the proposed on-site improvements. An Exception has previously been granted to allow the detention facility to be constructed with a 3:1 slope in lieu of a maximum 4:1 slope with the condition that the applicant enter into a Covenant Agreement to provide maintenance of the detention facility. The City Attorney's Office is draft the Covenant Agreement for the applicant's signature.

Staff recommends upon submittal of a Final Plat application, a Covenant Agreement be executed to provide the maintenance of the stormwater management facility to be located

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on proposed Lot 3. Staff will deliver the Final Plat document and the Covenant Agreement to the Register of Deed's Office insuring the proper recording of the documents.

Access and Utility Easement: An access and utility easement was previously platted along the north lot line of proposed Lot 3 as it abuts 5<sup>th</sup> Street. In addition, an approach has been constructed within the easement. The construction plans show the removal of the approach since E. Stumer Road will now serve as access to the lot. Since the approach is being removed and access is no longer needed from 5<sup>th</sup> Street, staff recommends that prior to submittal of a Final Plat application, the plat document be revised to show the vacation of the previously platted access and utility easement.

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 as required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted.

Staff recommends that upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed be posted and the subdivision inspection fees be paid. In particular, surety must be posted for the signalization at the intersection of 5<sup>th</sup> Street and E. Stumer Road, the construction of turn lanes along 5<sup>th</sup> Street and E. Stumer Road, the extension of public utility mains and the construction of on-site regional drainage and stormwater treatment improvements.

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. As such, staff recommends that prior to the City's acceptance of any public improvements, a Warranty Surety be submitted for review and approval if subdivision improvements are required.

Loan and Infrastructure Development Agreement: The property is located within an area secured within a Loan and Infrastructure Development Agreement. The terms of the agreement state that "Each Landowner shall repay their respective Loan in full upon the earlier of either (a) approval by the City of a Final Plat of the Landowners' last parcel or property that abuts the Development; or, (b) ten years from the date of substantial completion of the infrastructure construction project. In the event Final Platting of Landowners' Development is accomplished in separate phases, then repayment of the principal and accrued interest shall be prorated based upon the number of linear feet then receiving Final Plat approval in relation to the total number of front linear feet to be platted in the entire Development". The applicant should be aware that the Loan and Infrastructure Development payment must be paid pursuant to the terms of the agreement.

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