

STAFF REPORT  
April 21, 2011

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**No. 10PL061 - Preliminary Plat**

**ITEM 11**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Mall Drive, LLC
REQUEST	<b>No. 10PL061 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 of the SE1/4 and a portion of Lot E of the S1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision located in the W1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.074 acres
LOCATION	Between East Mall Drive and Interstate 90 at the southern terminus of Dakota Craft Drive
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Light Industrial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/13/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Preliminary Plat be approved for Lot 1, Block 1 of Gateway Business Park Subdivision only with the following stipulations:

1. Prior to submittal of a Final Plat application, the Cambria Suites Traffic Impact Study dated March 2011 shall be revised to address all redline comments and to identify the

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- triggers and/or warrants for the recommended improvements. The revised Traffic Impact Study shall be sealed and signed by a Professional Engineer and submitted to the Growth Management Department for review and approval;
2. Prior to submittal of a Final Plat application, the applicant shall enter into a Covenant Agreement with the City securing the applicant's participation and the timing for the improvements pursuant to the recommendations of the approved Traffic Impact Study;
  3. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
  4. Prior to submittal of a Final Plat application, a drainage easement shall be secured for the off-site storm sewer pipe located northwest of the proposed lot. In addition, a copy of the recorded easement shall be submitted to the Growth Management Department;
  5. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees shall be paid as required;
  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:

**(Update: April 7, 2011. All revised and/or added text is shown in bold print.) This item was continued at the April 7, 2011 Planning Commission meeting at the applicant's request.**

(Update: March 25, 2011. All revised and/or added text is shown in bold print.) This item was continued at the March 24, 2011 Planning Commission meeting to allow the applicant to submit a revised Traffic Impact Study identifying the triggers and/or warrants of future street improvements pursuant to the recommendation of the study. In addition, the applicant must enter into a Covenant Agreement with the City securing the applicant's participation and the timing for the improvements pursuant to the recommendations of the approved Traffic Impact Study.

Staff will notify the Planning Commission at the April 7, 2011 Planning Commission meeting if the outstanding issues have not been resolved.

(Update: March 11, 2011. All revised and/or added text is shown in bold print.) This item was continued at the March 10, 2011 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the applicant has not submitted a copy of a recorded drainage easement for the off-site storm sewer pipe located northwest of the proposed lot. In addition, construction plans showing a turnaround at the terminus of Outfitter Road or an Exception to waive the requirement have not been submitted for review and approval.

On March 8, 2011, the applicant submitted a revised Traffic Impact Study. Staff has reviewed the revised Traffic Impact Study and noted redline comments that must be addressed prior to Planning Commission approval. In addition, the Traffic Impact Study

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must be revised to identify the triggers and/or warrants pursuant to the recommendations of the study. Staff also recommends that prior to Preliminary Plat approval by the City Council, the applicant enter into a Covenant Agreement with the City securing the applicant's participation and the timing for the improvements pursuant to the recommendations of the approved Traffic Impact Study.

Staff will notify the Planning Commission at the March 24, 2011 Planning Commission meeting if the outstanding issues have not been resolved.

(Update: March 1, 2011. All revised and/or added text is shown in bold print.) This item was continued at the February 24, 2011 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the applicant has not submitted a copy of a recorded drainage easement for the off-site storm sewer pipe located northwest of the proposed lot. In addition, construction plans showing a turnaround at the terminus of Outfitter Road or an Exception to waive the requirement have not been submitted for review and approval.

On February 24, 2011, the applicant submitted a revised Traffic Impact Study. Staff has reviewed the revised Traffic Impact Study and noted redline comments that must be addressed prior to Planning Commission approval. In addition, the Traffic Impact Study must be revised to identify the triggers and/or warrants pursuant to the recommendations of the study. Staff also recommends that prior to Preliminary Plat approval by the City Council, the applicant enter into a Covenant Agreement with the City securing the applicant's participation and the timing for the improvements pursuant to the recommendations of the approved Traffic Impact Study.

Staff will notify the Planning Commission at the March 10, 2011 Planning Commission meeting if the outstanding issues have not been resolved.

(Update: February 15, 2011. All revised and/or added text is shown in bold print.) This item was continued at the February 10, 2011 Planning Commission meeting to allow the applicant to submit additional information. On February 11, 2011, the applicant submitted a Traffic Impact Study. Staff has reviewed the Traffic Impact Study and noted redline comments that must be addressed prior to Planning Commission approval. In addition, the construction plans must be revised to show a turnaround at the terminus of Outfitter Road or an Exception must be obtained to waive the requirement.

Please note that on December 21, 2010, the applicant submitted a revised plat document removing Lot 2, of Block 1 from the proposed Preliminary Plat. As such, approval of this Preliminary Plat is for Lot 1 of Block 1, Gateway Business Park Subdivision only.

(Update: January 31, 2011. All revised and/or added text is shown in bold print.) This item was continued at the January 27, 2011 Planning Commission meeting to allow the applicant to submit additional information. In particular, the construction plans must be revised to show a turnaround at the terminus of Outfitter Road or an Exception must be obtained to waive the requirement. In addition, the Foursquare Property Traffic Impact Study must be updated or a new Traffic Impact Study must be submitted addressing the applicant's proposed development, including proposed street connections and proposed uses. Staff

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may have additional comments depending upon the analysis of the Traffic Impact Study.

Staff recommends that this item be continued to the February 24, 2011 Planning Commission meeting to allow the applicant to submit the additional information as identified.

(Update: January 17, 2011. All revised and/or added text is shown in bold print.) This item was continued at the January 6, 2011 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted a revised plat document to create a 2.490 acre lot in lieu of two lots as originally proposed. In addition, the applicant has submitted a revised site plan reducing the area of the proposed Initial and Final Commercial Development Plan from 4.603 acres to 2.490 acres. Staff has reviewed the revised plat document and associated construction plans and noted that the proposed off-site drainage improvements are located outside the boundaries of the proposed lot. As such, prior to submittal of a Final Plat application, a drainage easement must be recorded at the Register of Deed's Office and a copy of the recorded document submitted to the Growth Management Department. Prior to Preliminary Plat approval by the City Council, the construction plans must also be revised to show a turnaround at the terminus of Outfitter Road or an Exception must be obtained to waive the requirement. To date, these issues have not been resolved. In addition, the Foursquare Property Traffic Impact Study must be updated or a new Traffic Impact Study must be submitted addressing the applicant's proposed development, including proposed street connections and proposed uses. Staff may have additional comments depending upon the analysis of the Traffic Impact Study.

Staff recommends that this item be continued to the February 10, 2011 Planning Commission meeting to allow the applicant to submit the additional information as identified.

(Update: December 20, 2010. All revised and/or added text is shown in bold print.) This item was continued at the December 6, 2010 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. In particular, the Foursquare Property Traffic Impact Study must be updated or a new Traffic Impact Study must be submitted addressing the applicant's proposed development, including proposed street connections and proposed uses. The applicant has also indicated that the boundary for the associated Initial and Final Commercial Development Plan will be reduced from 4.603 acres as currently proposed to approximately 2.5 acres. In addition, the applicant has stated that the plat document will be revised to reflect the change in area. To date, a revised plat document and a revised site plan have not been submitted for review and approval reflecting the 2.5 acres. Staff recommends that this item be continued to the January 27, 2011 Planning Commission meeting to allow the applicant to submit the additional information as identified.

(Update: December 20, 2010. All revised and/or added text is shown in bold print.) This item was continued at the December 6, 2010 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. In particular, the Foursquare Property Traffic Impact Study must be updated or a new Traffic Impact Study must be submitted addressing the applicant's proposed development, including proposed street connections and proposed uses. The applicant has also indicated that the boundary for the associated Initial and Final Commercial Development Plan will be reduced from 4.603 acres as currently proposed to

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approximately 2.5 acres. In addition, the applicant has stated that the plat document will be revised to reflect the change in area. To date, a revised plat document and a revised site plan have not been submitted for review and approval reflecting the 2.5 acres. Staff recommends that this item be continued to the January 27, 2011 Planning Commission meeting to allow the applicant to submit the additional information as identified.

(Update: November 24, 2010. All revised and/or added text is shown in bold print.) This item was continued at the November 18, 2010, Planning Commission meeting to allow the applicant to update the Foursquare Property Traffic Impact Study or to submit a new Traffic Impact Study addressing the applicant's proposed development. As of this writing, the information has not been submitted for review and approval. Staff will notify the Planning Commission at the December 9, 2010 Planning Commission meeting if the information is not submitted for review and approval as identified.

(Update: November 8, 2010. All revised and/or added text is shown in bold print.) This item was continued at the November 4, 2010, Planning Commission meeting to allow the applicant to update the Foursquare Property Traffic Impact Study or to submit a new Traffic Impact Study addressing the applicant's proposed development. In addition, the construction plans must be revised to address red line comments. As of this writing, the information has not been submitted for review and approval. Staff will notify the Planning Commission at the November 18, 2010 Planning Commission meeting if the information is not submitted for review and approval as identified.

(Update: October 25, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 21, 2010, Planning Commission meeting to allow the applicant to submit additional information. The applicant subsequently submitted a revised plat document, revised construction plans, a final drainage plan and report, a stormwater management plan, a truck and bus turning movement detail and line of site drawings for the proposed signage.

(Update: October 4, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 7, 2010 Planning Commission meeting to allow the applicant to submit additional information as noted below. As of this writing, all of the additional information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the November 4, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues.

(Update: September 24, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 23, 2010 Planning Commission meeting to allow the applicant to submit additional information as noted below. As of this writing, all of the additional information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the October 21, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues.

(Update: September 13, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 9, 2010 Planning Commission meeting to allow the applicant to submit additional information as noted below. On September 10, 2010, the applicant met with staff to review the outstanding issues. As of this writing, all of the

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additional information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the October 7, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues.

The applicant has submitted a Preliminary Plat to create two lots leaving a non-transferable balance. The lots are to be known as Lots 1 and 2 of Block 1, Gateway Business Park Subdivision. In addition, the applicant has submitted an Initial and Final Planned Commercial Development application to construct a 154,064 square foot hotel in the southeast corner of proposed Lot 2 as Phase One of the Gateway Business Park development.

The property is located between East Mall Drive and Interstate 90 at the southern terminus of Dakota Craft Drive. Currently, the property is void of any structural development.

**STAFF REVIEW:**

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

**Water and Wastewater:** The applicant has submitted "preliminary" design reports for the water and wastewater system evaluations. The report states that a final design report will be submitted when the final design is completed. However, final construction plans and analysis are required as a part of the Preliminary Plat application in order to determine that adequate services are available to serve the property and that the system is designed in compliance with City design standards. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit the final analysis and construction plans as required.

(Update: October 25, 2010.) The applicant has submitted a final analysis and construction plans for the water and wastewater system(s) to serve the proposed development. Staff has reviewed the information and identified minor red line comments that must be addressed.

Staff recommends that prior to Preliminary Plat approval by the City Council, all necessary changes be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings must be returned to the Growth Management Department.

(Update: February 15, 2011.) The necessary changes have been made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings have been returned to the Growth Management Department.

**Drainage:** The applicant has submitted a preliminary drainage design report. The preliminary design report states that a final design report will be submitted at the time final design plans are completed. However, a final drainage plan and final report is required to be submitted as a part of the Preliminary Plat application in order to insure that discharge from the proposed improvements will not exceed pre-developed flow rates and/or to insure that local detention facilities are being provided as needed. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit a final drainage design report and plans for review and approval.

The applicant has indicated that drainage from this site will be detained within a detention

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facility located on property north of East Mall Drive. To date, a drainage easement has not been secured on the adjacent properties in order to convey the drainage to this detention facility. Staff is continuing to meet with the property owner to obtain the easement(s) as needed.

(Update: October 25, 2010.) The applicant has submitted a final drainage design report and plans. Staff has reviewed the information and noted that red line comments must be addressed. As such, staff recommends that prior to Preliminary Plat approval by the City Council, a revised drainage plan addressing the red line comments be submitted for review and approval.

(Update: February 15, 2011.) A revised drainage plan has been submitted for review and approval. The drainage plan identifies that a storm sewer pipe is being constructed northwest of the proposed lot to accommodate drainage flows from the property. As such, prior to Preliminary Plat approval by the Planning Commission, a drainage easement must be secured for the off-site storm sewer pipe. In addition, a copy of the recorded easement must be submitted to the Growth Management Department.

Traffic Impact Study: A Traffic Impact Study for Foursquare Property which included East Mall Drive was completed in 2007 and updated in January, 2008. The study identifies appropriate access points along East Mall Drive. In addition, in order to determine the projected traffic counts along East Mall Drive, the study identifies the proposed uses of the properties within the area. Prior to Planning Commission approval, the applicant must demonstrate that the proposed street intersections along East Mall Drive are in compliance with the approved Traffic Impact Study and that minimum separation between the streets and existing approaches located along the north side of East Mall Drive is being provided in compliance with the Street Design Criteria Manual. In addition, the applicant's Master Plan must be revised to include proposed use(s) to insure that they comply with the proposed uses identified in the Traffic Impact Study. The applicant has the option of revising the Traffic Impact Study to allow the street connections and the proposed uses if they differ from the approved study. In addition, an Exception to the Street Design Criteria Manual may be needed if adequate separation is not being provided between the existing approaches and the proposed street intersections.

(Update: October 25, 2010.) To date, an updated Traffic Impact Study addressing the applicant's proposed street connections and uses has not been submitted for review and approval. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, the Foursquare Property Traffic Impact Study be updated or a new Traffic Impact Study submitted addressing the applicant's proposed development, including proposed street connections and proposed uses. In addition, construction plans must be submitted for review and approval as per the recommendation of the updated Traffic Impact Study to address any improvements needed for the applicant's development.

(Update: February 15, 2011.) On February 11, 2011, the applicant submitted a Traffic Impact Study. Staff has reviewed the Traffic Impact Study and noted redline comments that must be addressed. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, a revised Traffic Impact Study be submitted for review and approval addressing redline comments.

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East Mall Drive: East Mall Drive is located along the north lot line and is classified as a principal arterial street requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. East Mall Drive is constructed to principal arterial street standards with the exception of a sidewalk along the north side of the street. As such, prior to Preliminary Plat approval by the City Council, the applicant must submit construction plans for East Mall Drive showing a sidewalk along the north side of the street or a Variance to the Subdivision Regulations must be obtained.

Prior to Preliminary Plat approval by the City Council, the plat document must be revised to show a non-access easement along East Mall Drive as it abuts the property or an Exception must be obtained to allow access from the higher order street.

(Update: October 25, 2010.) The applicant has submitted a revised plat document identifying a non-access easement along East Mall Drive as required.

Business Park Drive: Business Park Drive is proposed to be located along the east lot line of the property and 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 construction plans showing the street located within a 60 foot wide right-of-way and constructed with a 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer which meets the minimum requirements for a commercial street.

The Building Inspection Official has indicated that proposed street name must be changed to something other than the name of the development. As such, staff recommends that an alternate street name be submitted for review and approval prior to Preliminary Plat approval by the City Council. In addition, the plat document must be revised to show the approved street name.

(Update: October 25, 2010.) The applicant has submitted a revised plat document identifying the previously proposed street name "Business Park Drive" changed to "Outfitter Road". The Building Inspection Official and the Emergency Services Communication Center staff has reviewed and approved the proposed street name.

Interstate 90: Interstate 90 is located along the south lot line and is classified as a principal arterial street requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, curb, gutter, sidewalk, street light conduit and water have not been constructed along Interstate 90. As such, prior to Preliminary Plat approval by the City Council, construction plans must be submitted for review and approval showing the installation of curb, gutter, sidewalk, street light conduit and water or a Variance to the Subdivision Regulations must be obtained to waive the requirement to install water and an Exception must be obtained to waive the requirement to install curb, gutter, sidewalk and street light conduit.

(Update: October 25, 2010.) On October 18, 2010, the City Council approved a Variance to



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the Subdivision Regulations to waive the requirement to install water along Interstate 90. In addition, staff approved an Exception to waive the requirement to install curb, gutter, sidewalk and street light conduit along Interstate 90.

Stormwater Management Plan: The City Council 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 recommends that upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required. In addition, a grading plan must be submitted for review and approval if any subdivision improvements are required.

(Update: October 25, 2010.) The applicant has submitted an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual. Staff has reviewed and approved the plan.

Cost Estimate: Prior to Preliminary Plat approval by the City Council, a cost estimate must be submitted for review and approval.

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 must 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. 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.