

STAFF REPORT  
September 20, 2012

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**No. 12PL050 - Preliminary Subdivision Plan**

**ITEM 2**

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GENERAL INFORMATION:

APPLICANT	Arleth & Associates
AGENT	CPP Rushmore, LLC
PROPERTY OWNER	CPP Rushmore, LLC
REQUEST	<b>No. 12PL050 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	Tract E of Block 2, located in the SW1/4 SE1/4, SE1/4 SW1/4, E1/2 SW1/4 SW1/4 and W1/2 SW1/4 SW1/4 of Section 29; the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 4 of Block 2 of Rushmore Crossing
PARCEL ACREAGE	Approximately 20.88 acres
LOCATION	At the southwest corner of the intersection of Eglin Street and East North Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District (Planned Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	August 17, 2012
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits

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- required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the previously platted access and utility easement located along the southern and eastern portions of the property, including the book and page referencing the recording information. In addition, construction plans shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
  3. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the previously vacated section line highway as it extends through the property. In addition, the book and page referencing the recording information shall be shown on the plat;
  4. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
  5. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval if subdivision improvements are required;
  6. 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,
  7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval if subdivision improvements are required.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Subdivision Plan application to subdivide an existing platted lot into four lots. The lots are to be known as Lots 1 through 4, Block 2, Rushmore Crossing.

The property is located at the southwest corner of the intersection of Eglin Street and East North Street. A large commercial structure with nine individual stores and a manager's office is located on proposed Lot 1. Proposed Lot 2 is currently void of any structural development. A large commercial structure with eight individual stores extends across proposed Lots 3 and 4.

A Preliminary Subdivision Plan is a tentative plan of a proposed subdivision requiring the installation of public improvements. Approval of a Preliminary Subdivision Plan by the City Council is required before an applicant can proceed with Development Engineering Plans and a Final Plat application for all or part of the area within the Preliminary Subdivision Plan application.

**STAFF REVIEW:**

Staff has reviewed the Preliminary Subdivision Plan application and has noted the following considerations:

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Zoning: The property is currently zoned General Commercial District with a Planned Development. A covenant agreement exists to allow shared parking and access within the Rushmore Crossing Development. In addition, the previously approved Planned Development allows the landscaping to be located throughout the development as currently planted, independent of the individual lot line(s). As such, the proposed plat does not require any amendments to the previously approved Planned Development.

Utility and Access Easement: A previously platted utility and access easement is located in the southern and eastern portions of the property. The easement has a varying width of 35 feet to 55 feet and is constructed with a 26 foot wide paved surface. The easement is classified as a commercial street requiring that it have a minimum 70 foot wide width and be constructed with a minimum 26 foot wide pavement, curb, gutter, sidewalk, street light conduit, water and sewer. As such, staff recommends that prior to submittal of a Development Engineering Plan application, construction plans be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with curb, gutter, sidewalk, street light conduit, water and sewer or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Labeling: The plat document does not currently show the previously platted utility and access easement or the previously vacated section line highway that extends through the property. As such, staff recommends that prior to submittal of a Development Engineering Plan application, the plat document be revised to show the previously vacated section line highway and the utility and access easement. In addition, the book and page referencing the recording information must be shown on the plat.

Stormwater Management Plan: The City Council has adopted a Stormwater Quality Manual and an Infrastructure Design Criteria Manual which provide criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

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.

Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.