

STAFF REPORT  
July 26, 2007

---

**No. 07PD048 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 07PD048 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in the SW1/4SW1/4, the SE1/4SW1/4, the SW1/4SE1/4 and the W1/4SW1/4 of Section 29 and the NE1/4SE1/4, the NW1/4SE1/4 and the NE1/4SW1/4 of Section 30, and the NW1/4NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Southwest Corner of said Section 29 in T2N, R8E, BHM; Thence N51°42'26"W 3921.65' to the Point Of Beginning, said point being on the easterly right-of-way line of LaCrosse Street as it intersects with the southerly right-of-way line of Interstate 90 exit ramp; Thence following the said southerly right-of-way line of Interstate 90 exit ramp N77°05'13"E a distance of 23.52'; Thence departing said southerly right-of-way line of Interstate 90 exit ramp S00°07'30"E a distance of 213.32'; Thence with a curve turning to the left with an arc length of 307.99', with a radius of 645.33', with a chord bearing of S13°53'07"E, with a chord length of 305.08'; Thence S27°33'29"E a distance of 344.21'; Thence S48°39'17"E a distance of 65.15'; Thence with a curve turning to the right with an arc length of 157.88', with a radius of 475.00', with a chord bearing of N75°41'24"E, with a chord length of 157.16' to the easterly right-of-way line of Rapp Street; Thence following said easterly right-of-way line of Rapp Street S00°04'20"E a distance of 44.98' to the northerly right-of-way line of Farnwood Avenue; Thence following said northerly right-of-way line of Farnwood Avenue N89°59'51"E a distance of 819.12' to the westerly right-of-way line of Spruce Street; Thence following said westerly right-of-way line of Spruce Street N00°01'14"W a distance of 21.89'; Thence departing said westerly right-of-way line of Spruce Street N89°58'43"E a distance of 14.89'; Thence with a curve turning to the left with an arc length of 554.46', with a radius of 550.00', with a chord bearing of N61°05'54"E, with a chord length of 531.28'; Thence N32°13'06"E a distance of 161.14'; Thence with a curve turning to the right with an arc</p>

STAFF REPORT

July 26, 2007

---

**No. 07PD048 - Major Amendment to a Planned Commercial Development** **ITEM 48**

---

length of 398.72', with a radius of 650.00', with a chord bearing of N49°47'28"E, with a chord length of 392.49'; Thence N22°56'58"W a distance of 69.09'; Thence N00°00'41"W a distance of 231.96' to a Pin and Cap stamped "Arleth & Assoc. RLS 3977" which lies in the southerly right-of-way line of Interstate Route 90; Thence following said southerly right-of-way line of Interstate Route 90 with a curve turning to the right with an arc length of 153.85', with a radius of 2144.34', with a chord bearing of S68° 07'30"E, with a chord length of 153.82'; Thence with a curve turning to the right with an arc length of 222.14', with a radius of 2909.18', with a chord bearing of S63°52'56"E, with a chord length of 222.09'; Thence S61°41'41"E a distance of 149.70'; Thence S35°19'03"E a distance of 72.16'; Thence S61°13'39"E a distance of 861.41'; Thence S85°21'33"E a distance of 76.05'; Thence S61°12'06"E a distance of 124.77'; Thence S41°24'18"E a distance of 91.52'; Thence S61°13'39"E a distance of 212.54'; Thence with a curve turning to the right with an arc length of 101.04', with a radius of 650.20', with a chord bearing of S56°46'32"E, with a chord length of 100.94'; Thence S68°31'49"E a distance of 303.38'; Thence S61°12'05"E a distance of 175.04'; Thence S49°53'16"E a distance of 102.02' to a Pin and Cap stamped "Arleth & Assoc. RLS 3977"; Thence departing said southerly right-of-way line of Interstate Route 90 S61°34'04"E a distance of 4.85'; Thence S28°46'21"W a distance of 45.07'; Thence N60°36'22"W a distance of 30.00'; Thence S28°46'21"W a distance of 214.53'; Thence S61°13'39"E a distance of 23.27'; Thence with a curve turning to the left with an arc length of 62.76', with a radius of 550.00', with a chord bearing of S64°29'48"E, with a chord length of 62.73'; Thence S67°45'57"E a distance of 107.10'; Thence with a curve turning to the right with an arc length of 74.17', with a radius of 650.00', with a chord bearing of S64°29'48"E, with a chord length of 74.13'; Thence S61°13'39"E a distance of 982.78'; Thence with a curve turning to the right with an arc length of 251.30', with a radius of 650.00', with a chord bearing of S50°09'07"E, with a chord length of 249.74'; Thence S39°04'34"E a distance of 40.07'; Thence with a curve turning to the left with an arc length of 347.20', with a radius of 445.00', with a chord bearing of S61°25'40"E, with a chord length of 338.46'; Thence S83°46'46"E a distance of 82.77' to the westerly right-of-way line of East North Street (U.S.

STAFF REPORT

July 26, 2007

---

**No. 07PD048 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

Hwy 16); Thence following said westerly right-of-way line of East North Street (U.S. Hwy 16) with a curve turning to the left with an arc length of 150.34', with a radius of 604.00', with a chord bearing of N09°29'22"W, with a chord length of 149.96'; Thence departing said westerly right-of-way line of East North Street (U.S. Hwy 16) S89°51'20"E a distance of 107.97'; Thence S00°07'29"W a distance of 165.46'; Thence N89°52'31"W a distance of 82.41' to the said westerly right-of-way line of East North Street (U.S. Hwy 16); Thence following said westerly right-of-way line of East North Street (U.S. Hwy 16) with a curve turning to the right with an arc length of 75.75', with a radius of 604.00', with a chord bearing of S02°54'33"W, with a chord length of 75.70' to the northerly right-of-way line of Century Road; Thence departing said westerly right-of-way line of East North Street (U.S. Hwy 16) and following said northerly right-of-way line of Century Road S89°47'40"W a distance of 183.22'; Thence departing said northerly right-of-way line of Century Road S30°24'27"E a distance of 37.54'; Thence S76°54'32"E a distance of 57.34'; Thence N53°27'27"E a distance of 59.74'; Thence S83°46'46"E a distance of 69.32'; Thence S38°46'46"E a distance of 19.20' to the said westerly right-of-way line of East North Street (U.S. Hwy 16); Thence following the said westerly right-of-way line of East North Street (U.S. Hwy 16) S26°02'24"W a distance of 1.67'; Thence departing said westerly right-of-way line of East North Street (U.S. Hwy 16) S89°52'31"E a distance of 18.29'; Thence S35°38'12"E a distance of 35.06'; Thence with a curve turning to the right with an arc length of 312.78', with a radius of 2414.01', with a chord bearing of S22°40'12"W, with a chord length of 312.56'; Thence N79°02'31"W a distance of 68.03' to the said westerly right-of-way line of East North Street (U.S. Hwy 16); Thence departing said westerly right-of-way line of East North Street (U.S. Hwy 16) and following the northerly line of a railroad right-of-way with a curve turning to the right with an arc length of 759.14', with a radius of 2954.92', with a chord bearing of N71°01'21"W, with a chord length of 757.05'; Thence N63°54'32"W a distance of 136.37'; Thence N63°07'09"W a distance of 73.30'; Thence N63°03'41"W a distance of 199.66'; Thence with a curve turning to the left with an arc length of 653.84', with a radius of 2123.30', with a chord bearing of N71°53'07"W, with a chord length of 651.26'; Thence departing said northerly

# STAFF REPORT

July 26, 2007

---

## No. 07PD048 - Major Amendment to a Planned Commercial Development ITEM 48

---

line of a railroad right-of-way with a curve turning to the right with an arc length of 62.67', with a radius of 113.45', with a chord bearing of N42°03'10"W, with a chord length of 61.88'; Thence N26°13'41"W a distance of 52.24'; Thence with a curve turning to the left with an arc length of 28.70', with a radius of 36.55', with a chord bearing of N48°43'41"W, with a chord length of 27.97'; Thence N71°13'41"W a distance of 15.34'; Thence with a curve turning to the left with an arc length of 60.20', with a radius of 36.62', with a chord bearing of S61°34'05"W, with a chord length of 53.65'; Thence S14°33'50"W a distance of 14.34'; Thence with a curve turning to the right with an arc length of 77.02', with a radius of 76.45', with a chord bearing of S43°25'30"W, with a chord length of 73.81' and intersecting aforesaid northerly line of a railroad right-of-way; Thence following said northerly line of a railroad right-of-way with a curve turning to the left with an arc length of 70.61', with a radius of 2123.30', with a chord bearing of N87°08'15"W, with a chord length of 70.61'; Thence departing said northerly line of a railroad right-of-way N71°18'35"W a distance of 424.31'; Thence with a curve turning to the right with an arc length of 61.16', with a radius of 71.12', with a chord bearing of N46°40'31"W, with a chord length of 59.29'; Thence N22°02'26"W a distance of 104.81'; Thence with a curve turning to the left with an arc length of 57.32', with a radius of 85.86', with a chord bearing of N41°10'06"W, with a chord length of 56.27'; Thence N60°17'45"W a distance of 73.71'; Thence N61°13'39"W a distance of 479.60'; Thence N60°50'50"W a distance of 974.73'; Thence with a curve turning to the right with an arc length of 48.41', with a radius of 536.00', with a chord bearing of S05°50'50"E, with a chord length of 48.40'; Thence S86°44'26"W a distance of 72.00'; Thence with a curve turning to the left with an arc length of 375.49', with a radius of 464.00', with a chord bearing of N26°26'34"W, with a chord length of 365.33'; Thence N49°37'34"W a distance of 7.80'; Thence S87°09'13"W a distance of 14.17'; Thence with a curve turning to the right with an arc length of 98.88', with a radius of 653.67', with a chord bearing of S48°42'08"W, with a chord length of 98.79'; Thence S59°31'37"W a distance of 47.90'; Thence with a curve turning to the right with an arc length of 306.23', with a radius of 650.00', with a chord bearing of S70°43'52"W, with a chord length of 303.41' to the easterly right-of-way line of Spruce Street; Thence

STAFF REPORT  
July 26, 2007

---

**No. 07PD048 - Major Amendment to a Planned Commercial Development      ITEM 48**

---

following said easterly right-of-way line of Spruce Street; S00°01'26"E a distance of 5.10' to the southerly right-of-way line of Farnwood Avenue; Thence following said southerly right-of-way line of Farnwood Avenue N89°32'42"W a distance of 219.93'; Thence S89°16'26"W a distance of 184.80'; Thence N89°45'26"W a distance of 493.08' to the easterly right-of-way line of Rapp Street; Thence following said easterly right-of-way line of Rapp Street S01°02'54"W a distance of 14.16'; Thence with a curve turning to the right with an arc length of 99.84', with a radius of 94.23', with a chord bearing of S32°12'03"W, with a chord length of 95.24'; Thence S62°33'20"W a distance of 51.46' to the easterly right-of-way line of Lacrosse Street; Thence following said easterly right-of-way line of Lacrosse Street N27°35'30"W a distance of 61.94'; Thence S62°21'30"W a distance of 6.15'; Thence N27°26'45"W a distance of 549.40'; Thence with a curve turning to the right with an arc length of 319.90', with a radius of 668.68', with a chord bearing of N13°39'56"W, with a chord length of 316.86'; Thence N00°06'55" E a distance of 207.90' which is the Point of Beginning, Said tract having an area of 4,107,568 sq ft, 94.30 acres

PARCEL ACREAGE	Approximately 94.30 acres
LOCATION	South of Interstate 90 between LaCrosse Street and East North Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District - Medium Density Residential District - General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/2/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

STAFF REPORT  
July 26, 2007

---

**No. 07PD048 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved to ensure that legal access and utility easements are in place as needed;
3. Upon submittal of a Final Commercial Development Plan application, complete elevations showing all sides of any future structures shall be submitted for review and approval. In addition, a complete list of building materials and color palette shall be submitted for review and approval;
4. Upon submittal of a Final Commercial Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. In particular, the landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, the landscaping plan shall include mature landscaping along the proposed chain link fence to reduce headlight glare between the traffic along Eglin Street and Interstate 90;
5. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the buildings and direction signs within the parking lot, shall be submitted for review and approval. In addition, the applicant shall demonstrate that the sign package is in compliance with the Sign Code or the Sign Code shall be amended as needed or an Appeal and/or Variance shall be reviewed and approved by the Sign Code Board of Appeals;
6. Upon submittal of a Final Commercial Development Plan application, a complete parking plan in compliance with the Parking Regulations shall be submitted for review and approval;
7. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, the lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
8. Upon submittal of a Final Commercial Development Plan application, the location and size of all dumpsters shall be submitted for review and approval. In addition, elevations of the screening fence for the dumpsters shall be submitted for review and approval and shall include building material(s) and the proposed color palette;
9. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
10. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the

STAFF REPORT  
July 26, 2007

---

**No. 07PD048 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

- currently adopted International Fire Code;
11. The Air Quality Permit shall be amended to include any proposed development or a new Air Quality Permit shall be obtained prior to the start of any additional construction;
  12. The structures shall be used as retail, restaurant, hotel and business unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment to the Commercial Development Plan shall be obtained. In addition, on-sale liquor use shall be reviewed and approved as a part of the Final Commercial Development Plan application or a subsequent Major Amendment shall be obtained;
  13. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of the Initial Commercial Development Plan, the Final Commercial Development Plan application or a subsequent Major Amendment; and,
  14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to the Initial Planned Commercial Development eliminating approximately 32 acres from the boundary of the Planned Development. In addition, the applicant has submitted a separate Initial and Final Planned Commercial Development (File #07PD049) on a 6.75 acre parcel to allow a 52,732 square foot commercial building to be constructed on property located west of the subject property. The applicant has indicated that the 52,732 square foot commercial building will contain "Furniture Row" with individual tenants of "Sofa Mart", "Denver Mattress", "Oak Express" and "Bedroom Expressions".

On June 4, 2007, the City Council approved a Preliminary Plat application (#07PL038) to subdivide 126.54 acres into 24 commercial lots and to vacate a 30 foot wide private access easement, to vacate a portion of a section line highway located between Sections 29 and 32, to vacate a portion of a section line highway located between Sections 29 and 30, to vacate a portion of Rapp Street and to vacate a 66 foot wide public access easement, which included the subject property.

On June 4, 2007, the City Council approved a Vacation of Right-of-way request (#07VR002) to vacate a portion of Rapp Street currently located in an H Lot. In addition, on June 18, 2007, the City Council approved a Vacation of Right-of-way request (#07VR003) to vacate a portion of Farnwood Avenue, also located within an H Lot.

On August 1, 2005, the City Council approved a Layout Plat (#05PL085) to subdivide a 95.28 acre parcel into 17 commercial lots. The Layout Plat included the subject property.

STAFF REPORT  
July 26, 2007

---

**No. 07PD048 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

On February 6, 2006, the City Council approved Tax Increment District #56 for the construction of streets, traffic signals, a regional drainage detention dam, high pressure water main and sanitary sewer main and the relocation of power lines associated with the proposed Rushmore Crossing project.

On October 2, 2006, the City Council approved a revised Layout Plat (#06PL142) to subdivide a 117.29 acre parcel into 15 commercial lots and two detention pond lots. The Layout Plat included the subject property.

On April 26, 2007, the Planning Commission approved an Initial Commercial Development Plan (File #07PD019) to construct approximately 861,000 square feet of new commercial development on 127 acres, which included the subject property.

On May 21, 2007, the City Council approved a Variance to the Subdivision Regulations application (#07SV013) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Interstate 90, Spruce Street, E. North Street, Sunnyside Avenue and Cambell Street, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Rapp Street and the proposed access easements, and, to waive the requirement to dedicate additional right-of-way along Cambell Street and the access easements with stipulations.

On May 24, 2007, the Planning Commission approved a Final Commercial Development Plan application (#07PD032) to construct a 131,748 square foot commercial building. In addition, the Final Commercial Development Plan included Eglin Street right-of-way between LaCrosse Street and E. North Street and the entryways into the development at the intersections of Eglin Street and LaCrosse Street and Eglin Street and E. North Street. The proposed commercial building, a "Target" store, was approved as Phase One of the Rushmore Crossing commercial development.

The property is located between LaCrosse Street and E. North Street on the south side of Interstate 90 and is currently void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Major Amendment to the Commercial Development Plan and has noted the following considerations:

**Design Features:** As noted above, on May 24, 2007, the Planning Commission approved a Final Commercial Development Plan application (#07PD032) to construct a 131,748 square foot commercial building on a portion of the subject property. The commercial building is to be the location of a "Target Store". To date, the applicant has not submitted any design information on the balance of the commercial structures within the development. As such, staff is recommending that upon submittal of a Final Commercial Development Plan application, complete elevations showing all sides of any future structures be submitted for review and approval. In addition, a complete list of building materials and color palette must be submitted for review and approval.

STAFF REPORT  
July 26, 2007

---

**No. 07PD048 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

Parking: As a part of a Final Commercial Development Plan application, a complete parking plan in compliance with the Parking Regulations must be submitted for review and approval.

Signage: Shopping center entrance signs and wall signs on the "Target Store" have been reviewed and approved as a part of Final Commercial Development Plan #07PD037. As a part of a Final Commercial Development Plan application for the balance of the property, a complete sign package, including any proposed signage on the buildings and direction signs within the parking lot, must be submitted for review and approval. In addition, the applicant must demonstrate that the sign package is in compliance with the Sign Code or the Sign Code must be amended as needed or an Appeal and/or Variance must be reviewed and approved by the Sign Code Board of Appeals.

Lighting Plan: As a part of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting must be submitted for review and approval. In addition, the lighting must be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist along Eglin Street and Interstate 90 or constitute a nuisance of any kind.

Fire Protection: The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). The Fire Department has also indicated that prior to issuance of a building permit, all weather access roads must be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. In addition, the proposed structures must have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code. Staff is recommending that the currently adopted International Fire Codes be continually met.

Dumpster: As a part of a Final Commercial Development Plan application, the location and size of all dumpsters must be submitted for review and approval. In addition, the dumpsters must be screened and elevations of the screening fence must be submitted for review and approval.

Air Handling Equipment: As a part of a Final Commercial Development Plan application, the location, size and noise rating of any exterior air handling equipment must be submitted for review and approval. In addition, the equipment must be screened from all adjacent properties, including rooftop equipment.

Air Quality Permit: An Air Quality Permit has been issued to allow the grading that is currently being done on the subject property. However, the Air Quality Permit must be amended to include any proposed development or a new Air Quality Permit must be obtained prior to the start of any additional construction.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the July 26, 2007 Planning Commission meeting if this requirement is not met. Staff has not received any calls or

STAFF REPORT  
July 26, 2007

---

**No. 07PD048 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

inquires regarding this proposal.