

STAFF REPORT  
September 6, 2007

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**No. 07PD060 - Planned Commercial Development - Final Development Plan      ITEM 45**

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GENERAL INFORMATION:

APPLICANT/ AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	<b>No. 07PD060 - Planned Commercial Development - Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	<p>A portion of the SW1/4 of the SW1/4 of Section 29, a portion of Lot A of Lots 1 and 2, of Lot B of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1R, Lot BR of Lot 2, and Lot C of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1 of the SW1/4 of SE1/4, Section 29, a portion of Tract C of SW1/4, Section 29, and Tract C of NE1/4 of NW1/4 and NW1/4 of NE1/4, Section 32, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N72°57'23"E, a distance of 1101.49 feet, to a point on the northerly edge of railroad right-of-way, and the point of beginning; Thence, first course: N18°38'17"E, a distance of 355.05 feet; Thence, second course: N71°13'41"W, a distance of 99.99 feet; Thence, third course: N19°04'01"E, a distance of 128.31 feet; Thence, fourth course: N20°54'05"E, a distance of 131.90 feet; Thence fifth course: S62°26'30"E, a distance of 40.60 feet; Thence sixth course: N62°57'08"E, a distance of 39.81 feet; Thence seventh course: S67°45'57"E, a distance of 104.51 feet, to the point of curve; Thence eighth course: curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 06°32'17", a length of 62.76 feet, a chord bearing of S64°29'48"E, and chord distance of 62.73 feet, to the point of tangency; Thence ninth course: S61°13'39"E, a distance of 423.21 feet; Thence tenth course: S55°31'01"E, a distance of 50.25 feet; Thence eleventh course: S61°13'39"E, a distance of 75.14 feet; Thence twelfth course: S17°40'27"E, a distance of 37.26 feet; Thence thirteenth course: S61°13'39"E, a distance of 78.67 feet; Thence fourteenth course: N65°38'22"E, a distance of 38.34 feet; Thence fifteenth course: S61°13'39"E, a distance of 305.78 feet, to a point of curve; Thence sixteenth course: curving to the right, on a curve with a radius of 560.69 feet, a delta angle of 20°28'20", a length of 200.34 feet, a chord bearing of S49°21'53"E, and chord distance of 199.28 feet, to the</p>

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point of tangency; Thence seventeenth course: S39°04'34"E, a distance of 54.37 feet, to the point of curve; Thence eighteenth course: curving to the left, on a curve with a radius of 560.00 feet, a delta angle of 05°58'25", a length of 58.39 feet, a chord bearing of S42°03'46"E, and chord distance of 58.36 feet; Thence nineteenth course: S02°32'49"E, a distance of 36.51 feet; Thence twentieth course: S47°33'44"E, a distance of 57.34 feet; Thence twenty-first course: N79°09'55"E, a distance of 39.08 feet; Thence twenty-second course: curving to the left, on a curve with a radius of 570.86 feet, a delta angle of 15°51'25", a length of 157.99 feet, a chord bearing of S64°03'45"E, and chord distance of 157.49 feet; Thence twenty-third course: S30°24'27"E, a distance of 56.33 feet; Thence twenty-fourth course: S76°54'32"E, a distance of 57.34 feet; Thence twenty-fifth course: N53°27'26"E, a distance of 59.74 feet; Thence twenty-sixth course: curving to the left, on a curve with a radius of 74,363.86 feet, a delta angle of 00°03'12", a length of 69.32 feet, a chord bearing of S83°46'46"E, and chord distance of 69.32 feet; Thence twenty-seventh course: S38°46'47"E, a distance of 19.20 feet; Thence twenty-eighth course: S26°02'24"W, a distance of 340.04 feet, to a point on the northerly edge of said railroad right-of-way; Thence twenty-ninth course: along the northerly edge of said railroad right-of-way curving to the right, on a curve with a radius of 2954.92 feet, a delta angle of 14°43'11", a length of 759.14 feet, a chord bearing of N71°01'21"W, and chord distance of 757.05 feet, to the point of tangency; Thence thirtieth course: N63°54'32"W, along the northerly edge of said railroad right-of-way, a distance of 136.37 feet; Thence thirty-first course: N63°04'37"W, along the northerly edge of said railroad right-of-way, a distance of 272.96 feet, to the point of curve; Thence thirty-second course: along the northerly edge of said railroad right-of-way curving to the left, on a curve with a radius of 2123.30 feet, a delta angle of 17°48'11", a length of 659.76 feet, a chord bearing of N71°57'55"W, and chord distance of 657.11 feet, to the point of beginning. Excepting Therefrom: More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N61°19'15"E, a distance of 1346.73 feet, to the point of beginning; Thence, first course: curving to the left, on a curve with a radius of 131.67 feet, a delta angle of 13°13'34", a length of 30.40 feet, a chord bearing of S62°41'45"E, and chord distance of 30.33 feet, to the point of tangency; Thence, second

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course: S69°18'33"E, a distance of 350.61 feet, to the point of curve; Thence, third course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 15°24'12", a length of 53.77 feet, a chord bearing of S61°36'27"E, and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course: S53°05'21"E, a distance of 39.05 feet, to the point of curve; Thence fifth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 07°29'03", a length of 26.13 feet, a chord bearing of S57°38'52"E, and chord distance of 26.11 feet, to the point of tangency; Thence sixth course: S61°23'24"E, a distance of 363.05 feet, to the point of curve; Thence seventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 08°19'57", a length of 29.09 feet, a chord bearing of S57°13'26"E, and chord distance of 29.06 feet, to the point of tangency; Thence eighth course: S53°03'27"E, a distance of 289.19 feet, to the point of curve; Thence ninth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 08°18'41", a length of 29.01 feet, a chord bearing of S57°12'48"E, and chord distance of 28.99 feet, to the point of tangency; Thence tenth course: S61°22'08"E, a distance of 218.47 feet, to the point of curve; Thence eleventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 01°03'23", a length of 3.69 feet, a chord bearing of S60°50'23"E, and chord distance of 3.69 feet, to the point of tangency; Thence twelfth course: S60°18'45"E, a distance of 228.27 feet; Thence thirteenth course: S28°36'26"W, a distance of 18.08 feet; Thence fourteenth course: N61°21'34"W, a distance of 0.17 feet; Thence fifteenth course: S28°36'23"W, a distance of 1.33 feet; Thence sixteenth course: S61°23'22"E, a distance of 0.17 feet; Thence seventeenth course: S28°36'23"W, a distance of 2.00 feet; Thence eighteenth course: N61°23'31"W, a distance of 0.58 feet; Thence nineteenth course: S28°36'27"W, a distance of 20.00 feet; Thence twentieth course: S61°23'31"E, a distance of 0.58 feet; Thence twenty-first course: S28°36'28"W, a distance of 2.00 feet; Thence twenty-second course: N61°23'22"W, a distance of 0.17 feet; Thence twenty-third course: S28°36'23"W, a distance of 1.33 feet; Thence twenty-fourth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-fifth course: S28°36'23"W, a distance of 2.00 feet; Thence twenty-sixth course: N61°23'34"W, a distance of 0.83 feet; Thence twenty-seventh course: S28°36'27"W, a distance of 13.67 feet; Thence twenty-eighth course:

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S61°23'22"E, a distance of 0.17 feet; Thence twenty-ninth course: S28°36'27"W, a distance of 5.33 feet; Thence thirtieth course: N61°23'22"W, a distance of 0.17 feet; Thence thirty-first course: S28°36'26"W, a distance of 17.67 feet; Thence thirty-second course: S61°24'22"E, a distance of 0.17 feet; Thence thirty-third course: S28°36'27"W, a distance of 10.33 feet; Thence thirty-fourth course: N61°23'32"W, a distance of 10.33 feet; Thence thirty-fifth course: N28°36'38"E, a distance of 0.33 feet; Thence thirty-sixth course: N61°23'34"W, a distance of 278.33 feet; Thence thirty-seventh course: S28°36'26"W, a distance of 43.33 feet; Thence thirty-eighth course: N61°23'34"W, a distance of 94.67 feet; Thence thirty-ninth course: N28°36'26"E, a distance of 17.16 feet; Thence fortieth course: N61°22'14"W, a distance of 162.00 feet; Thence forty-first course: N28°36'24"E a distance of 16.60 feet; Thence forty-second course: N61°23'34"W, a distance of 109.33 feet; Thence forty-third course: S28°35'58"W, a distance of 56.25 feet; Thence forty-fourth course: N61°39'08"W a distance of 26.67 feet; Thence forty-fifth course: N28°36'26"E, a distance of 16.02 feet; Thence forty-sixth course: N61°23'20"W, a distance of 92.67 feet; Thence forty-seventh course: N28°36'41"E a distance of 18.54 feet; Thence forty-eighth course: N61°23'34"W, a distance of 68.49 feet; Thence forty-ninth course: S58°23'11"W, a distance of 21.36 feet; Thence fiftieth course: N61°23'47"W a distance of 8.90 feet; Thence fifty-first course: S28°36'48"W, a distance of 32.34 feet; Thence fifty-second course: N61°23'32"W, a distance of 23.49 feet; Thence fifty-third course: N22°30'00"E a distance of 27.16 feet; Thence fifty-fourth course: N61°23'36"W, a distance of 104.28 feet; Thence fifty-fifth course: N28°36'37"E, a distance of 71.03 feet; Thence fifty-sixth course: N61°23'20"W a distance of 131.58 feet; Thence fifty-seventh course: S20°41'44"W, a distance of 27.13 feet; Thence fifty-eighth course: N69°18'10"W, a distance of 85.33 feet; Thence fifty-ninth course: S20°41'44"W a distance of 31.43 feet; Thence sixtieth course: S69°18'03"E, a distance of 26.34 feet; Thence sixty-first course: S20°41'56"W, a distance of 51.33 feet; Thence sixty-second course: N69°18'03"W a distance of 246.34 feet; Thence sixty-third course: N20°41'44"E, a distance of 35.75 feet; Thence sixty-fourth course: N81°18'16"W, a distance of 31.51 feet; Thence sixty-fifth course: N08°41'44"E a distance of 21.78 feet; Thence sixty-sixth course: N69°18'16"W, a distance of 151.29 feet; Thence sixty-seventh course: N00°33'29"W, a

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distance of 53.45 feet; Thence sixty-eighth course: N20°41'56"E a distance of 118.52 feet; Thence sixty-ninth course: N69°17'49"W, a distance of 0.33 feet; Thence seventieth course: N20°41'52'E, a distance of 48.74 feet, to the point of beginning.

PARCEL ACREAGE	Approximately 14.437 acres
LOCATION	East of LaCrosse Street and south of U.S. Interstate 90
EXISTING ZONING	General Commercial District (Initial Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District - Light Industrial District
South:	Low Density Residential District - General Commercial District - General Agriculture District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/27/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

**RECOMMENDATION:**

Staff recommends that the Planned Commercial Development - Final Development Plan be **approved with the following stipulations:**

- 1. A building permit shall be obtained prior to construction of the parking lot;**
- 2. Prior to issuance of a building permit, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 3. Prior to issuance of a building permit, utility easements shall be recorded at the Register of Deed's Office or the Final Plat document shall be recorded dedicating the utility easements as needed;**
- 4. Prior to issuance of a building permit, the parking plan shall be revised to show 21 handicap parking spaces as per the Parking Regulations;**
- 5. A minimum of 633,214 landscaping points with 49 landscape islands shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 6. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,**
- 7. 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**

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**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:

**(Update, August 25, 2007. All revised and/or added text is shown in bold print.) On August 22, 2007, the applicant submitted a revised site plan showing additional storage and stacking lanes along the parking lot approaches. This item was continued at the August 24, 2007 Planning Commission meeting to allow staff sufficient time to review the revised information.**

The applicant has submitted a Final Commercial Development Plan to construct 1,057 parking spaces with landscaping within the eastern portion of Rushmore Crossing development. In addition, the applicant has submitted a Final Commercial Development Plan (#07PD061) to construct a sporting goods retail store as a part of the Rushmore Crossing development. The applicant has also submitted a Final Commercial Development Plan (#07PD062) to construct 129 parking spaces with landscaping within the central portion of the Rushmore Crossing development.

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 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.

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

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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 Final Commercial Development Plan and has noted the following considerations:

**Traffic Impact Study:** A Traffic Impact Study was submitted with the associated Preliminary Plat identifying stacking and queuing lengths needed along Eglin Street. In particular, the Traffic Impact Study identified that two left exit lanes with a minimum queue length of 150 feet per lane must be provided at the middle approach to the parking lot. The Traffic Impact Study also identified that the eastern approach to the parking lot must provide 75 foot of storage. The site plan currently shows one left exit turn lane at the middle approach and approximately 40 foot of storage at the eastern approach. Revising the site plan to provide the additional storage and turning lane(s) may significantly alter the parking layout. As such, staff is recommending that the Final Commercial Development Plan be continued to allow the applicant to submit a revised site plan as identified. **As noted above, the applicant has submitted a revised site plan showing additional storage and stacking lanes along the parking lot approaches. Staff has reviewed the revised site plan and noted that it provides storage and stacking as per the Traffic Impact Study.**

**Parking:** The applicant has indicated that the proposed parking lot is being constructed in order to provide parking for 229,206 square feet of future commercial use within this area of the project. The proposed commercial use, calculated at a ratio of 4.5 parking spaces per 1,000 square foot of gross floor area, requires a minimum of 1,032 parking spaces. In addition, 21 of the parking spaces must be handicap accessible with two of the handicap spaces being "Van" accessible. The parking plan identifies 1,057 parking spaces with 20 handicap spaces. Eight of the handicap spaces are "Van" accessible. Staff is recommending that the parking plan be revised to provide one additional handicap accessible space for a total of 21 spaces as required. **The revised parking plan identifies 20 handicap parking spaces in**

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**lieu of 21 spaces as required. As such, staff is recommending that prior to issuance of a building permit, the parking plan be revised to show 21 handicap parking spaces.**

Utility Easements: The construction plans identify the extension of water and sewer lines through the parking lot. Staff is recommending that the Final Plat document be revised to show the utility lines within utility easements or miscellaneous documents must be recorded securing the utilities within utility easements prior to issuance of a building permit for the parking lot.

Landscaping: A minimum of 633,214 landscape points are required. In addition, a minimum of 21 landscape islands must be provided. The site plan identifies 633,214 landscape points with 49 landscape islands. Staff is recommending that the landscaping be provided as proposed and continually maintained in a live vegetative state and replaced as necessary. In addition, the landscaping plan must comply with all requirements of the Zoning Ordinance.

Legal Notification Requirement: The receipts from the certified mailings have **been returned and the sign has been posted on the property.** Staff has not received any calls or inquires regarding this proposal.