

STAFF REPORT
September 20, 2007

No. 07PD074 - Planned Commercial Development - Final Development Plan ITEM 41

GENERAL INFORMATION:

APPLICANT/ AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	No. 07PD074 - Planned Commercial Development - Final Development Plan
EXISTING LEGAL DESCRIPTION	<p>A portion of the W1/2 of the SW1/4 of Section 29, and a portion of the E1/2 of the SE1/4 of Section 30, 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 N32°32'41"W, a distance of 1491.89 feet, to the point of beginning; Thence, first course: N28°46'21"E, a distance of 193.37 feet; Thence, second course: S61°13'39"E, a distance of 81.34 feet; Thence, third course: 28°49'13"E, a distance of 298.23 feet; Thence, fourth course: S61°10'47"E, a distance of 68.21 feet; Thence fifth course: S61°13'39"E, a distance of 412.11 feet; Thence sixth course: S61°47'58"E, a distance of 109.05 feet; Thence seventh course: N04°14'01"W, a distance of 123.08 feet; Thence eighth course: N16°14'15"W, a distance of 138.20 feet; Thence ninth course: N11°50'56"W, a distance of 36.22 feet; Thence tenth course: N61°13'39"W, a distance of 287.41 feet; Thence eleventh course: N72°34'45"W, a distance of 79.09 feet; Thence twelfth course: S12°17'44"W, a distance of 21.89 feet; Thence thirteenth course: S11°45'53"W, a distance of 74.39 feet; Thence fourteenth course: S29°26'19"W, a distance of 108.19 feet; Thence fifteenth course: S28°46'23"W, a distance of 5.63 feet; Thence sixteenth course: N61°10'47"W, a distance of 62.74 feet; Thence seventeenth course: N28°49'13"E, a distance of 144.32 feet; Thence eighteenth course: N60°40'09"W, a distance of 81.72 feet; Thence nineteenth course: N28°46'21"E, a distance of 18.93 feet; Thence twentieth course: S80°48'13"E, a distance of 86.02 feet; Thence twenty-first course: N08°39'57"E, a distance of 139.34 feet; Thence twenty-second course: N28°46'21"E, a distance of 88.06 feet; Thence twenty-third course: S61°13'39"E, a distance of 40.33 feet; Thence twenty-fourth course: N59°10'51"E, a distance of 35.56 feet; Thence twenty-fifth course: S61°13'39"E, a distance of 354.47 feet; Thence twenty-sixth course: S07°29'34"W, a distance of 52.04 feet;</p>

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Thence twenty-seventh course: S28°46'21"W, a distance of 129.34 feet; Thence twenty-eighth course: S61°27'03"E, a distance of 54.85 feet; Thence twenty-ninth course: N73°46'21"E, a distance of 129.34 feet; Thence thirtieth course: S57°58'40"E, a distance of 40.43 feet; Thence thirty-first course: S00°05'13"W, a distance of 137.67 feet; Thence thirty-second course: S28°13'35"W, a distance of 34.62 feet; Thence thirty-third course: S70°01'59"W, a distance of 89.45 feet; Thence thirty-fourth course: S08°21'44"E, a distance of 74.30 feet; Thence thirty-fifth course: S00°56'32"E, a distance of 90.49 feet; Thence thirty-sixth course: S77°43'49"E, a distance of 267.11 feet; Thence thirty-seventh course: S72°57'11"E, a distance of 151.99 feet; Thence thirty-eighth course: S77°27'28"E, a distance of 10.43 feet; Thence thirty-ninth course: N17°37'42"E, a distance of 63.95 feet; Thence fortieth course: N00°05'48"E, a distance of 239.04 feet; Thence forty-first course: N28°14'45"E, a distance of 61.36 feet, to a point of curve; Thence forty-second course: curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 07°28'23", a length of 71.74 feet, a chord bearing of S50°13'34"E, and chord distance of 71.69 feet, to the point of tangency; Thence forty-third course: S38°54'51"E, a distance of 61.96 feet, to a point of curve; Thence forty-fourth course: curving to the right, on a curve with a radius of 682.20 feet, a delta angle of 08°10'18", a length of 97.30 feet, a chord bearing of S34°49'42"E, and chord distance of 97.22 feet, to the point of tangency; Thence forty-fifth course: S24°04'47"W, a distance of 31.13 feet; Thence forty-sixth course: S30°12'35"E, a distance of 38.33 feet; Thence forty-seventh course: S58°47'41"W, a distance of 83.19 feet; Thence forty-eighth course: S19°01'01"W, a distance of 166.07 feet; Thence forty-ninth course: S26°43'15"W, a distance of 40.45 feet; Thence fiftieth course: S18°46'19"W, a distance of 202.68 feet; Thence fifty-first course: S05°15'41"E, a distance of 31.14 feet; Thence fifty-second course: N83°27'45"W, a distance of 31.29 feet, to a point of curve; Thence fifty-third course: curving to the right, on a curve with a radius of 199.60 feet, a delta angle of 22°10'38", a length of 77.26 feet, a chord bearing of N72°23'46"W, and chord distance of 76.78 feet, to the point of tangency; Thence fifty-fourth course: N61°18'27"W, a distance of 435.06 feet; Thence fifty-fifth course: N18°02'17"W, a distance of 69.74 feet; Thence fifty-sixth course: N61°13'39"W, a distance of 584.79 feet; Thence fifty-seventh course: S78°33'40"W,

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a distance of 9.22 feet; Thence fifty-eighth course: S28°46'27"W, a distance of 97.40 feet; Thence fifty-ninth course: S12°38'26"E, a distance of 10.13 feet; Thence sixtieth course: S61°13'39"E, a distance of 607.36 feet; Thence sixty-first course: S28°46'21"W, a distance of 134.83 feet; Thence sixty-second course: S41°43'18"E, a distance of 110.38 feet; Thence sixty-third course: S60°58'18"E, a distance of 301.99 feet; Thence sixty-fourth course: S60°26'18"E, a distance of 75.50 feet; Thence sixty-fifth course: S71°24'56"E, a distance of 89.33 feet; Thence sixty-sixth course: S28°44'21"E, a distance of 46.82 feet; Thence sixty-seventh course: S71°13'14"E, a distance of 10.01 feet; Thence sixty-eighth course: S19°57'24"W, a distance of 79.24 feet; Thence sixty-ninth course: S00°24'43"E, a distance of 64.90 feet; Thence seventieth course: N71°18'35"W, a distance of 10.20 feet, to a point of curve; Thence seventy-first course: curving to the right, on a curve with a radius of 71.12 feet, a delta angle of 49°16'09", a length of 61.16 feet, a chord bearing of N46°40'31"W, and chord distance of 59.29 feet, to the point of tangency; Thence seventy second course: N22°02'26"W, a distance of 104.81 feet, to a point of curve; Thence seventy-third course: curving to the left, on a curve with a radius of 85.86 feet, a delta angle of 38°15'19", a length of 57.32 feet, a chord bearing of N41°10'06"W, and chord distance of 56.27 feet, to the point of tangency; Thence seventy-fourth course: curving to the right, on a curve with a radius of 250,555.22 feet, a delta angle of 00°16'44", a length of 1219.78 feet, a chord bearing of N61°00'35"W, and chord distance of 1219.77 feet, to the point of beginning

PARCEL ACREAGE	Approximately 15.528 acres
LOCATION	East of LaCrosse Street and west of E. North Street on the south side of Interstate 90
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)

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	Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/24/2007
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 and drainage easements shall be recorded at the Register of Deed's Office or the Final Plat document shall be recorded dedicating the utility and drainage easements as needed;
4. Prior to issuance of a building permit, a Final Commercial Development Plan shall be reviewed and approved which includes the west half of the most western approach into the property or the site plan shall be revised to show the entire approach within the boundaries of this Final Commercial Development Plan;
5. The parking plan shall be constructed in compliance with the approved plan. In particular, a minimum of 1,250 parking spaces shall be provided. In addition, 24 of the parking spaces shall be handicap accessible spaces. Four of the handicap spaces shall be "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
6. A minimum of 67,402 landscaping points with 25 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;
7. 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,
8. 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 Final Commercial Development Plan to construct 1,250 parking spaces with landscaping within the western portion of the 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

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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 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.

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.

On August 23, 2007, the Planning Commission approved a Final Commercial Development Plan application (#07PD060) to construct 1,057 parking spaces with landscaping within the

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eastern portion of the Rushmore Crossing 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:

Parking: The applicant has indicated that the proposed parking lot is being constructed in order to provide parking for 256,763 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 1,156 parking spaces. In addition, 22 of the parking spaces must be handicap accessible with two of the handicap spaces being "Van" accessible. The parking plan identifies 1,250 parking spaces with 24 handicap spaces. Four of the handicap spaces are "Van" accessible. Staff is recommending that the parking plan be constructed in compliance with the proposed plan. In addition, all provisions of the Off-Street Parking Ordinance must be continually met.

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 utility easements as needed 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 676,402 landscape points are required. In addition, a minimum of 25 landscape islands must be provided. The site plan identifies 676,402 landscape points with 52 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.

Access: The west half of the western approach into the parking lot is located outside of the boundary of this Commercial Development Plan. To date, a Final Commercial Development Plan has not been approved for this portion of the approach. As such, staff is recommending that prior to issuance of a building permit, a Final Commercial Development Plan be reviewed and approved which includes the west half of the approach or the site plan must be revised to show the entire approach within the boundaries of this Final Commercial Development Plan.

Legal Notification Requirement: As of this writing the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the September 20, 2007 Planning Commission meeting if these requirements have not been met.