

STAFF REPORT
October 4, 2007

No. 07SR045 - SDCL 11-6-19 Review to add a turn lane on East Mall Drive

ITEM 41

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Rapid Center, LLC
REQUEST	No. 07SR045 - SDCL 11-6-19 Review to add a turn lane on East Mall Drive
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Forefather Flats Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .08 Acres
LOCATION	South of East Mall Drive and I90
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/10/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to add a turn lane on East Mall Drive be approved with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall obtain approval from the City Council to prepare an H Lot and to authorize acceptance of a deed. In addition, the H Lot shall be recorded at the Register of Deed's Office;
2. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department. In particular, the plans shall show the location of future signalization of the intersection and the H Lot shall be revised to include the area for the required signalization equipment;

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3. Prior to Planning Commission approval, the H Lot shall be revised to include the sidewalk along the south side of Mall Drive;
4. Prior to Planning Commission approval, an eight foot wide minor drainage and utility easement shall be recorded at the Register of Deed's Office creating a drainage and utility easement along the south side of the H Lot or the H Lot shall be revised to include this area;
5. Prior to Planning Commission approval, an access easement shall be recorded at the Register of Deed's Office for the relocated approach into the property or the H Lot shall be revised to include this area; and,
6. Prior to Planning Commission approval, the construction plans shall be revised to show fire hydrants that are being relocated as new fire hydrant(s) in lieu of reusing fire hydrant(s) or an Exception shall be obtained.

GENERAL COMMENTS:

(Update, September 24, 2007. All revised and/or added text is shown in bold print.) This item was continued at the September 20, 2007 Planning Commission meeting to allow the applicant to meet the stipulations of approval. Staff will notify the Planning Commission at the October 4, 2007 Planning Commission meeting if the stipulations of approval have not been met.

(Update, September 10, 2007. All revised and/or added text is shown in bold print.) This item was continued at the September 6, 2007 Planning Commission meeting to allow the applicant to meet the stipulations of approval. Staff will notify the Planning Commission at the September 20, 2007 Planning Commission meeting if the stipulations of approval have not been met.

The applicant has submitted a SDCL 11-6-19 Review to construct a turn lane along E. Mall Drive as per the Traffic Impact Study dated August 17, 2007 for the "Rapid Center" development.

On June 4, 2007, the City Council approved a Preliminary Plat application (#07PL060) to create three lots, which included Phase One and Phase Two of the proposed "Rapid Center" development.

On June 18, 2007, the City Council approved a Fence Height Exception (#07FV003) to allow a six foot high galvanized chain link fence to be constructed along the south side of the property as it abuts Interstate 90.

On June 20, 2007, the City approved a Final Plat (#07PL078) creating Lots 1, 2 and 3 of Forefather Flats Subdivision, which included Phase One and Two of the proposed "Rapid Center" development.

On July 26, 2007, the Planning Commission approved an Initial Commercial Development Plan (#07PD046) to construct an 80,028 square foot Cabela's retail store on Lot 3 of the development.

The property is located east of Dyess Avenue and north of Interstate 90 and is currently void of any structural development.

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South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed turn lane is a public improvement and will be located within a public highway once the H Lot is recorded. In addition, the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 and has noted the following considerations:

H Lot: The applicant has submitted construction plans showing the turn lane located within an H Lot. As such, staff is recommending that prior to Planning Commission approval, the applicant obtain approval from the City Council to prepare an H Lot and to authorize acceptance of a deed. In addition, the H Lot must be recorded at the Register of Deed's Office.

Signalization: The Traffic Impact Study submitted with the previously approved Preliminary Plat identifies this intersection as a signalized intersection. As such, staff is recommending that prior to Planning Commission approval, the construction plans must be revised to show the location of the future signalization of the intersection and the H Lot must be revised to include the area for the required signalization equipment.

Sidewalk/Private Utilities: The construction plans previously approved as a part of the review and approval of the associated Preliminary Plat, identify a sidewalk and private utilities within the area now being used as a turn lane. The applicant has submitted construction plans showing the relocation of the sidewalk and the private utilities along the south side of the turn lane, outside of the H Lot or the previously platted minor drainage and utility easement. As such, staff is recommending that prior to Planning Commission approval, the H Lot be revised to include the sidewalk. In addition, an eight foot wide minor drainage and utility easement must also be recorded at the Register of Deed's Office creating a drainage and utility easement along the south side of the H Lot or the H Lot must be revised to include this area.

Approach: The approach into the property has been relocated east of its previously approved and platted location. As such, staff is recommending that prior to Planning Commission approval, an access easement be recorded at the Register of Deed's Office for the relocated approach into the property or the H Lot must be revised to include this area.

Staff is recommending that the SDCL 11-6-19 Review be approved with the stipulations as identified above.