

STAFF REPORT

April 10, 2008

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**No. 08PD004 - Major Amendment to a Planned Commercial Development to revise the landscaping plan** **ITEM 7**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	<b>No. 08PD004 - Major Amendment to a Planned Commercial Development to revise the landscaping plan</b>

EXISTING  
LEGAL DESCRIPTION

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

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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 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

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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  $13^{\circ}13'34''$ , a length of 30.40 feet, a chord bearing of  $S62^{\circ}41'45''E$ , and chord distance of 30.33 feet, to the point of tangency; Thence, second course:  $S69^{\circ}18'33''E$ , 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  $15^{\circ}24'12''$ , a length of 53.77 feet, a chord bearing of  $S61^{\circ}36'27''E$ , and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course:  $S53^{\circ}54'21''E$ , 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  $07^{\circ}29'03''$ , a length of 26.13 feet, a chord bearing of  $S57^{\circ}38'52''E$ , and chord distance of 26.11 feet, to the point of tangency; Thence sixth course:  $S61^{\circ}23'24''E$ , 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  $08^{\circ}19'57''$ , a length of 29.09 feet, a chord bearing of  $S57^{\circ}13'26''E$ , and chord distance of 29.06 feet, to the point of tangency; Thence eighth course:  $S53^{\circ}03'27''E$ , 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  $08^{\circ}18'41''$ , a length of 29.01 feet, a chord bearing of  $S57^{\circ}12'48''E$ , and chord distance of 28.99 feet, to the point of tangency; Thence tenth course:  $S61^{\circ}22'08''E$ , 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  $01^{\circ}03'23''$ , a length of 3.69 feet, a chord bearing of  $S60^{\circ}50'23''E$ , and chord distance of 3.69 feet, to the point of tangency; Thence twelfth course:  $S60^{\circ}18'45''E$ , a distance of 228.27 feet; Thence thirteenth course:  $S28^{\circ}36'26''W$ , a distance of 18.08 feet; Thence fourteenth course:  $N61^{\circ}21'34''W$ , a distance of 0.17 feet; Thence fifteenth course:  $S28^{\circ}36'23''W$ , a distance of 1.33 feet; Thence sixteenth course:  $S61^{\circ}23'22''E$ , a distance of 0.17 feet; Thence seventeenth course:  $S28^{\circ}36'23''W$ , a distance of 2.00 feet; Thence eighteenth course:  $N61^{\circ}23'31''W$ , a distance of 0.58 feet; Thence nineteenth course:  $S28^{\circ}36'27''W$ , a distance of 20.00 feet; Thence twentieth course:  $S61^{\circ}23'31''E$ , a distance of 0.58 feet; Thence twenty-first course:  $S28^{\circ}36'28''W$ , a distance of 2.00 feet; Thence twenty-second course:  $N61^{\circ}23'22''W$ , a distance

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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: 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

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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 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 14.537 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 water and sewer
DATE OF APPLICATION	2/8/2008
REVIEWED BY	Jared Ball / Ted Johnson

**RECOMMENDATION:**

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

1. Prior to Planning Commission approval, the existing Air Quality Permit shall be renewed or a new Air Quality Permit shall be obtained;
2. The landscaping points are hereby reduced from the previously required 633,214 points to 518,214 points. In particular, a minimum of 401,107 planting points shall be provided within the parking lot and 117,107 planting points shall be provided along Eglin Street. In addition, a minimum of 49 landscape islands shall be provided within the parking lot. The balance of the previously approved 115,000 landscape points shall be provided within

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- the adjacent parcel, along the pedestrian walkway as shown on the applicant's site plan. All landscaping shall be continually maintained in a live, vegetative state and replaced as necessary;
3. The previously approved plant species of Marshall's Seedless Ash, Bergeson Ash and Maples shall be replaced with Patmore Green Ash, Prairie Spire Ash, Little Leaf Linden, Boulevard Linden and similar species;
  4. A building permit shall be obtained prior to construction of the parking lot;
  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 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: (Updated, April 2, 2008. All revised and/or added text is shown in bold print.) This item was continued to the April 10, 2008 Planning Commission meeting at the applicant's request. Staff recommends that this item be approved with the above mentioned stipulations.**

The City has previously approved two separate Commercial Development Plans to construct parking and landscaping for the Rushmore Crossing Development. In particular, on September 6, 2007, the Planning Commission approved a Final Development Plan (#07PD060) to construct 1,057 parking spaces with landscaping within the eastern portion of Rushmore Crossing development. In addition, on September 20, 2007, the Planning Commission approved a Final Commercial Development Plan (#07PD074) to construct 1,250 parking spaces with landscaping within the western portion of the Rushmore Crossing development. The applicant has submitted this Major Amendment to a Planned Commercial Development to revise the landscaping plan eliminating 115,000 points from the eastern parking lot area (#07PD060) and relocating them along a pedestrian walkway within the western parking area (#07PD074). In particular, the applicant is proposing to reduce the number of landscape points within the parking lot from 484,574 points to 401,107 points and to reduce the landscape points along Eglin Street from 148,640 points to 117,107 points. The applicant is also proposing to substitute some of the previously approved tree species.

The property is located east of LaCrosse Street and south of U.S. Interstate 90.

**STAFF REVIEW:**

Staff has reviewed the Major Amendment to a Planned Commercial Development to revise the landscaping plan and has noted the following issues:

**Plant Material Location:** As noted above, the applicant is proposing to reduce the number of landscaping points within the parking lot and along Eglin Street by 115,000 points and to

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relocate the points along a pedestrian walkway located adjacent to this area. In particular, the applicant is proposing to reduce the number of landscape points within the parking lot from 484,574 points to 401,107 points and to reduce the landscape points along Eglin Street from 148,640 points to 117,107 points. The remaining landscape material within the parking lot and along Eglin Street will continue to reduce heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and along the street section. In addition, placing 115,000 landscape points along a pedestrian walkway will provide shade and aesthetic appeal and may encourage patrons to walk within the commercial development. As such, staff is recommending that the landscaping points be reduced from 633,214 points to 518,214 points. In particular, a minimum of 401,107 planting points must be provided within the parking lot and 117,107 planting points must be provided along Eglin Street. In addition, a minimum of 49 landscape islands must be provided within the parking lot. The balance of the previously approved 115,000 landscape points must be provided within the adjacent parcel, along the pedestrian walkway as shown on the applicant's site plan. All landscaping must be continually maintained in a live, vegetative state and replaced as necessary.

Substitute Tree Species: The applicant has requested to remove the Marshall's Seedless Ash, Bergeson Ash, and Maples from the planting design and replace the tree species with Patmore Green Ash, Prairie Spire Ash, Little Leaf Linden, Boulevard Linden and similar species. In particular, the applicant has indicated that the replacement species are hardier and more suited for this area. In addition, the replacement species are of similar size and will provide the same amount of shade and aesthetic appeal within the development. As such, staff recommends that the Major Amendment to a Planned Commercial Development to revise plant species be approved as requested.

Air Quality Permit: The Air Quality Permit for the Rushmore Crossing development expired on January 31, 2008. As such, staff recommends that prior to Planning Commission approval of the Major Amendment to a Planned Commercial Development, the existing Air Quality Permit must be renewed or a new Air Quality Permit must be obtained.

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 March 6, 2008 Planning Commission meeting if these requirements have not been met.