

STAFF REPORT  
May 8, 2008

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**No. 08PL053 - Preliminary Plat**

**ITEM 32**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	<b>No. 08PL053 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lots 2 and 3 of Block 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2A, 2B and 2C of Block 3 of Rushmore Crossing, formerly Lots 2 and 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.85 acres
LOCATION	North of Eglin Street and south of Interstate 90
EXISTING ZONING	General Commercial District (Planned Development Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/11/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, road construction plans for Interstate 90 shall be submitted for review and approval. In particular, the plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;

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2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the previously dedicated 8 foot wide minor drainage and utility easement along the common lot line or the easement shall be vacated and all of the affected utility companies shall submit written documentation concurring with the vacation;
3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the vacation of the previously dedicated shared approach located in the middle of proposed Lot 2B;
4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Interstate 90 or an Exception to the Street Design Criteria Manual shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised eliminating the non-access easement from the shared approach located along the east lot line of proposed lot 2C;
6. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Plat to subdivide two lots into three lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV026) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Interstate 90 as it abuts the property.

On October 23, 2007, the City approved a Final Plat (File #07PL078) to create 16 commercial lots, including this property.

The property is located north of Eglin Street and south of Interstate 90. Currently, the property is void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Preliminary Plat and has noted the following considerations:

**Zoning:** The property is currently zoned General Commercial District with a Planned Development Designation. The applicant should be aware that prior to issuance of a building permit, an Initial and Final Commercial Development Plan must be reviewed and approved.

**Easements:** The previously approved Final Plat for the two existing lots dedicated an 8 foot wide minor drainage and utility easement located along the common lot line. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show the previously dedicated 8 foot wide minor drainage and utility

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easement along the common lot line or the easement must be vacated and all of the affected utility companies must submit written documentation concurring with the vacation.

The previously approved Final Plat also shows the dedication of a 40 foot by 40 foot shared approach located on the common lot line of the two lots as they abut Eglin Street. However, relocating the common lot line as shown on this plat document, results in the shared approach being located in the middle of proposed Lot 2B. Since it no longer serves as a shared approach due to its location in the middle of the lot, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show the vacation of the previously dedicated shared approach.

Interstate 90: Interstate 90 is located along the north lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. To date, curb, gutter, sidewalk, street light conduit, water and sewer have not been constructed along the street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required.

Inspection Fees and Surety: Chapter 16.20.080 of the Rapid City Municipal Code states that before any Final Plat is approved, an additional fee shall be paid to the City to cover the costs of inspection of the subdivision improvements required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff is recommending that upon submittal of a Final Plat application, surety be posted and subdivision inspection fees be paid as required.

Warranty Surety:

On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of any public improvements, a Warranty Surety be submitted for review and approval if subdivision improvements are required.

The proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.