

STAFF REPORT
June 26, 2008

No. 08PL066 - Preliminary Plat

ITEM 62

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Rapid Center, LLC
REQUEST	No. 08PL066 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	An unplatted portion of the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.
PROPOSED LEGAL DESCRIPTION	Lots 4 thru 6 of Forefather Flats Subdivision , located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 14.208 acres
LOCATION	North of Interstate 90 and south of East Mall Drive between Dyess Avenue and North Elk Vale Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - Light Industrial District (Planned Development Designation) - Light Industrial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/25/2008
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, 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;**

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2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show Approach No. 3 and the proposed access easement extending south from Approach No. 3 to Lot 4. In addition, construction plans for the access easement shall be submitted for review and approval showing the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the Master Plan shall be revised to show the access aisle located on Lot 4 that aligns with Approach No. 3 with a minimum width of 26 feet in order to accommodate two-way traffic. In addition, the parking layout shall be revised to allow two-way angled parking and/or 90 degree parking in lieu of one-way angled parking along this access aisle as currently proposed;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for E. Mall Drive shall be submitted for review and approval showing a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained;
5. 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;
6. Prior to Preliminary Plat approval by the City Council, road construction plans for Beale Street shall be submitted for review and approval. In particular, the plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to Preliminary Plat approval by the City Council, construction plans for the access easement extending south from Approach No. 2 and along the south lot line of proposed Lots 5 and 6 shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide easement and constructed with street light conduit, curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained. In addition, a miscellaneous document shall be recorded at the Register of Deed's Office for that portion of the access easement(s) located outside the boundary of the plat. In addition, a copy of the recorded document shall be submitted to the Growth Management Department;
8. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City identifying the timing of street improvements along E. Mall Drive;
9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
10. 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;
11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
12. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the

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plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

GENERAL COMMENTS:

(Update, June 18, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 5, 2008 Planning Commission meeting to allow the applicant to submit additional information. On June 6, 2008, the applicant submitted a revised plat document, water and wastewater flow calculations, a storm sewer report, an Erosion and Sediment Control Permit and a revised Master Plan.

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the June 26, 2008 Planning Commission meeting.

The applicant has submitted a Preliminary Plat to create three lots leaving an approximate 36 acre non-transferable unplatted balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV030) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the proposed access easements from 59 feet to 26 feet; to waive the requirement to install sidewalk along the north side of East Mall Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way along Beale Street; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 as they abut the property. The applicant has also submitted a Final Commercial Development Plan (File #08PD020) to construct a 139,620 square foot retail store to be known as "Sam's Club" on proposed Lot 1 and to construct a gas station and carwash on proposed Lot 3.

On June 4, 2007, the City Council approved a Preliminary Plat application (File# 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 (File# 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 (File #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 (File #07PD046) to allow a commercial development on 53.71 acres, which included this property. The applicant indicated that the commercial development would include 569,000 square feet of commercial use(s). In addition, the applicant indicated that the development would be known as "Rapid Center" and would be constructed in four phases.

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On September 6, 2007, the Planning Commission approved a Final Commercial Development Plan (File #07PD071) to construct an 80,028 square foot retail sporting and hunting goods store to be known as "Cabela's" on Lot 3 of Forefather Flats Subdivision.

The property is located north of Interstate 90 and south of East Mall Drive and is currently 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 an Initial Commercial Development Plan. The applicant should be aware that prior to issuance of a building permit, a Final Commercial Development Plan must be reviewed and approved by the City.

Master Plan: A Master Plan showing the phasing of the development was submitted with the previous Preliminary Plat application to create Lots 1, 2 and 3 of Forefather Flats Subdivision. The applicant has subsequently revised the layout of the property and, as such, submitted a revised Master Plan as a part of this application. Staff has reviewed the revised Master Plan and noted that internal circulation between commercial use(s) has been limited. In particular, the access aisle located along the north side of the Cabela's store and the Sam's Club store terminates into a row of parking spaces as it extends west into a future phase of the development. The revised Master Plan has also eliminated Approach No. 3 from along East Mall Drive. In addition, the revised Master Plan has eliminated a majority of the sidewalks within the proposed development. As such, staff is recommending that this item be continued to allow the applicant to submit a revised Master Plan identifying a primary access to each of the proposed uses to serve as a major entryway focusing traffic within the development. In addition, the Master Plan must be revised to show additional interior access within the overall development. The Master Plan must also be revised to show pedestrian access from E. Mall Drive to the proposed commercial use(s) and pedestrian access between the use(s).

As previously indicated, the applicant has submitted a revised Master Plan showing the development of Approach No. 3. In addition, the Master Plan shows pedestrian access being provided from E. Mall Drive to the proposed commercial use(s) and pedestrian access between the commercial use(s).

The Master Plan also shows an access aisle aligned with Approach No. 3 providing direct access to the Sam's Club building from E. Mall Drive. However, the access aisle and adjacent one-way diagonal parking limits ingress traffic to the building and only allows egress traffic. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the Master Plan be revised to show the access aisle with a minimum width of 26 feet in order to accommodate two-way traffic. In addition, staff is recommending that the parking layout be revised to allow two-way angled parking and/or 90 degree parking in lieu of one-way angled parking along this access aisle as currently proposed.

Utilities: A plan and profile for the water main(s) must be submitted for review and approval. In addition, water and wastewater flow calculations must be submitted for review and approval.

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A Master Utility Plan must also be submitted for review and approval to identify the purpose for several of the proposed utility stub outs and to insure that easements are being secured as needed as a part of the development of this phase of the property. Staff is recommending that this item be continued to allow the applicant to submit the additional utility information as identified.

The plat document must also be revised to show all of the public utility easements with a minimum 20 foot width. In addition, the utility easements for the public utilities must be labeled as "City of Rapid City Utility Easements".

The applicant has submitted water and wastewater flow calculations as requested. In addition, the plat document has been revised to show 20 foot wide utility easements as required.

Drainage Plan: Additional drainage information must be submitted for review and approval. In particular, the drainage information must provide stormwater flow and piping capacity calculations for downstream of the site. In addition, the plat document must be revised to provide drainage easements as needed. Staff is recommending that this item be continued to allow the applicant to submit the additional drainage information and identify the drainage easements.

The applicant has submitted a drainage report which includes this property. A site inspection also identified that the downstream drainage improvements have been completed.

Stormwater Management Plan: As of this writing, a Stormwater Management Plan has not been submitted for review and approval. As such, staff is recommending that this item be continued to allow the applicant to submit an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual and a Stormwater Quality Plan for review and approval.

The applicant has submitted an Erosion and Sediment Control Permit. In addition, staff has reviewed and approved the Erosion and Sediment Control Plan.

Interstate 90: Interstate 90 is located along the south 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.

Beale Street: Beal Street is located within the Interstate 90 right-of-way and serves as a service road along the interstate highway. The street is classified as commercial street requiring that it be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the street is constructed with an approximate 20 foot wide paved surface. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans for the Beale Street be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be

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obtained.

E. Mall Drive: E. Mall Drive is located along the north lot line of the subject property and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. The street is currently located in a 100 foot wide right-of-way and constructed with three 12 foot wide paved lanes, curb, gutter, sidewalk along the south side, street light conduit, water and sewer. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for E. Mall Drive be submitted for review and approval showing a sidewalk along the north side of the street or a Variance to the Subdivision Regulations must be obtained.

Access Easements: The Preliminary Plat identifies access easements extending from East Mall Drive through the development. The easements range in width from 65 feet to 26 feet. However, the easements are classified as commercial streets requiring that they be located in a minimum 59 foot wide easement and/or right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans show the access easements being constructed with a 26 foot wide paved surface, water and sewer. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, revised construction plans be submitted for review and approval showing the street located in a minimum 59 foot wide easement and constructed with street light conduit, curb, gutter and sidewalk or a Variance to the Subdivision Regulations must be obtained.

The Preliminary Plat identifies that the access easements will be created by miscellaneous document. As such, staff is recommending that a copy of the recorded access easement(s) be submitted for review and approval prior to Preliminary Plat approval by the City Council.

Traffic Impact Study: The applicant had previously submitted a Traffic Impact Study with the Preliminary Plat application for Lots 1 through 3 of the Forefather Flats Subdivision. Subsequently, a draft agreement has been generated by the City Attorney's Office identifying when certain improvements will be needed. Staff is recommending that prior to Preliminary Plat approval by the City Council, the agreement be signed by the applicant and returned to the Growth Management Office for recording.

The Traffic Impact Study also identified a turn lane at Approach No. 3. However, the Preliminary Plat identifies that this approach is being eliminated. As such, the Traffic Impact Study must be revised to address the elimination of the approach and to identify if a turn lane is now needed at Approach No. 2. Staff is recommending that this item be continued to allow the applicant to revise the Traffic Impact Study and construction plans as needed.

As previously indicated, the applicant has submitted a revised Master Plan showing the development of Approach No. 3 as required.

Register of Deed's Office: The Register of Deed's Office has indicated that a different subdivision name for Gateway Subdivision must be submitted for review and approval since the name is already being used. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the applicant submit a revised subdivision name to

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Register of Deed's for review and approval. In addition, the plat document must be revised to show the approved subdivision name.

The applicant has submitted a revised plat document showing the three lots as Lots 4 thru 6 of Forefather Flats Subdivision. The Register of Deed's Office has reviewed and approved the subdivision name.

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.