

STAFF REPORT
October 9, 2008

No. 08PD050 - Major Amendment to a Planned Commercial Development

ITEM 9

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	No. 08PD050 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	<p>A portion of the SW$\frac{1}{4}$ of the SW$\frac{1}{4}$ of Section 29, a portion of Lot A of Lots 1 and 2, of Lot B of Lot 2, SE$\frac{1}{4}$ of SW$\frac{1}{4}$ Section 29, a portion of Lot 1R, Lot BR of Lot 2, and Lot C of Lot 2, SE$\frac{1}{4}$ of SW$\frac{1}{4}$ Section 29, a portion of Lot 1 of the SW$\frac{1}{4}$ of SE$\frac{1}{4}$, Section 29, a portion of Tract C of SW$\frac{1}{4}$, Section 29, and Tract C of NE$\frac{1}{4}$ of NW$\frac{1}{4}$ and NW$\frac{1}{4}$ of NE$\frac{1}{4}$, 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 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</p>

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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 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°13'34", a length of 30.40 feet, a chord bearing of S62°41'45"E, and chord distance of 30.33 feet, to the point of tangency; Thence, second

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course: S69°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°24'12", a length of 53.77 feet, a chord bearing of S61°36'27"E, and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course: S53°05'21"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°29'03", a length of 26.13 feet, a chord bearing of S57°38'52"E, and chord distance of 26.11 feet, to the point of tangency; Thence sixth course: S61°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°19'57", a length of 29.09 feet, a chord bearing of S57°13'26"E, and chord distance of 29.06 feet, to the point of tangency; Thence eighth course: S53°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°18'41", a length of 29.01 feet, a chord bearing of S57°12'48"E, and chord distance of 28.99 feet, to the point of tangency; Thence tenth course: S61°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°03'23", a length of 3.69 feet, a chord bearing of S60°50'23"E, and chord distance of 3.69 feet, to the point of tangency; Thence twelfth course: S60°18'45"E, a distance of 228.27 feet; Thence thirteenth course: S28°36'26"W, a distance of 18.08 feet; Thence fourteenth course: N61°21'34"W, a distance of 0.17 feet; Thence fifteenth course: S28°36'23"W, a distance of 1.33 feet; Thence sixteenth course: S61°23'22"E, a distance of 0.17 feet; Thence seventeenth course: S28°36'23"W, a distance of 2.00 feet; Thence eighteenth course: N61°23'31"W, a distance of 0.58 feet; Thence nineteenth course: S28°36'27"W, a distance of 20.00 feet; Thence twentieth course: S61°23'31"E, a distance of 0.58 feet; Thence twenty-first course: S28°36'28"W, a distance of 2.00 feet; Thence twenty-second course: N61°23'22"W, a distance 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:

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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 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

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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; and, a portion of the W½ of the SW¼ of Section 29, and a portion of the E½ of the SE¼ 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; 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

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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°03'40"W, 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

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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 29.965 Acres
LOCATION	South of Interstate 90 and Eglin Street between Luna Avenue and East North Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 9/12/2008

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. A building permit shall be obtained prior to construction of the parking lot;
2. The parking requirement is hereby reduced from 2,307 parking spaces to 2,083 parking spaces, which includes six recreational vehicle spaces. In addition, 31 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;
3. No overnight camping shall be allowed;
4. The 50,000 square foot basement area of the Scheel's building shall be used exclusively for storage. Any other use of the basement shall require the review and approval of a Major Amendment to the Planned Commercial Development. In addition, additional parking shall be provided as needed for the use;
5. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to the Commercial Development Plan or a subsequent Major Amendment; and,
6. 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 Major Amendment to a Commercial Development Plan to reduce the required number of parking spaces for a phase of the Rushmore Crossing commercial development from 2,307 parking spaces to 2,083 parking spaces. In particular, the applicant is requesting to reduce the parking requirement for the Scheel's building from 450 parking spaces to 238 parking spaces since the basement of the building, a 50,000 square foot area, will be used exclusively as storage in lieu of retail as previously indicated. In addition, the applicant has indicated that 18 of the parking spaces adjacent to the Scheel's building will be redesigned to create six recreational vehicle parking spaces.

On September 6, 2007, the Planning Commission approved a Final Commercial Development Plan (File #07PD060) to construct 1,057 parking spaces with landscaping within the eastern portion of the property. On September 20, 2007, the Planning Commission approved a Final Commercial Development Plan (File #07PD074) to construct 1,250 parking spaces with landscaping in the western portion of the property.

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The property is located between LaCrosse Street and E. North Street on the south side of Interstate 90. Currently, Scheel's, a sporting good store, is under construction on the western portion of the property. In addition, a strip mall has been constructed on the eastern portion of the property.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Final Commercial Development Plan and has noted the following considerations:

Parking: The two previously approved Final Commercial Development Plans to allow the construction of 2,307 parking spaces for this phase of the Rushmore Crossing development was calculated at the shopping center ratio of 4.5 parking spaces per 1,000 square foot of gross floor area. The applicant has since indicated that the 50,000 square foot basement of the Scheel's building will be used for storage in lieu of retail as initially indicated. However, utilizing the shopping center parking calculation requires that the parking ratio of 4.5 parking spaces per 1,000 square foot of gross floor area be used for all uses within the commercial development, including retail, offices, restaurants, storage, etc. This is done to allow any averaging of higher parking demand uses with lower parking demand uses along with shared trips between businesses.

The applicant has submitted this Major Amendment to the Commercial Development Plan to reduce the required number of parking spaces for this phase of the Rushmore Crossing development from 2,307 parking spaces to 2,083 parking spaces. In particular, the applicant is requesting to reduce the parking requirement for the Scheel's building from 450 parking spaces to 238 parking spaces by utilizing the parking calculation of .25 parking spaces per 1,000 square foot of gross floor area for the basement. In addition, the applicant has indicated that 18 of the parking spaces adjacent to the Scheel's building will be redesigned to create six recreational vehicle parking spaces.

Allowing the parking calculation for storage for the 50,000 square foot basement of the Scheel's building results in a total parking requirement of 2,082 parking spaces for this phase of the Rushmore Crossing development. As such, providing 2,083 parking spaces as proposed will provide adequate parking contingent upon the basement of the Scheel's building being used exclusively as storage.

Staff is recommending that the parking requirement be reduced from 2,307 parking spaces to 2,083 parking spaces, which includes six recreational vehicle spaces. In addition, 31 of the parking spaces must be handicap accessible spaces. Four of the handicap spaces must be "van accessible". In addition, all provisions of the Off-Street Parking Ordinance must be continually met.

It is recommended that a specific stipulation of approval identify that the 50,000 square foot basement area of the Scheel's building be used exclusively for storage. This will document the basis for granting the exception to the City Standards and provide protections to ensure the use of the basement is not changed in a manner that would increase the demand for parking. Any other use of the basement will require the review and approval of a Major Amendment to the Planned Commercial Development.

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Recreational Vehicles: As previously indicated, 18 of the parking spaces adjacent to the Scheel's building will be redesigned to create six recreational vehicle parking spaces. The applicant has indicated that no overnight camping will be allowed on the property.

Staff is recommending that the parking plan be revised to provide the six recreational parking spaces as proposed with the stipulation that no overnight camping be allowed.

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 October 9, 2007 Planning Commission meeting if these requirements have not been met.