

STAFF REPORT  
January 26, 2012

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**No. 11PL077 - Preliminary Plat**

**ITEM 9**

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GENERAL INFORMATION:

APPLICANT	Kent R. Hagg - Hagg Development, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Mall Drive, LLC
REQUEST	<b>No. 11PL077 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 of the SE1/4, and a portion of Lot E of the S1/2 of the SE1/4 of Section 28 located in the W1/2 of the SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2, 3 and 4 of Block 1 of Gateway Business Park Subdivision
PARCEL ACREAGE	Approximately 29.01 acres
LOCATION	Southwest of the intersection of East Mall Drive and Outfitter Road
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Light Industrial District
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	12/30/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by City Council, street construction plans for the

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- proposed access/parking aisle shall be submitted for review and approval. In particular, the plans shall show the street constructed with pavement, curb, gutter, sewer, water, street light conduit and sidewalks or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the site plan and plat document as identified on the red lined drawings. In addition, the red lined drawings shall be returned to Community Planning and Development Services;
  4. Prior to Preliminary Plat approval by City Council, the plans shall be revised to show the required sidewalks on the north side of East Mall Drive or a Variance to the Subdivision Regulation shall be obtained;
  5. Prior to Preliminary Plat approval by City Council, the applicant shall submit as-built drawings verifying the location of all utilities and stormwater management improvements located in Outfitter Road;
  6. Prior to Preliminary Plat approval by City Council, the temporary turnaround easement shall be revised to reflect a temporary turnaround in lieu of a storm sewer or utility easement and submitted to Register of Deeds for recording. In addition, a copy of the recorded easement shall be submitted to Community Planning and Development Services;
  7. Prior to Preliminary Plat approval by City Council, the applicant shall submit a summary statement showing how the subdivision and development of the property will affect the final build out assumptions made in the Traffic Impact Study;
  8. Prior to submittal of a Final Plat, the Certificate of Finance Officer shall be revised to read, "Community Planning and Development Services Director" in lieu of "Growth Management Director";
  9. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees shall be paid as required;
  10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required, and;
  11. 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 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:** The applicant has submitted a Preliminary Plat to create three lots leaving an unplatted, non-transferrable balance. The lots are to be known as Lots 2, 3, and 4 of Block 1, Gateway Business Park Subdivision. The applicant has also submitted a Subdivision Variance (File #11SV024) to waive the requirement to install water and sewer along Interstate 90; to reduce the width of the common access/parking easement from 59 feet to 40 feet; and to waive the requirement to install curb, gutter, sewer, sidewalk, street light conduit, water and sewer along the proposed access/parking easement.

The property is located between East Mall Drive and U.S. Interstate 90, immediately west of Outfitter Road. Currently, the property is void of structural development.

**STAFF REVIEW:** Staff has reviewed the Preliminary Plat and has noted the following considerations:

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Plat Document: The Certificate of Finance Officer on the Preliminary Plat's Certificates reads, "I, Finance Officer of the City of Rapid City, do hereby certify that the Growth Management Director of the City of Rapid City, has approved the Final Plat as shown hereon." Prior to submittal of a Final Plat, the Certificate of Finance Office must be revised to read, "I Finance Officer of the City of Rapid City, do hereby certify that the Community Planning and Development Services Director of the City of Rapid City, has approved the Final Plat as shown hereon."

Redline Comments: Prior to Preliminary Plat approval by the City Council, all necessary changes must be made to the site plan and plat document as identified on the red lined drawings. The red lined drawings must be returned to Community Planning and Development Services.

Planned Development: The proposed lots are located in a Planned Development (File #07PD007). The applicant should be aware that prior to issuance of a Building Permit, an Initial and Final Planned Commercial Development must be approved for the development of the property.

East Mall Drive: East Mall Drive is located along the northern lot line of Lots 3 and 4, and is classified as a principal arterial street on the City's Major Street Plan, requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, streetlight conduit, water and sewer. East Mall Drive is constructed to principal arterial street standards with the exception of sidewalk along the north side of the street. As such, prior to Preliminary Plat approval by City Council, the plans must be revised to show the required sidewalks on the north side of East Mall Drive or a Variance to the Subdivision Regulations must be obtained. The applicant should be aware that the sidewalk is not required to be constructed as a part of the plat, but rather, as a part of any future building permit for the adjacent property.

Interstate 90: Interstate 90 is located along the south lot line for Lot 2 and is classified as a principal arterial street requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, curb, gutter, sidewalk, street light conduit, and water have not been constructed along Interstate 90. An exception has been submitted and approved by the Public Works Department to waive the requirement to install curb, gutter, sidewalk, and street light conduit, along Interstate 90. Prior to Preliminary Plat approval by the City Council, construction plans must be submitted for review and approval showing the installation of water and sewer or a Variance to the Subdivision Regulations must be obtained.

Outfitter Road: Outfitter Road is located along the eastern lot lines of proposed Lots 2 and 4 and is classified as a commercial street, requiring that it be located within a minimum 59 foot right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted construction plans as a part of a previous Preliminary Plat (File #10PL061) showing the street located in a 60 foot right-of-way and constructed with a 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water, and sewer. This meets the minimum requirements for a

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commercial street. Prior to Preliminary Plat approval by City Council, the applicant must submit as-built drawings verifying the location of all utilities and stormwater management improvements located in Outfitter Road.

Access/Parking Easement: The proposed Access/Parking easement is located on Lots 3 and 4 along the southern lot line and is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The associated Variance to the Subdivision Regulations (File #11SV024) requests that the required right-of-way be reduced to 40 feet wide in lieu of the required 59 feet. Additionally, the Variance to the Subdivision Regulations requests that the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be waived. The applicant has not submitted construction plans for the proposed access/parking easement.

Prior to Preliminary Plat approval by City Council, construction plans for the proposed access/parking easement, including pavement, curb, gutter, water, sewer, streetlight conduit, and sidewalks must be submitted for review and approval, or a Variance to the Subdivision Regulations must be obtained.

Traffic Impact Study: A Traffic Impact Study for Foursquare Property which included East Mall Drive was completed in 2007 and updated in January, 2008. The study identifies appropriate access points along East Mall Drive. In addition, in order to determine the projected traffic counts along East Mall Drive, the study identifies the proposed uses of the properties within the area. The applicant's Master Plan shows that the properties will be developed as restaurants and retail space. The proposed uses appear to comply with the uses proposed by the Traffic Impact Study. Prior to Preliminary Plat approval by the City Council, the applicant must submit a summary statement showing how the subdivision and development of the properties will affect the assumptions made in the Traffic Impact Study.

Cost Estimate: A cost estimate for improvements was not submitted with the application materials. As such, prior to Preliminary Plat approval by Planning Commission, a cost estimate must be submitted for review and approval.

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. Upon submittal of a Final Plat application, surety must be posted and subdivision inspection fees must 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. 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. Prior to the City's acceptance of any public improvements, a Warranty Surety must be submitted for review and approval if subdivision improvements are required as a part of any future platting of the property.

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