GENERAL INFORMATION:

APPLICANT
CPP Rushmore II LLC

AGENT
Renner Associates, LLC

PROPERTY OWNER
CPP Rushmore II LLC

REQUEST
No. 22PL092 - Preliminary Subdivision Plan

EXISTING LEGAL DESCRIPTION
A portion of the N1/2 of the SE1/4 lying south of Interstate 90, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota

PROPOSED LEGAL DESCRIPTION
Proposed Lot 1 and Lot 2 of Rushmore Crossing II

PARCEL ACREAGE
Approximately 1.665 acres

LOCATION
North of the intersection of Eglin Street and Luna Avenue

EXISTING ZONING
General Commercial District (Planned Development)

FUTURE LAND USE DESIGNATION
Mixed-Use Commercial

SURROUNDING ZONING
North: Light Industrial District (Planned Development)
South: General Commercial District (Planned Development)
East: General Commercial District (Planned Development)
West: General Commercial District

PUBLIC UTILITIES
City sewer and water

DATE OF APPLICATION
August 12, 2022

REVIEWED BY
Marlo Kapsa / Emily Fisher

RECOMMENDATION:
Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Upon submittal of a Development Engineering Plan application, construction plans for the access and utility easement shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street or shall meet criteria for obtaining an Exception. The plans shall include a public turnaround pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved documents shall be
2. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show all necessary and/or proposed easements on the subject property;

3. Upon submittal of a Development Engineering Plan application, the Master Plan and Phasing Plan shall be revised to reflect the same lot numbering as proposed on the plat document;

4. Upon submittal of a Development Engineering Plan application, all information pursuant to Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;

5. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;

6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

7. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Registered Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;

8. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;

9. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;

10. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements created with the proposed development. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;

11. 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,

12. 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 Subdivision Plan application to create two commercial lots, leaving a non-transferable balance. The lots are to be sized 0.816 acres and 0.849 acres, respectively, and are to be known as Lots 1 and 2 of Rushmore Crossing II. The submitted Master Plan and Phasing Plan identify Lots 1 and 2 as Phase 1 of the project and the 7.744 acre unplatted balance as Phase 2.

The property is located in the north of the intersection of Luna Avenue and Eglin Drive. Currently, the property is void of any structural development.

A Preliminary Subdivision Plan is a tentative plan of a proposed subdivision requiring the installation of public improvements. Approval of a Preliminary Subdivision Plan by the City
Council is required before an applicant can proceed with Development Engineering Plans and a Final Plat application for all or part of the area within the Preliminary Subdivision Plan application.

STAFF REVIEW:
Staff has reviewed the Preliminary Subdivision Plan and has noted the following considerations:

Zoning: Currently, the property is zoned General Commercial District with an Initial Planned Development Overlay. The Future Land Use plan designates the appropriate future use of the property as Mixed-Use Commercial which supports General Commercial as a primary zoning designation. As such, the proposed plat is in compliance with the City’s Comprehensive Plan. The applicant should be aware that a Final Planned Development Overlay must be approved prior to issuance of a building permit.

Site Plan: Even though not a platting requirement, the applicant submitted a site plan showing the development of a 3,540 square-foot commercial building on proposed Lot 2. There appear to be design issues relative to the proposed layout that do not comply with the Rapid City Municipal Code. There is an existing 50-foot wide access and utility easement that runs north to south through proposed Lots 1 and 2 of the property. The applicant should be aware that no structural encroachment is allowed within this easement. Please note that approval of the Preliminary Subdivision Plan does not indicate approval of the proposed site plan.

Traffic Impact Study: A Traffic Impact Study was submitted for review and approval. Upon submittal of a Development Engineering Plan, additional information including a 2024 No-Build Scenario and 2024 Build conditions for Phase 2 of the project must be submitted for review and approval.

Eglin Street: Eglin Street is located along the southern lot line of the subject property and is classified as a collector street requiring that the street be located in a minimum 68-foot wide right-of-way and constructed with a minimum 34-foot wide paved surface to allow on-street parking in residential areas, curb, gutter, sidewalk, street light conduit, sewer and water. Eglin Street is currently constructed to arterial street standards and sufficient right-of-way is being shown on the plat document. As such, no additional improvements are needed as a part of this plat.

Utility and Access Easements: A 70-foot wide access and utility easement is proposed along the western and northern boundary of Lots 1 and 2 to serve as the primary access to both lots. A permanent public turnaround pursuant to Table 2-4 of the Infrastructure Design Criteria Manual must be provided within this easement. The access and utility easement is classified as commercial street requiring that it be located in a minimum 70-foot wide right-of-way and constructed with a minimum 26-foot wide pavement, curb, gutter, sidewalk, street light conduit, water and sewer. As such, prior to submittal of a Development Engineering Plan application, construction plans for the utility and access easement and permanent turnaround must be submitted for review and approval or criteria for obtaining an Exception must be met. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.
No. 22PL092 - Preliminary Subdivision Plan

**ITEM #4**

**Water:** The subject property is located in the Low Level and North Rapid water zones. Currently, there are dual water mains which run through the property. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer must be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report must demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Easements must also be provided as needed.

**Sewer:** An 8-inch sewer main is located within the existing access and utility easement located on the property. A sewer easement must be provided to the property to the west and is currently being shown on the Master Plan and Phasing Plan. Upon submittal of a Development Engineering Plan application, sewer plans and a design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual must be submitted for review and approval. The design report must demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, easements must be provided as needed.

**Drainage:** The property is located in the Box Elder Drainage Basin (Middle) as defined by the City. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code must be submitted for review and approval for the proposed subdivision improvements. The drainage report must address storm water quantity control and storm water quality treatment. In addition, upon submittal of a Final Plat application, an agreement must be submitted for recording securing ownership and maintenance of any proposed drainage elements. Drainage easements must also be dedicated as needed.

**Stormwater Management Plan:** The City Council has adopted a Stormwater Quality Manual and an Infrastructure Design Criteria Manual which provide criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual be submitted for review and approval as required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

**Development Agreement:** Section 1.16.1 of the Infrastructure Development Criteria Manual states that a Development Agreement may be required for construction approval. A Development Agreement is a tool which will provide the City and the developer with an instrument to document the financial and procedural requirements for the development of public improvements. Staff recommends that prior to approval of the Development Engineering Plan application, a Development Agreement must be entered into with the City for all public improvements.

**Summary:** The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.