

STAFF REPORT

February 10, 2000

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**PLAT #00PL001 - Lot Split**

**ITEM 7**

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GENERAL INFORMATION:

PETITIONER	Davis Engineering for Mark Treadwell
REQUEST	<b>PLAT #00PL001 - Lot Split</b>
LEGAL DESCRIPTION	Lot A of Lot 2 of Tract 4R and Lot B of Lot 2 of Tract 4R of Arches Addition, formerly: Lot 2 of Tract 4R of Arches Addition all located in: E1/2 SE1/4 of Section 11, T1N, R7E, BHM, W1/2 SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.789 Acres
LOCATION	At the southeast corner of the intersection of U.S. Highway 16 and Cathedral Drive
EXISTING ZONING	General Commercial
SURROUNDING ZONING	
North:	General Commercial
South:	General Commercial
East:	General Commercial
West:	General Commercial (PCD)
PUBLIC UTILITIES	City Sewer and Water
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that this Lot Split be approved as a Preliminary and Final Plat with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval of the Final Plat, the plat shall be revised to reflect a Major Drainage Easement over the existing drainage path on Lot B to convey storm water runoff from Lot A;
2. Prior to City Council approval of the Final Plat, the plat shall be revised to identify all drainage easements as "Major Drainage Easements." The standard Major Drainage Easement language shall be added to the plat;
3. Prior to City Council approval of the Final Plat, the petitioner shall provide a legal agreement identifying the party responsible for maintenance of the drainage detention facility on Lot B;
4. Prior to City Council approval of the Preliminary Plat, the petitioner shall provide the required design plan for the stabilization of the U.S. Highway 16 ditch;

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5. Prior to City Council approval of the Preliminary Plat, the petitioner shall construct and clean the storm water system. Verification shall be provided to Staff once the cleaning has been completed;
6. The proposed access easement along the southern edge of Lot B must be extended to the west across Lot A so as to connect to the existing access easement on the lot to the south of the subject property;
7. The proposed access easement must be built to City standards or a Subdivision Variance must be applied for and received waiving this requirement;
8. Prior to City Council approval of the Preliminary Plat, the petitioner must provide the required plans and subdivision improvements estimate for approval by the Engineering Division;
9. Prior to City Council approval of the Final Plat, the petitioner must have paid the required Subdivision Inspection fees and posted financial surety in a form to be approved by the City Attorney for any incomplete subdivision improvements;

Urban Planning Division Recommendations:

10. Prior to City Council approval of the Preliminary Plat, the petitioner shall provide a site plan and parking plan overlaid on the proposed lot lines to ensure that all applicable Zoning Ordinance requirements are being met;

Pennington County Register of Deeds Office Recommendations:

11. Prior to City Council approval of the Final Plat, the plat shall be revised to reflect the correct legal description;
12. Prior to City Council approval of the Final Plat, the plat shall be revised to identify the book and page numbers that the existing easements are filed under; and,

Building Inspections Division Recommendations:

13. Prior to City Council approval of the Final Plat, the petitioner shall provide a letter from a Registered Professional Engineer stating that the construction of the off-premise sign meets or exceeds current safe engineering standards.

GENERAL COMMENTS: This Preliminary and Final Plat has been submitted to divide an existing 1.8 acre parcel (Lot 2 of 4R) into two lots. The property is currently fully developed and is the location of a Wendy's restaurant and a Taco Bell restaurant. The plat is being submitted in order to create separate ownership lots for the two restaurants. This plat was submitted originally last Fall but was denied without prejudice by the Planning Commission on November 5, 1999 to allow the petitioner to address a number of outstanding issues related to the original platting of Lot 2 of 4R.

STAFF REVIEW: Staff has reviewed this proposed plat and has identified the following issues:

Drainage Easements: The Engineering Division has noted that storm water currently flows along a drainage path from west to east across the subject property. In order to accommodate the flow from Lot A across Lot B, the plat must be revised to include a major drainage

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easement on Lot B. There are also several existing drainage easements shown on this plat that must be labeled as "Major Drainage Easements."

Storm Water Detention Facility: The Engineering Division has noted that there is an existing underground stormwater detention facility located at the northeast corner of the subject property. This detention facility was built in order to collect runoff from all of Lot 2 of 4R. The proposed plat will now result in this detention facility being located on Lot B even though it will serve both lots. The Engineering Division is recommending that a maintenance agreement be submitted in order to ensure that the property owners will adequately maintain this drainage detention facility.

Additional Engineering Issues: The Engineering Division has noted that the construction of the roadside ditch where this property abuts U.S. Highway 16 was never completed properly as part of the construction on this property. In order to remedy this, the Engineering Division is requesting that the petitioner provide the required design plan for the stabilization of the U.S. Highway 16 ditch. Additionally, the Engineering Division has noted that the petitioner must construct and clean the existing storm water system. Verification shall be provided to Staff once the cleaning has been completed.

Register of Deeds Concerns: The Pennington County Register of Deeds Office has reviewed this proposed plat and has noted that the legal description needs to be corrected to identify Lot 2 as being located in the NE1/4 SE1/4 of Section 11 and the NW1/4 SW1/4 Section 12. The Register of Deeds Office has also stated that the plat needs to reflect the book and page numbers for the existing easements.

Site Plan: The Urban Planning Division has noted that the petitioner must submit an exhibit showing all relevant site plan information (including structures and parking) with respect to the proposed lot lines. This information is needed to ensure that each property can independently comply with all applicable Zoning and Off-Street Parking Ordinance requirements.

Off-Premise Sign: The Building Inspections Division has noted that there is an existing sign on proposed Lot A that advertises both restaurants. This sign will become an *off-premise sign* as defined by the Rapid City Sign Code once this plat is approved because the sign will advertise a business not located upon the same parcel as the sign is located. According to the Sign Code, any off-premise sign must be certified by a registered engineer. The petitioner has provided Staff with a letter from a sign contractor indicating the sign meets all applicable construction requirements but this is not adequate as the Sign Code requires approval by a registered professional engineer.

Access Easement: The plat as submitted proposes an access easement from Tower Road west across the southern end of Lot B to provide access to Lot A. Staff is recommending that this easement be extended further to the west across the southern portion of Lot A so as to connect to the existing access from the Rapid City Medical Center building to the south. Staff has noted that this access easement must be built to City standards as required by the

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Subdivision Regulations and the Street Design Criteria Manual. The easement is currently paved and there is curb and gutter but there are no sidewalks. The petitioner must either improve the easement to City standards including sidewalks or a subdivision variance must be received waiving this requirement.

Staff has reviewed this proposed plat and has found it to be in general compliance with the Zoning and Subdivision Ordinances assuming compliance with the previously-noted requirements.

