

STAFF REPORT

December 19, 2002

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**No. 02PL119 - Preliminary Plat**

**ITEM 13**

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GENERAL INFORMATION:

PETITIONER	Kevin Conway for Norman or Rod McKie
REQUEST	<b>No. 02PL119 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lots 1 thru 8 of Lot M1 of the S1/2 NW1/4, Lots A and B of Lot 1 of Lot M1 of the S1/2 NW1/4, Tract 4-B of Parcel 4 of SE1/4 NW1/4, and a portion of vacated Howard Street right-of-way located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.080 acres
LOCATION	West of Haines Avenue and north of Interstate 90
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District/Low Density Residential District
South:	Low Density Residential District
East:	General Commercial District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/08/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval. In addition, the plat document shall be

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2. revised to show additional utility easements as needed;
2. 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 Engineering Division;
3. Prior to Preliminary Plat approval by the City Council, traffic control plans for the abandonment of Howard Street shall be submitted for review and approval;
4. **Prior to Final Plat approval by the City Council, the applicant shall sign an agreement stating that Disk Drive shall be constructed prior to a Certificate of Occupancy being issued;**
5. **Prior to Preliminary Plat approval by the City Council, construction plans showing the typical road design for the 50 foot wide access and utility easement shall be submitted for review and approval. In particular, the typical road design shall include curb, gutter, water, sewer, street light conduit, sidewalk(s) and pavement;**
6. Prior to Preliminary Plat approval by the City Council, a drainage and grading plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
7. Prior to Final Plat approval by the City Council, a non-access easement shall be shown along Disk Drive except for approved approach location(s) and along the south lot line;

Fire Department Recommendation:

8. The Uniform Fire Codes shall be continually met;

Register of Deed's Office Recommendation:

9. Prior to Final Plat approval by the City Council, the plat title shall be revised to include "...all of Lot M-1 of the S1/2 NW/14, and a portion of...";

City Attorney's Office Recommendation:

10. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate the chain of title since 1958 for Howard Street in order to determine if any other property owner(s) have vested right(s) to Howard Street;

Urban Planning Division Recommendations:

11. Prior to Final Plat approval by the City Council, the City shall approve a resolution authorizing the Mayor and Finance Officer's signature(s) on the Infrastructure Development Partnership Fund loan for a portion of the Disk Drive improvements;
12. Prior to Final Plat approval by the City Council, the applicant shall sign a developer's agreement stipulating that the applicant pay their portion of the Disk Drive improvements. In addition, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
13. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval.

GENERAL COMMENTS:

**This item was continued at the November 21, 2002 Planning Commission meeting at the applicant's request to allow additional time for the applicant to meet with staff to**

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**discuss several of the stipulations of approval. This Staff Report has been revised as of December 8, 2003. All revised and/or added text is shown in bold print. (Please note, staff met with the applicant on December 6, 2002 to discuss the stipulations of approval as outlined above.)** The applicant has submitted a Preliminary and Final Plat replatting nine lots and incorporating a portion of Howard Street into two lots. In addition, the plat identifies the dedication of right-of-way for Disk Drive located along the north lot line of the property.

On January 10, 2002, an 11-6-19 SDCL Review was approved to allow for the construction of the preliminary grading of Disk Drive. The grading extended west of the intersection of Disk Drive and North Haines Avenue in a southwest direction intersecting with Howard Street.

The subject property is located approximately 1,100 feet west of the North Haines Avenue/Disk Drive intersection on the south side of Disk Drive and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Preliminary and Final Plat and has noted the following considerations:

Grading and Drainage Plan: The Engineering Division has indicated that a grading and drainage plan must be submitted for review and approval. In particular, the drainage plan must insure that facilities within the proposed Disk Drive extension are adequately sized to accommodate the drainage from the site or on-site detention may be necessary. If on-site detention is proposed, a drainage outfall must be identified and sized accordingly. Staff is recommending that a grading and drainage plan be submitted for review and approval prior to Preliminary Plat approval by the City Council and that the plat document be revised to provide drainage easements as needed.

Road Improvements: The construction plans show Disk Drive to be constructed with a 36 foot wide paved surface, sidewalks, curb, gutter, water and sewer. **Prior to Final Plat approval by the City Council, the applicant must sign an agreement stating that Disk Drive will be constructed prior to a Certificate of Occupancy being issued** The plans must be revised to also provide street light conduit. The plat document also shows a fifty foot wide access and utility easement extending south from Disk Drive through proposed Lot 1 to serve as access to proposed Lot 2. Construction plans for the access and utility easement must be submitted for review and approval. In particular, the access and utility easement must be constructed to City street design standards with curb, gutter, sidewalk, water, sewer, street light conduit and pavement or a Variance to the Subdivision Regulations must be obtained. **Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans showing the typical road design for the 50 foot wide access and utility easement be submitted for review and approval. In particular, the typical road design must include curb, gutter, water, sewer, street light conduit, sidewalk(s) and pavement.**

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Howard Street: In 1958, the United States District Court for South Dakota reviewed a "Judgment on Declaration of Taking" for those properties acquired by Court order for the future construction of U. S. Highway I-90 located within the S1/2NW1/4, Section 25, T2N, R7E, BHM in Pennington County, South Dakota. It was the Courts findings that the "...possession of the described land be delivered to the United States...and all persons ordered and directed to surrender possession on demand...". Subsequently, the South Dakota Department of Transportation has quitclaimed any and all interest they have in the property. (Please note, Howard Street is included in the legal description of the property(s) acquired by the above referenced action.) On November 4, 2002, the City Council approved a Resolution of Acceptance for that portion of Howard Street that abuts the subject property. It is the intent of this plat action to incorporate that portion of Howard Street into the subject property. Disk Drive, located north of the property, will provide primary access to this site and lands located farther west along Howard Street. The City Attorney's Office has indicated that the applicant must demonstrate the chain of title since 1958 for Howard Street in order to determine if any other property owner(s) have vested rights to Howard Street. Staff is recommending that the applicant demonstrate the chain of title as described prior to Preliminary Plat approval by the City Council.

The Engineering Division has indicated that a traffic control plan for the eventual closure of that portion of Howard Street that abuts the subject property must be submitted for review and approval. In particular, a phasing plan must be submitted demonstrating the stages at which Howard Street will be abandoned and pavement and embankment removed.

Water and Sewer Plans: The Engineering Division has indicated that a revised water and sewer plan must be submitted for review and approval. In particular, the water plans must be revised to include the water line located in that portion of Howard Street to be abandoned. The water line must be relocated through on-site utility easement(s) in order to provide on-site water for any future development of the two proposed lots.

Fire Department: The Fire Department has also indicated that all streets, cul-de-sacs and turnarounds must be designed and constructed in compliance with the Street Design Criteria Manual and the Uniform Fire Code. In addition, fire hydrants will be required as per City and Uniform Fire Code. The fire hydrants must be in place and operational prior to any building construction. In addition, an all weather access road to accommodate Fire Department apparatus, must be in place prior to any building construction. The Fire Department has also indicated that street signs and lot addresses must be posted prior to or in conjunction with any building construction. Staff is recommending that the Uniform Fire Code be continually met.

Surety: A Tax Increment Financing District has previously been approved to fund a portion of the Disk Drive improvements and to relocate and/or extend utilities, including the relocation of a portion of the Williston Basin Pipeline. Prior to City Council approval of the Final Plat, the applicant must sign a developers' agreement stipulating that the applicant pay their portion of these improvements. In addition, an adjacent property owner, Larry Henderson,

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has been working with the City to allow an Infrastructure Development Partnership Fund loan to serve as surety for his portion of the Disk Drive improvements. Prior to City Council approval, the City must approve a resolution authorizing the Mayor and Finance Officer's signature(s) on the Infrastructure Development Partnership Fund loan.

**Staff believes that the proposed plat generally complies with all applicable zoning and subdivision regulations assuming compliance with the stated stipulations.**