

STAFF REPORT

February 6, 2002

---

**No. 02PL051 - Preliminary and Final Plat**

**ITEM 17**

---

GENERAL INFORMATION:

PETITIONER	CSU Properties, LLC
REQUEST EXISTING LEGAL DESCRIPTION	<b>No. 02PL051 - Preliminary and Final Plat</b> Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.84 acres
LOCATION	The southeast corner of the intersection of 5th Street and North Street
EXISTING ZONING	Office Commercial District w/PDD
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Civic Center District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	05/10/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

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

**Fire Department Recommendations:**

- 1. All Uniform Fire Codes shall be continually met;**
- 2. Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of twelve inches in height and displayed on a contrasting background;**
- 3. Emergency vehicle access to structures shall be continually maintained;**

STAFF REPORT

February 6, 2002

---

No. 02PL051 - Preliminary and Final Plat

ITEM 17

---

**Urban Planning Division Recommendations:**

4. **Prior to City Council approval of the Final Plat, the applicant shall provide written documentation from the affected utility companies identifying that they have reviewed and approved the miscellaneous document dedicating the utility easement(s) necessary for the relocation of existing utilities and future utilities;**
5. **Prior to City Council approval of the Final Plat, the applicant shall file a miscellaneous document with the Pennington County Register of Deeds dedicating utility easement(s) necessary for the relocation of existing utilities and installation of future utilities. In addition, the miscellaneous document shall include temporary utility easement(s) for the existing utilities until the necessary utility relocations have been completed. The applicant shall provide a copy of the filed document to the Rapid City Planning Department;**
6. **Prior to City Council approval of the Final Plat, the applicant shall file a miscellaneous document with the Pennington County Register of Deeds dedicating utility easements necessary to provide access for maintenance equipment to the sanitary sewer main located on the south side of the subject property and provide a copy of the filed document to the Rapid City Planning Department;**
7. **Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,**
8. **Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

**GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This item was continued from the January 23, 2003 Planning Commission meeting.** On November 5, 2002 the applicant submitted a revised site plan showing access that is of sufficient size to accommodate maintenance equipment. This Preliminary and Final Plat request has been submitted to create a 1.1 acre lot. The property is located southeast of the intersection of Fifth Street and North Street and is currently void of structural development. The applicant is proposing to construct a 12,276 square foot office building and parking lot on the property.

A Layout Plat was approved by the City Council for the property on June 4, 2001 with eight stipulations. On July 16, 2001 the City Council approved a Planned Development Designation for the subject property with the stipulation that no sign permits be allowed unless approved as part of a Final Development Plan. The applicant has submitted a Initial and Final Development Plan in conjunction with the Preliminary and Final Plat (see File # 02PD025).

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

**Site Plan:** The site plan submitted with this request does not reflect the proposed boundaries of Lot 1 of Professional Plaza Subdivision. To ensure that the proposed development of the property conforms with all the requirements of the Rapid City Municipal Code staff is requesting that the applicant submit a revised site plan reflecting the proposed property boundaries. The revised site plan was submitted on July 12, 2002 and is reflective of the proposed property boundaries.

## STAFF REPORT

February 6, 2002

---

**No. 02PL051 - Preliminary and Final Plat**

**ITEM 17**

---

Haines Ave/Fifth Street Name: The plat submitted with this request identified the right of way located on the west side of proposed Lot 1 as Haines Avenue. Staff has reviewed existing plats and believes that the right of way should be labeled Fifth Street.

Sanitary Sewer: The engineering plans submitted with this Preliminary and Final Plat request included the design of a sanitary sewer main along the south side of the subject property within a vacated alley. The sanitary sewer main must be centered within a 20 foot wide utility easement. Because the site plan does not reflect the proposed boundaries of Lot 1 of Professional Plaza Subdivision, it is difficult to determine the extent of the utility easement that can be granted as a part of the proposed plat and the remaining amount of easement that must be provided by a miscellaneous document. Staff is requesting that the applicant revise the site plan to include the proposed property boundaries, revise the plat to include the portion of the utility easement that lies within Lot 1 and submit documentation of a utility easement providing the balance of the 20 foot utility easement for review and approval. The miscellaneous document will need to be recorded by the Register of Deeds prior to City Council approval of the Final Plat. The revised engineering plans were submitted on July 12, 2002 and staff has reviewed the revised plans.

On November 14, 2002 the applicant provided documentation showing that the when vacated, the alley along the south side of the subject property was retained as a non-buildable utility easement. Therefore the requirement that the applicant secure a utility easement from the adjacent landowner has been eliminated. However, that same document showed that the vacated Fourth Street right-of-way was also retained as a non-buildable utility easement. The applicant's site plan shows that a retaining wall will be located within the vacated Fourth Street right-of-way. The applicant has the option of either revising the site plan to eliminate any structures within the non-buildable utility easement or vacate the non-buildable easement. The applicant has mailed the required notification letters to all affected utility companies requesting that the non-buildable utility easement be vacated. As of December 11, 2002, staff has received two responses from utility companies objecting to the applicant's request to vacate the non-buildable utility easement. The applicant has indicated that he is investigating the validity of the Exhibit designating the non-buildable utility easement. On December 16, 2002 the applicant submitted an opinion letter from the First American Title Company noting that the Resolution of Vacation makes no reference of incorporation of Exhibit "A" into the Resolution or that the exhibit will be recorded with the Resolution or of the "note" contained on the Exhibit which provides that "all vacated portions are to remain as non-buildable utility easements." The letter also states "...it was our Examiner and Company's position in issuing the commitment to insure the property in question that the vacated portions are not subject to the Note in question which is found on the document denoted as Exhibit "A"." However, both Montana-Dakota Utilities and Black Hills Power and Light have indicated that utilities currently exist within the non-buildable utility easement. The City of Rapid City Attorney has indicated that the Exhibit and note filed with the Resolution is valid and that the applicant will need to either vacate the non-buildable utility easement or revise the site plan to eliminate any structures within the non-buildable utility easement. On January 14, 2003, the applicant indicated that he is working with the affected utility companies to relocate the utilities located within the existing utility easement and vacate the existing easement. **As of January 27, 2003 all of the**

## STAFF REPORT

February 6, 2002

---

**No. 02PL051 - Preliminary and Final Plat**

**ITEM 17**

---

**affected utility companies have responded to the applicant's request to vacate the non-buildable utility easement; however, Black Hills Power, Montana-Dakota Utilities and Midcontinent Communications have granted approval with the stipulation that the applicant dedicate an alternate utility easement for the relocation of existing utilities and for the location of future utilities. In addition, temporary easements must be maintained until the existing utilities are relocated. Staff is recommending that prior to City Council approval of the Final Plat that the applicant obtain written documentation from each of the affected utility companies identifying that the proposed easement document has been reviewed and approved. Staff is also recommending that prior to Final Plat approval by the City Council the applicant file the stipulated utility easement, including temporary easements for existing utilities until they are relocated, with the Pennington County Register of Deeds and provide a copy of the filed easement document to the Rapid City Planning Department.**

Non-access easements: The Engineering Division has noted that non-access easements must be included along the Haines Avenue/Fifth Street frontage of the property and along the North Street frontage from the northwest property corner east for a distance of 176 feet. Staff is requesting that the applicant submit a revised plat providing the required non-access easements for review and approval. The revised plat submitted on July 12, 2002 shows the required non-access easements along the Haines Avenue/Fifth Street frontage of the property and along the North Street frontage from the northwest property corner east for a distance of 176 feet.

Retaining Walls: The site plan shows proposed retaining walls to be constructed in close proximity to the Fifth Street right of way. The retaining wall plans submitted with this request are not of sufficient detail to determine if any portion of the wall, including tiebacks, will extend into the right of way. In addition, the Engineering Division has requested that the applicant submit detailed retaining wall plans that include schedules for reinforcement, tiebacks, backfill specifications and geotechnical engineer recommendations. The revised site plan submitted on July 12, 2002 included all the requested information. The site plan shows that landscaping material will be planted within the backfill area of the retaining wall. The retaining wall should be designed to accommodate the landscape material and irrigation. The Engineering Division has also noted that the Uniform Building Code, Chapter 33 requires that grade changes of more than 30 inches adjacent to a pedestrian walkway must be protected by a physical barrier such as a fence. Staff is requesting that the applicant submit a revised site plan including the barrier where necessary. The revised plans indicate that a physical barrier will be provided where grade changes trigger Section 33 of the Uniform Building Code. The specific details of the barrier were not provided and staff is recommending that prior to issuance of a building permit the applicant provide details showing a barrier that complies with all requirements of the Uniform Building Code.

Grading and Drainage Plans: The Engineering Division has noted that the grading plan submitted with this request is not complete and that no drainage plan was submitted. The grading plan does not include the proposed grading for the north or west side of the proposed building. Staff is requesting that the applicant submit a revised grading plan and complete drainage design plans. The revised site plan was submitted on July 11, 2002. The Engineering Division has reviewed the grading plans and noted that the plans are

## STAFF REPORT

February 6, 2002

---

**No. 02PL051 - Preliminary and Final Plat**

**ITEM 17**

---

adequate for the approval of the Preliminary and Final Plat. A few revisions may be required prior to issuance of a building permit.

Utility Plans: The Engineering Division has noted that further information must be included on the utility plans prior to Planning Commission approval of the Preliminary Plat. The required information includes identifying the location of water system components and the proposed grading to be completed in conjunction with the installation of the sanitary sewer main. The revised engineering plans include the information requested regarding the water system components. The revised plans included grading plans for the sanitary sewer main located on the south side of the subject property; however, City Utility Maintenance Staff have indicated that the proposed access is not sufficient for maintenance equipment and must be revised. On November 7, 2002 the applicant submitted a revised site plan showing the location of access to the proposed sanitary sewer main and manhole that is of sufficient size to accommodate maintenance equipment.