

STAFF REPORT

February 20, 2003

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**No. 03PL004 - Preliminary and Final Plat**

**ITEM 7**

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Williston Basin Interstate Pipeline Co.
REQUEST	<b>No. 03PL004 - Preliminary and Final Plat</b>
EXISTING LEGAL DESCRIPTION	A portion of Parcel No. 5 located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	The dedicated public right-of-way shown as Disk Drive formerly a portion of Parcel No. 5 located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.115 acres
LOCATION	West of Haines Avenue and north of Interstate 90
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/10/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

Engineering Division Recommendation:

1. Prior to Final Plat approval by the City Council, Disk Drive shall be constructed with a 36 foot wide paved surface, curb, gutter, sidewalk, water and sewer;

Register of Deed's Office Recommendation:

2. Prior to Final Plat approval by the City Council, the plat title shall be revised to read "...formerly a portion of Parcel 5 of NE1/4NW1/4 of Section 525, T2N, R7E located in...".

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Urban Planning Division Recommendations:

3. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
4. Prior to Final Plat approval by the City Council, a developer's agreement shall be signed by the applicant and/or some other form of surety, acceptable by the City Attorney's Office, shall be posted for the improvements that have not been completed. **The developer's agreement may also serve to secure the subdivision inspection fees.**

GENERAL COMMENTS:

**This item was continued at the February 6, 2003 Planning Commission meeting at the applicant's request. This Staff Report has been revised as of February 8, 2003. All revised and/or added text is shown in bold print.** The applicant has submitted a Preliminary and Final Plat to dedicate right-of-way measuring 100 feet in width and 49.98 feet in length for Disk Drive. On January 10, 2002, the Planning Commission approved a SDCL 11-6-19 Review for the construction of the preliminary grading of Disk Drive, including the subject property. The grading extends west of the intersection of Disk Drive and North Haines Avenue in a southwest direction intersecting with Howard Street.

On December 19, 2002, the Planning Commission approved Preliminary and Final Plat #02PL119 to replat nine lots and incorporate 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. A five foot wide strip of land is located between the Disk Drive right-of-way dedicated as a part of Preliminary and Final Plat #02PL119 and this plat. This strip of land is not owned by the applicant and, to date, has not been dedicated as public right-of-way.

The subject property is located approximately 1,100 feet west of the North Haines Avenue/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:

Road Construction: The road construction plans for this portion of Disk Drive were reviewed and approved in conjunction with Preliminary and Final Plat #02PL119. The construction plans identify Disk Drive as a 100 foot wide right-of-way with a 36 foot wide paved surface, curb, gutter, sidewalk, water and sewer. Prior to City Council approval, this portion of Disk Drive must be constructed as identified or a developer's agreement must be signed by the applicant and/or some other form of surety, acceptable by the City Attorney's Office, must be posted for the improvements. **In addition, subdivision inspection fees must be submitted. The developer's agreement may serve to secure the subdivision inspection fees.**

Non-transferable Balance: The subject property is a portion of Parcel No. 5 located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South

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Dakota. Platting the right-of-way for Disk Drive as proposed will leave a non-transferable balance of land measuring 99.79 feet X 49.98 feet. Prior to the transfer of ownership for this non-transferable balance of Parcel 5, the property must be platted.

Plat Labeling: The Register of Deed's Office has indicated that the plat title must be revised to read "...formerly a portion of Parcel 5 of NE1/4NW1/4 of Section 525, T2N, R7E located in...". Staff is recommending that the plat document be revised as identified prior to City Council approval of the Final Plat.

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