

STAFF REPORT  
May 27, 2004

No. PW060104-04

No. 04PL057 - Preliminary Plat

ITEM 18

GENERAL INFORMATION:

PETITIONER	Renner & Associates for the City of Rapid City
REQUEST	No. 04PL057 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	The unplatted portion of the S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract 1 of Discovery Subdivision, located in the S1/2 of the SE1/4 of the of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.455 acres
LOCATION	North of the Rapid City Visitor's Center along East Mall Drive
EXISTING ZONING	General Commercial District/General Agriculture District/Light Industrial District/Heavy Industrial District/General Commercial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	General Commercial District/General Agriculture District/Heavy Industrial District
South:	General Commercial District/General Agriculture District
East:	Box Elder
West:	General Commercial District/Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/13/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

- Staff recommends that the Preliminary Plat be approved with the following stipulations:
1. Prior to Preliminary Plat approval by the City Council, construction plans for Elk Vale Road shall be submitted for review and approval. In particular, the construction plans shall show Elk Vale Road located in a minimum 100 foot wide right-of-way and constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of an additional one foot to 17 foot of right-of-way along

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- Elk Vale Road;
2. Prior to Preliminary Plat approval by the City Council, construction plans for Mall Drive shall be submitted for review and approval. In particular, the construction plans shall show Mall Drive constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;
  3. Prior to Preliminary Plat approval by the City Council, construction plans for Taggart Road shall be submitted for review and approval. In particular, the construction plans shall show Taggart Road located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  4. Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval;
  5. Prior to Preliminary Plat approval by the City Council, the calculations and design for the drainage crossing at Taggart Road intersection shall be submitted for review and approval;
  6. Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Elk Vale Road and all corner lots as per the Street Design Criteria Manual or a Special Exception shall be obtained;
  7. A Special Exception is hereby granted to reduce the separation from the Mall Drive/Elk Vale Road intersection and the approach to the proposed lot located north of Elk Vale Road from 460 feet to 300 feet as per the Street Design Criteria Manual;
  8. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
  9. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted in a form acceptable to the City Attorney and the subdivision inspection fees shall be paid

GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to subdivide a 42 acre parcel creating a 6.455 acre lot and leaving a 35.545 non-transferable balance. In addition, the Preliminary Plat identifies the extension of Mall Drive right-of-way from Elk Vale Road to the west lot line of the subject property. The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement. (See companion item #04SV028.)

The subject property is currently owned by the City and at the direction of City Council, is being platted for sale to the general public. The property is located in the southwest corner of the Mall Drive/Elk Vale Road intersection and is currently void of any structural development.

STAFF REVIEW:

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

Elk Vale Road: Elk Vale Road is located along the east lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that the street

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be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Elk Vale Road, as it abuts the subject property, is located in a varying right-of-way width from 66 feet to 210 feet and constructed with a 36 foot wide paved surface, water and sewer. Prior to Preliminary Plat approval by the City Council, construction plans showing the construction of curb, gutter, street light conduit and sidewalk must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained or surety posted for the design. In addition, the plat document must be revised to dedicate additional right-of-way for Elm Avenue varying from one foot to 17 feet.

Mall Drive: Mall Drive is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The Preliminary Plat identifies the dedication of a 100 foot wide right-of-way for Mall Drive as it abuts the subject property. In addition, the first 400 feet of Mall Drive as it extends west from Elk Vale Road has been constructed with a 36 foot wide right-of-way, curb, gutter and water. Prior to Preliminary Plat approval by the City Council, construction plans showing all of Mall Drive constructed with a minimum 36 foot wide right-of-way with curb, gutter, sidewalk, street light conduit and sewer must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained or surety posted for the design.

Taggart Road: On November 3, 2003, the City Council approved a Preliminary Plat to create seven commercial lots and 11 industrial lots as a part of the I-90 Heartland Business Park located directly north of the subject property. The approved Preliminary Plat identifies the extension of a commercial street through the site and abutting the north lot line of the subject property. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document must be revised to show the dedication of a 59 foot wide right-of-way that aligns with the previously approved street. In addition, construction plans must be submitted for review and approval showing the street being constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained or surety posted for the design.

Non-Access Easement: Staff is recommending that the plat document be revised to provide a non-access easement along Elk Vale Road and all corner lots in accordance with the access standards in the Street Design Criteria Manual. A Special Exception to the Street Design Criteria Manual is desired in any location that does not comply with the Street Design Criteria Manual. The applicant has requested a Special Exception to reduce the separation between the Mall Drive/Elk Vale Road intersection and the approach to the proposed lot located north of Mall Drive from 460 feet to 300 feet. Staff has noted that allowing the reduced separation will align the proposed approach with the existing approach to the City Visitor's Center. Aligning the two intersections will provide better traffic circulation patterns and improve the traffic safety. As such, staff is recommending that the Special Exception be granted as approved.

Drainage Plan: Staff has noted that the calculations and design for the drainage crossing at the

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Taggart Road intersection must be submitted for review and approval. Staff is recommending that the additional drainage information be submitted for review and approval or surety posted for the design prior to Preliminary Plat approval by the City Council.

Water: Currently, the City's water main is located approximately 21 feet west of the east property boundary along Elk Vale Road. Even with the additional right-of-way being dedicated for Elk Vale Road, the water line will be located on the proposed platted lot(s). As such, the City Attorney's Office has indicated that as a part of the Deed document, the City must reserve an area from the sale of the land for the existing water main.

Staff believes that this proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.

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**No. 04SV028 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code**

**ITEM 19**

**GENERAL INFORMATION:**

<b>PETITIONER</b>	Renner & Associates for the City of Rapid City
<b>REQUEST</b>	<b>No. 04SV028 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
<b>EXISTING LEGAL DESCRIPTION</b>	The unplatted portion of the S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
<b>PROPOSED LEGAL DESCRIPTION</b>	Tract 1 of Discovery Subdivision, located in the S1/2 of the SE1/4 of the of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
<b>PARCEL ACREAGE</b>	Approximately 6.455 acres
<b>LOCATION</b>	North of the Rapid City Visitor's Center along East Mall Drive
<b>EXISTING ZONING</b>	General Commercial District/General Agriculture District/Light Industrial District/Heavy Industrial District/General Commercial District w/Planned Commercial Development
<b>SURROUNDING ZONING</b>	
North:	General Commercial District/General Agriculture District/Heavy Industrial District
South:	General Commercial District/General Agriculture District
East:	Box Elder
West:	General Commercial District/Light Industrial District
<b>PUBLIC UTILITIES</b>	City sewer and water
<b>DATE OF APPLICATION</b>	05/13/2004
<b>REVIEWED BY</b>	Vicki L. Fisher / Sig Zvejnieks

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**No. 04SV028 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code**

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to improve Elk Vale Road, Mall Drive and Taggart Road as they abut the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property, a 42 acre parcel, to create a 6.455 acre lot and leave a 35.545 non-transferable balance. The Preliminary Plat also identifies the extension of Mall Drive right-of-way from Elk Vale Road to the west lot line of the subject property. (See companion item #04PI057.)

The subject property is currently owned by the City and at the direction of City Council, is being platted for sale to the general public. The property is located in the southwest corner of the Mall Drive/Elk Vale Road intersection and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

Street Improvements: As noted in the associated Preliminary Plat, a 59 foot wide right-of-way must be provided for Taggart Road aligning with a previously platted commercial street located north of the subject property. In addition, Taggart Road must be constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sewer and water. In addition, Mall Drive and Elk Vale Road must be constructed and/or improved to meet principal arterial street design standards requiring that the street(s) be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Elk Vale Road, as it abuts the subject property, is located in a varying right-of-way width from 66 feet to 210 feet and constructed with a 36 foot wide paved surface, water and sewer. In addition, the first 400 feet of Mall Drive as it extends west from Elk Vale Road has been constructed with a 36 foot wide right-of-way, curb, gutter and water.

Staff is recommending that the Variance to the Subdivision Regulations request be denied and that surety be posted for the design and construction of the improvements.

Legal Notification Requirement: The receipts from the certified mailings have been returned. As of this writing, staff has not has received any calls or inquires regarding this proposal.