

STAFF REPORT  
August 10, 2006

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**No. 06PL117 - Preliminary Plat**

**ITEM 14**

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GENERAL INFORMATION:

PETITIONER	Ferber Engineering Co, Inc. for FMLC, Inc.
REQUEST	<b>No. 06PL117 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the NE1/4, Section 30, lying north of Rushmore Mall Drive; Lot C of Lot L2, less Lot H1 and W1/2 vacated March Avenue adjacent to Lot C; and the unplatted part of the W1/2 NE1/4, lying south of Rushmore Mall Drive and the E1/2 vacated March Avenue, all located in the NE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, East Mall Business Center Subdivision, formerly a parcel of land located in the NE1/4, Section 30, lying north of Rushmore Mall Drive; Lot C of Lot L2, less Lot H1 and W1/2 vacated March Avenue adjacent to Lot C; and the unplatted part of the W1/2 NE1/4, lying south of Rushmore Mall Drive and the E1/2 vacated March Avenue, all located in the NE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 13.01 acres
LOCATION	Southeast of the intersection of Mall Drive and LaCrosse Street
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	7/14/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

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RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, road construction plans for the 30 foot wide common access easement extending east from LaCrosse Street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 59 foot wide easement 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 or the common access easement shall be vacated;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for E. Mall Drive shall be submitted for review and approval showing the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the applicant shall post surety for the design and construction of E. Mall Drive or the agreement between the City of Rapid City and the State of South Dakota shall be approved;
3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a 59 foot wide right-of-way for a commercial street along the east lot line of the subject. In addition, road construction plans for the street shall be submitted for review and approval. In particular, the construction plans shall show the street 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 or surety shall be posted for the design and construction of the street;
4. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along the north side of Disk Drive or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, water and sewer main(s) shall be constructed along E. Mall Drive or surety shall be posted for the design and construction of the utilities or the applicant shall enter into an agreement with the City for the design and construction of the utilities or the utilities shall be constructed and a District created before submittal of a Final Plat application or a Variance to the Subdivision Regulations shall be obtained. In addition, a request shall be submitted for review and approval by the City Council for any oversizing costs prior to Preliminary Plat approval;
6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along LaCrosse Street, with the exception of the common access easement, and E. Mall Drive as they abut Lot 1 of Block 1 or an Exception to allow access from the higher order street shall be obtained. In addition, a non-access easement shall be shown along E. Mall Drive as it abuts Lot 2 of Block 1 except for approved approach location(s);
7. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the 30 foot wide common access easement located along the south lot line of Lot 1 of Block 1;
9. Prior to submittal of a Final Plat application, the plat document shall be revised to show a previously dedicated ten foot wide utility and drainage easement along all side and rear lot lines of Lot C of Lot L2 or the easement shall be vacated;

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10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously vacated March Avenue right-of-way. In addition, the plat document shall be revised to show the 30 foot wide utility easement previously recorded in the same location as the vacated March Avenue right-of-way;
11. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously recorded Lot H2;
12. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing Lot H3 located at the intersection of E. Mall Drive and LaCrosse Street along a portion of the north lot line of the subject property;
13. Prior to submittal of a Final Plat application, the formerly portion of the plat title shall be revised to read "Lot C of Lot L-2 of Marshall Heights Tract, less Lot H1 and W1/2...". In addition, the plat title shall be revised to include "Tract G of Marshall Heights Subdivision No. 2 less Lot 1 of Tract G and Tract H and W1/2 of Vacated March Street";
14. Prior to submittal of a Final Plat application, the plat document shall be revised to correct the map scale to 1 inch = 200 feet; and,
15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Plat to subdivide the subject property into two commercial lots. The property is proposed to be known as the "East Mall Drive Business Center Subdivision".

The property is located in the southeast corner of the intersection of E. Mall Drive and LaCrosse Street and is currently void of any structural development.

**STAFF REVIEW:**

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

**E. Mall Drive:** Mall Drive H Lot(s) are located along the north lot line of the subject property. The street is classified as a minor arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, E. Mall Drive is unimproved as it abuts the subject property. The applicant is requesting to utilize Federal Enhancement Funds, Road Swap Funds and developer funds to fund the design and construction of E. Mall Drive located between LaCrosse Street and East North Street including this portion of E. Mall Drive. The project has been included in the Draft 2007 – 2011 Transportation Improvement Program; however, funding agreements have not yet been completed. As such, staff is recommending that road construction plans for E. Mall Drive be submitted for review and approval showing the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained or the applicant must post surety for the design and construction of E. Mall Drive or the agreement between the City of Rapid City and the State of South Dakota must be approved.

**Disk Drive:** Disk Drive is located along the south lot line of the subject property and is classified as a commercial street. Currently, the street has been constructed as required with a

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minimum pavement width of 26 feet, curb, gutter, street light conduit, water and sewer. However, to date a sidewalk has not been constructed along the north side of Disk Drive as it abuts the subject property. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing a sidewalk as identified or a Variance to the Subdivision Regulations must be obtained.

Common Access Easement: A 30 foot wide common access easement was previously platted along a portion of the south lot line of Lot 1 of Block 1. In particular, the common access easement extends east from LaCrosse Street a distance of 85 feet along the subject property. The common access easement is classified as a commercial street requiring that it be located in a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved street, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained or the common access easement must be vacated. Staff is recommending that the common access easement issue be addressed as identified prior to Preliminary Plat approval by the City Council.

Commercial Street: Upon future platting of Tract F of Marshall Heights Subdivision No. 2, located directly south of the subject property, it is anticipated that Disk Drive will be extended east from its current terminus to serve as access to future commercial development within this area. In addition, it is anticipated that north-south street connection(s) must be provided between Disk Drive and Mall Drive to provide adequate street networking within the area. Providing a commercial street along the east lot line of the subject property will provide a street connection as well as a utility corridor between the properties as needed. In addition, the street will assist in the distribution of commercial traffic from existing and proposed development along Disk Drive to LaCrosse Street and E. Mall Drive. Otherwise, all of the commercial traffic along Disk Drive will be routed to LaCrosse Street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show a 59 foot wide right-of-way for a commercial street along the east lot line of the subject. In addition, road construction plans for the street must be submitted for review and approval. In particular, the construction plans must show the street 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.

Water/Sewer: Staff has indicated that two water mains will be constructed along E. Mall Drive. In particular, a 12 inch water main will be constructed along the south side of the street extending the North Rapid Pressure Zone, the high level water zone. In addition, a 16 inch water main will be constructed along the north side of the street extending the low level water zone from Exit 60. The applicant must identify which water main will be utilized to serve the subject property. In particular, the proposed water usage will determine the water zone needed to provide adequate commercial and fire flows.

Staff has also indicated that sewer must be extended from Exit 60 along Mall Drive to serve the subject property. In addition, it was noted that the existing privately owned lift station located along LaCrosse Street does not have capacity to serve the subject property and per an existing agreement with the City of Rapid City, the lift station can not be expanded. The applicant is proposing to utilize .16 Funds to serve as surety for the design and construction

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of the utilities. Staff is recommending that prior to Preliminary Plat approval by the City Council, water and sewer main(s) be constructed along E. Mall Drive or surety be posted for the design and construction of the utilities or the applicant must enter into an agreement with the City for the design and construction of the utilities or the utilities must be constructed and a District created before submittal of a Final Plat application or a Variance to the Subdivision Regulations must be obtained. In addition, the applicant must submit a request for any oversizing costs for review and approval by the City Council prior to Preliminary Plat approval.

Plat Labeling: Staff has reviewed the Preliminary Plat and has noted that several plat labeling revisions are needed to show previously dedicated easements, vacated right-of-way and an existing H-Lot. In addition, the Register of Deed's Office has indicated that the plat title must be revised. As such, staff is recommending that prior to submittal of a Final Plat application, the following plat labeling revisions be completed:

1. Show the 30 foot wide common access easement located along the south lot line of Lot 1 of Block 1;
2. Show a previously dedicated ten foot wide utility and drainage easement along all side and rear lot lines of Lot C of Lot L2;
3. Show the book and page of the previously vacated March Avenue right-of-way. In addition, the plat document must be revised to show the 30 foot wide utility easement previously recorded in the same location as the vacated March Avenue right-of-way;
4. Show the book and page of the previously recorded Lot H2;
5. Show the existing Lot H3 located at the intersection of E. Mall Drive and LaCrosse Street along a portion of the north lot line of the subject property or the H-Lot;
6. The formerly portion of the plat title must be revised to read "Lot C of Lot L-2 of Marshall Heights Tract, less Lot H1 and W1/2...". In addition, the plat title shall be revised to include "Tract G of Marshall Heights Subdivision No. 2 less Lot 1 of Tract G and Tract H and W1/2 of Vacated March Street; and,
7. Show the correct map scale of 1 inch = 200 feet.

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