

STAFF REPORT
February 22, 2007

No. 06PL191 - Preliminary Plat

ITEM 4

GENERAL INFORMATION:

PETITIONER	D. C. Scott Co. Land Surveyors for G. E. Commercial Finance
REQUEST	No. 06PL191 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of IGT Subdivision, located in the W1/2 of the SW1/4, and the SW1/4 of the NW1/4, formerly Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 30.05 acres
LOCATION	West side of South Highway 16 and south of Fox Road
EXISTING ZONING	Business Park District
SURROUNDING ZONING	
North:	Business Park District
South:	Public District - General Commercial District (Planned Commercial Development)
East:	General Commercial District - General Commercial District (Planned Commercial Development)
West:	Park Forest District - Medium Density Residential District (Planned Residential Development) - Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	12/29/2006
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Preliminary Plat be continued to the March 8, 2007 Planning Commission meeting at the applicant's request.

GENERAL COMMENTS: (Update, February 15, 2007. All revised and/or added text is

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shown in bold print.) This item was continued at the February 8, 2007 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted. Staff will notify the Planning Commission at the February 22, 2007 Planning Commission meeting if this requirement has not been met. Please note that no other part of this Staff Report has been revised.

This item was continued at the January 25, 2007 Planning Commission meeting to allow the application to submit additional information. This staff report has been revised as of January 30, 2007. All revised and/or added text is shown in bold print.

The applicant has submitted a Preliminary Plat to subdivide the subject property into two lots as a part of IGT Subdivision. Proposed Lot 1 will consist of 12.17 acres, and proposed Lot 2 will consist of 17.28 acres.

In addition the applicant has submitted a Subdivision Variance (06SV079) request to waive the requirement to install sewer along Berglund Road, to waive the requirement to install street light conduit along Berglund Road and Fox Road, to allow platting half the right-of-way, and to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway and the U.S. Highway 16 service road as per Chapter 16.16 of the Rapid City Municipal Code has been submitted in conjunction with this plat request.

Current zoning of the proposed lots is Business Park District. The property is located south of Fox Road and west of U.S. Highway 16 South. Currently, an office building / school complex is located on the proposed Lot 1, proposed Lot 2 is void of any structural development.

On July 5, 1994 a Conditional Use Permit was approved with stipulations for the subject property allowing an assembly and warehousing facility. To date this facility has not been built.

On August 11, 2006 the applicant submitted a Preliminary Plat application to subdivide the subject property in to two lots. Subsequently, the Preliminary Plat application was denied without prejudice at the applicant's request.

STAFF REVIEW:

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

Section Line Highway/ Berglund Road:

A section line highway is located along the west lot line of the subject property. The portion of the section line highway adjacent to the subject property is classified as a commercial/industrial street requiring that the street be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The west half of the section line highway is located on adjacent properties under different ownership as the subject property. The Subdivision Regulations state that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted". As such, the property owner must plat the west half of the section line highway or a Variance to the Subdivision Regulations must be obtained to allow platting half of the right-of-way. Prior to City Council approval of a Preliminary Plat, road construction plans for the section line highway must be submitted for

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review and approval, or a Variance to the Subdivision Regulations must be obtained, or the portion of the section line highway that abuts the subject property shall be vacated.

This Preliminary Plat identifies the vacation of the east half of the section line highway located along the west lot line. However, a Vacation of Section Line Highway Petition has not been submitted with the signatures of the adjacent property owners. The signatures are required identifying that the adjacent property owners are in concurrence with the request since the section line highway currently serves as a legal access to the property. As such, the Planning Commission and the City Council cannot consider the Vacation of Section Line Highway request. As a result, staff is recommending that the Preliminary Plat be continued to the **March 8, 2007** Planning Commission meeting to allow the applicant to submit a signed Vacation of Section Line Highway request or remove the vacation note from the plat document.

Staff has noted that the section line highway currently serves as access to the northern portion of a parcel of land located directly south of the subject property. A drainage channel physically divides the adjacent property limiting access to the northern portion of the lot. In addition, the section line highway serves as access to the property located directly west of the subject property. A Planned Development Designation was previously approved for the adjacent property identifying the future construction of a multi-family development. In addition, it was identified that the section line highway would serve as access to the development. As such, staff cannot support the request to Vacate the Section Line Highway.

Staff is recommending that the Preliminary Plat be continued to the February 8, 2007 Planning Commission meeting to allow the applicant to resolve the section line highway issue.

Fox Road:

Fox Road is located along the north lot line of the subject property and is classified as a commercial/industrial street requiring that the street be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Fox Road is located in a 40 foot wide right-of-way with a portion constructed with approximately 26 feet of paved surface, curb and gutter with the Right-of-Way remainder constructed with approximately 20 feet of gravel surface. Staff recommends that prior to City Council approval, the applicant submit complete construction plans to build Fox Road to city standards for review and approval, and obtain a Variance to the Subdivision Regulations to waive the requirement to install street light conduit.

U.S. Highway 16 Service Road:

The U.S. Highway 16 Service Road is identified as a commercial/industrial street requiring that the street be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, U.S. Highway 16 Service Road is located in the right-of-way with various widths and constructed with approximately 25 feet of paved surface. Staff is recommending that prior to City Council approval of a Preliminary Plat, road construction plans for U.S. Highway 16 Service Road be submitted for review and approval showing a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer.

Sewer and Water:

Additional water and sewer plans prepared by a Professional Engineer must be submitted for

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review and approved showing water and sewer main lines constructed in all of the adjacent right-of-way, or a Variance to the Subdivision Regulations must be obtained to waive the requirement to install sewer and water along Berglund Road, the section line highway, and the U.S. Hwy 16 service road. In addition all necessary changes must be made to the water and sewer construction plans as identified on the red lined drawings. Staff is recommending that the water and sewer plans be revised as identified prior to Preliminary Plat approval by Planning Commission.

Staff recommends that this item be continued to the **March 8, 2007** Planning Commission meeting to allow the applicant to revise the plat to show the section line highway and submit complete construction plans or submit a petition to vacate the section line highway with all required signatures.

This item was continued at the February 8, 2007 meeting to allow the applicant time to submit additional information. As of the date of this writing no additional information has been submitted. Staff recommends at the applicant's request that this item be continued to the March 8, 2007 Planning Commission meeting to allow the applicant to revise the plat to show the section line highway and submit complete construction plans or submit a petition to vacate the section line highway with all required signatures.