

STAFF REPORT  
February 22, 2007

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**No. 07PL014 - Preliminary Plat**

**ITEM 7**

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bies Highway 79 LLP
REQUEST	<b>No. 07PL014 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Hamilton Subdivision, located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A, B, C and D of Hamilton Subdivision, located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.06 acres
LOCATION	North of Minnesota Street and west of S.D. Highway 79
EXISTING ZONING	General Commercial District (Planned Development Designation) - Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District (Planned Residential Development) - General Commercial District
East:	Heavy Industrial District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/26/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, all necessary construction easements shall be recorded at the Register of Deed's Office as needed;
2. Prior to Preliminary Plat approval by the City Council, construction plans showing the installation of sewer along Cambell Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional ten feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;

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4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
5. Prior to any development within the 100 year federally designated floodplain, a Floodplain Development Permit shall be obtained as needed. In addition, a 404 Permit shall be obtained from the Corp of Engineers as needed;
6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Plat application to subdivide the subject property into four lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along Cambell Street and to dedicate an additional ten feet of right-of-way along Minnesota Street. (See companion item No. 07SV003.)

On December 17, 2001, the City Council approved a Final Plat to subdivide the subject property into two lots. In addition, the City Council approved a Variance to the Subdivision Regulations to reduce the dedication of additional right-of-way along Minnesota Street from 17 feet to seven feet with a stipulation that "a ten foot wide pedestrian access and utility easement be provided along the south property line of Lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Heartland Drive". (See companion items No. 01PL064 and 01SV018.)

The property is located in the northwest corner of the intersection of Cambell Street and Minnesota Street. Currently, the property is void of any structural development.

**STAFF REVIEW:**

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

**Zoning:** The western portion of the subject property, or proposed Lots A, B and the western portion of Lot D, is currently zoned Office Commercial District with a Planned Development Designation. The eastern portion of the subject property, or proposed Lot C and the eastern portion of Lot D, is currently zoned General Commercial District with a Planned Development Designation. Typically, two zoning designations on one property have the potential of creating land use issues. However, proposed Lot D is identified as a major drainage easement limiting the use of the property as drainage. The applicant should be aware that prior to issuance of a building permit on any of the proposed lots, an Initial and Final Planned Commercial Development must be approved by the Planning Commission.

**Floodplain:** The northern portion of the subject property is located in a 100 year federally designated floodplain. The applicant has indicated that a Conditional Letter of Map Revision has been submitted to the Federal Emergency Management Agency for review and approval. Prior to any development within the 100 year federally designated floodplain, a Floodplain Development Permit must be obtained as needed. In addition, a 404 Permit must be obtained from the Corp of Engineers as needed.

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Sewer: Currently, a sewer main is not located within the Cambell Street right-of-way as it abuts the subject property. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans showing the installation of sewer along Cambell Street must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Minnesota Street: Minnesota Street is identified as a minor arterial street on the City's Major Street Plan. The Street Design Criteria Manual states that a minor arterial street must be located in a minimum 100 foot wide right-of-way. Minnesota Street is currently located within an 80 foot wide right-of-way. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional ten feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations must be obtained.

Warranty Surety: On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

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