

STAFF REPORT
September 20, 2007

No. 07PL101 - Preliminary Plat

ITEM 38

GENERAL INFORMATION:

APPLICANT	Bob Brandt
AGENT	TSP Three, Inc.
PROPERTY OWNER	Don Weisler/Good Guys, LLC
REQUEST	No. 07PL101 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Dan's Supermarket Tract Revised, less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract 1 and Tract 2 of Tuscan Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.61 acres
LOCATION	333 Omaha Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District - Flood Hazard District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/26/2007
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 changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, construction plans showing the extension of water and sewer mains along Rapid Street shall be submitted for**

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- review and approval or a Variance to the Subdivision Regulations shall be obtained;
3. **Prior to Preliminary Plat approval by the City Council, construction plans showing the extension of water and sewer mains along all of Third Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
 4. **Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the sewer service line serving Tract 2 redesigned to preclude crossing Tract 1 or an Exception shall be obtained;**
 5. **Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the abandonment of the water service line located along the north lot line and the extension of a water service line from the existing water main located in Omaha Street to serve the existing 64,237 square foot structure or an Exception to allow a service line to cross another property must be obtained;**
 6. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the abandonment of the water main located along the east lot line of the property as per Chapter 13.04.350 of the Rapid City Municipal Code or an Exception shall be obtained;**
 7. **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,**
 8. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

GENERAL COMMENTS:

(Update, September 11, 2007. All revised and/or added text is shown in bold print.) This item was continued at the September 6, 2007 Planning Commission meeting to allow the applicant to submit plans sealed and signed by a Professional Engineer showing the existing construction of Omaha Street, including sidewalks, sidewalk ramps, fire hydrants, water mains, sewer mains, service lines, etc and to allow the City Council to consider associated Exception requests.

(Update, August 28, 2007. All revised and/or added text is shown in bold print.) This item was continued at the August 23, 2007 Planning Commission meeting to allow the applicant to submit plans sealed and signed by a Professional Engineer showing the existing construction of Omaha Street, including sidewalks, sidewalk ramps, fire hydrants, water mains, sewer mains, service lines, etc. On August 24, 2007, the applicant submitted a site plan which included Omaha Street, however, the plan has not been sealed and signed by a Professional Engineer nor do the plans reflect the current construction of Omaha Street.

On August 28, 2007, the Public Works Committee recommended to continue to the September 11, 2007 Public Works Committee meeting an associated Exception request to allow a sewer service line to cross lot line(s). As such, staff is recommending that this item be continued to the September 20, 2007 Planning Commission meeting to allow the Public Works Committee and, subsequently, the City Council to consider the Exception request and to allow the applicant to submit plans sealed and signed by a Professional Engineer showing the existing construction of Omaha Street.

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The applicant has submitted a Preliminary Plat to subdivide the property into two commercial lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV042) to reduce the width of the access easement from 59 feet to 26 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement, to waive water and sewer along Rapid Street and Third Street and to waive the requirement to provide a minimum eight foot wide drainage and utility easement along the interior of all lot lines. The applicant has also submitted a Fence Height Exception (#07FV006) to allow a six foot high screening fence to be constructed around the dumpster to be located in the southeast corner of the property. The applicant has indicated that the commercial development will be known as "Tuscany Square Shopping Center".

On March 8, 2007, the Planning Commission approved an Initial Commercial Development Plan to allow a 64,237 square foot retail building, a 13,300 square foot strip mall and a 5,940 square foot restaurant to be located on the property.

On April 5, 2007, the Planning Commission approved a Final Commercial Development Plan to allow a 64,237 square foot retail building and a 13,300 square foot strip mall as Phase One of the development.

On August 9, 2007, the Planning Commission approved a Major Amendment to the Commercial Development Plan (File #07PD058) to revise the sign package on the property.

The property is located in the southwest corner of the intersection of 3rd Street and Omaha Street. Currently, a 64,237 structure is located on the property which was previously the location of "Dan's Supermarket". In addition, the proposed strip mall located along Rapid Street is currently under construction.

STAFF REVIEW:

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

Omaha Street: Omaha Street is located along the north lot line of the proposed subdivision plat and was reconstructed as a part of a South Dakota Department of Transportation road improvement project in 2004. To date, the applicant has not submitted a site plan showing the existing construction of Omaha Street as it abuts the subject property. As such, staff is recommending that prior to Preliminary Plat approval by the Planning Commission, plans be submitted for review and approval showing the existing construction of Omaha Street, including sidewalks, sidewalk ramps, fire hydrants, water mains, sewer mains, service lines, etc. **On September 10, 2007, the applicant submitted plans showing the existing construction of Omaha Street as it abuts the property. Staff has reviewed and approved the plans.**

Rapid Street: Rapid Street is located along the south lot line of the property. To date, water and sewer have not been extended along the street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans showing the extension of water and sewer mains along Rapid Street be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

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Third Street: Third Street is located along the east lot line of the property. An eight inch water main is currently located in the north 50 feet of the street and an eight inch sanitary sewer main is located in the south 150 feet of the street. To date, water and sewer mains have not been extended along the balance of Third Street as it abuts the property. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans showing the extension of water and sewer mains along the balance of Third Street be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Service Lines: During the review and approval of the associated Initial and Final Commercial Development Plan, the applicant indicated that the three commercial structures would be located on one parcel of land. As such, staff reviewed and approved the extension of service lines across the one lot to serve the three structures. The applicant has subsequently submitted this Preliminary Plat showing the subdivision of the property into two lots. As a result, sewer service lines are now extending from Third Street across Tract 1 to serve Tract 2. In addition, a water service line is now located along the north lot line of Tract 2 to serve the existing 64,237 square foot commercial building located on Tract 1. The City has adopted a resolution that authorizes the City to assist financially in the repair and/or replacement of service lines that cross other private property. Public Works Department staff has indicated that the City is currently assisting in the cost of repairing and/or replacing similar existing sewer service lines. In particular, the Public Works staff has indicated that failure along longer sewer and water lines has resulted in instances where raw sewage escapes to the ground surface or basements and water breaks result in health hazards to people and damage to personal and public property. Allowing the service lines to cross lot lines as proposed may result in the City contributing financially with the future repair and/or replacement of the lines. In addition, allowing the service lines to cross lot lines is contrary to the adopted resolution. As such, staff is recommending that prior to Preliminary Plat approval, the construction plans be revised to show the sewer service line serving Tract 2 redesigned to preclude crossing Tract 1. **On September 11, 2007, the Public Works Committee considered an Exception request to allow a sewer service line to cross another lot. The item was sent to the September 17, 2007 City Council meeting without recommendation. Staff will notify the Planning Commission on September 20, 2007 of the City Council's action.**

The construction plans must be revised to show the abandonment of the water service line located along the north lot line and the extension of a water service line from the existing water main located in Omaha Street to serve the existing 64,237 square foot structure or an Exception to allow a service line to cross another property must be obtained. **On September 11, 2007, the Development Appeals and Review Board reviewed an Exception request to allow the water service line to cross another lot and recommended "to ignore the Ordinance", thereby allowing the water service line to cross another lot. The Public Works Committee considered the recommendation of the Development Appeals and Review Board at their September 11, 2007 Public Works Committee meeting. The item was sent to the September 17, 2007 City Council meeting without recommendation. Staff will notify the Planning Commission on September 20, 2007 of City Council's action.**

Chapter 13.04.350: Chapter 13.04.350 of the Rapid City Municipal Code states that water pipes

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must not be extended from one premise to another. However, as a result of the proposed plat, a water main located along the east lot line of the property extends across Tract 2 to Tract 1 to serve the strip mall currently under construction on Tract 1 and any future commercial development on Tract 2. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing the abandonment of the water main located along the east lot line of the property as per Chapter 13.04.350 of the Rapid City Municipal Code. **On September 11, 2007, the Development Appeals and Review Board reviewed an Exception request to allow the water main to cross another lot and recommended "to ignore the Ordinance", thereby allowing the water main to cross another lot. The Public Works Committee considered the recommendation of the Development Appeals and Review Board at their September 11, 2007 Public Works Committee meeting. The item was sent to the September 17, 2007 City Council meeting without recommendation. Staff will notify the Planning Commission on September 20, 2007 of the City Council's action.**

Inspection Fees and Surety: Chapter 16.20.080 of the Rapid City Municipal Code states that before any Final Plat is approved, an additional fee shall be paid to the City to cover the costs of inspection of the subdivision improvements required by Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff is recommending that upon submittal of a Final Plat application, surety be posted and subdivision inspection fees be paid as required.

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.

The proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.