

STAFF REPORT  
October 4, 2007

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**No. 07PL118 – Preliminary Plat**

**ITEM 39**

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GENERAL INFORMATION:

APPLICANT	Kevin Greener for Pacific Steel and Recycling
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Pacific Hide & Fur Depot
REQUEST	<b>No. 07PL118 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	<p>A portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27, more fully described as follows: Beginning at the southwest corner of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "RW FISK 6565"; thence, northerly along the westerly edge of said Lot A of Biernbaum Subdivision and along the easterly edge of Highway 79 right-of-way, N00°01'09"W, a distance of 225.01 feet more or less, to an angle point of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "LS4208" and said corner being coincident with the southwesterly corner of Lot B of Biernbaum Subdivision, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27; thence, easterly along the northerly edge of said Lot A of Biernbaum Subdivision and along the southerly edge of Lot B of Biernbaum Subdivision, N89°51'25"E, a distance of 206.31 feet more or less, to a point on the westerly edge of Amended Lot H2 of Lot A of Biernbaum Subdivision, as shown in the plat filed April 8, 2003 and recorded in Book 10 of Highway Plats on Page 111, said point being marked by a rebar with survey cap "LS 6119"; thence, southerly along the westerly edge of said Amended Lot H2 of Lot A of Biernbaum Subdivision, S00°05'02"W, a distance of 225.68 feet more or less, to the south line of said Lot A of Biernbaum Subdivision, also being the southwest corner of said Amended Lot H2 of Lot A of Biernbaum Subdivision, said corner being marked by a "SDDOT Monument"; thence, westerly along the southerly line of said Lot A of Biernbaum Subdivision, N89°57'30"W, a distance of 205.90 feet more or less, to the point of beginning.</p>

STAFF REPORT  
October 4, 2007

---

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**ITEM 39**

---

PROPOSED LEGAL DESCRIPTION	A portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	4280 South Highway 79
EXISTING ZONING	Heavy Industrial District
SURROUNDING ZONING	
North:	No Use District
South:	Heavy Industrial District
East:	Heavy Industrial District
West:	Heavy Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/30/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

**RECOMMENDATION:**

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

1. Prior to Preliminary Plat approval by the Planning Commission, a drainage and grading plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as necessary;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for the east-west rearage road shall be submitted for review and approval. In particular, the construction plans shall show a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, prior to Preliminary Plat approval by the City Council, a name for the east-west rearage road shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a revised plat document to show 4.5 feet of additional right-of-way along the east-west rearage road as it abuts the property or obtain a Variance to the Subdivision Regulations;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south rearage road shall be submitted for review and approval. In particular, the road construction plans shall show a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, prior to Preliminary Plat approval by the City Council, a name for the north-south rearage road shall be submitted for review and approval;
5. Prior to City Council approval of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the location and size of existing water mains and service lines and the extension of water mains must be submitted for review and

STAFF REPORT  
October 4, 2007

---

**No. 07PL118 – Preliminary Plat**

**ITEM 39**

---

- approval or a Variance to the Subdivision Regulations must be obtained;
6. Prior to City Council approval of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the location and size of existing sewer mains and services and the extension of sanitary sewer mains and service lines must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;
  7. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along South Highway 79 and all required non-access easements per the Rapid City Street Design Criteria Manual;
  8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  9. 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,
  10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Plat application to subdivide the property. The applicant is proposing to create one parcel approximately one acre in size and leave the remaining ten acres of the property as an unplatted balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, additional pavement or additional extension of water or sewer main in any adjoining right-of-way, and the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code. (See companion item #07SV051)

The property is located east of South Highway 79 and south of 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:

**Easement Designation:** Staff noted that non-access easements were not shown on the plat document. Staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show a non-access easement along South Highway 79 and all required non-access easements per the Rapid City Street Design Criteria Manual.

**Water:** Water plans prepared by a Registered Professional Engineer showing the location and size of existing water mains and service lines and the extension of water mains must be submitted for review and approval. In addition, the water plans must provide calculations demonstrating that required domestic and fire flows are being provided. Prior to City Council approval of a Preliminary Plat, the construction plans must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

**Sewer:** Sewer plans prepared by a Registered Professional Engineer showing the location and size of existing sewer mains and services and the extension of sanitary sewer mains and service lines must be submitted for review and approval. Prior to City Council approval of a Preliminary Plat, the construction plans must be submitted for review and approval as

STAFF REPORT  
October 4, 2007

---

**No. 07PL118 – Preliminary Plat**

**ITEM 39**

---

identified or a Variance to the Subdivision Regulations must be obtained.

East-West Rearage Road: The rearage road runs east and west along the south side of the proposed lot. The rearage road 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, the rearage road is located in a 50 foot wide right-of-way and constructed with approximately 30 feet of paved surface. The plat document must be revised to show an additional 4.5 feet of right-of-way dedicated along the east-west rearage road. The balance of the required right-of-way will be obtained from the adjacent property in the future. Staff recommends that prior to Preliminary Plat approval by the City Council, the applicant shall submit a revised plat document to show 4.5 feet of additional right-of-way along the east-west rearage road as it abuts the property and construction plans for curb, gutter, street light conduit, water and sewer for review and approval or obtain a Variance to the Subdivision Regulations. In addition, the rearage road needs to be named as part of this platting process. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, a road name shall be submitted for review and approval for the rearage road.

North-South Rearage Road: The north-south rearage road runs north and south along the east side of the proposed lot. The rearage road 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, the rearage road is located in an 80 foot wide right-of-way and constructed with approximately 30 feet of paved surface. Staff recommends that prior to Preliminary Plat approval by City Council, the applicant shall submit construction plans for curb, gutter, street light conduit, water and sewer for review and approval or obtain a Variance to the Subdivision Regulations. In addition, the rearage road needs to be named as part of this platting process. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, a road name shall be submitted for review and approval for the rearage road.

Drainage: As part of the Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval. In addition, a drainage plan must be submitted for review and approval. The drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. Staff also noted that the location of water flow throughout the subdivision and the location and size of all culverts and pipes shall be shown on the drainage plan. Staff is recommending that prior to Planning Commission approval of a Preliminary Plat, a drainage and grading plan, as well as an erosion and sediment control plan, must be submitted for review and approval.

Lot Area: Chapter 17.24.040 of the Rapid City Municipal Code requires any principal use together with all accessory uses shall be located on a lot having a minimum area of one acre in size in the Heavy Industrial Zoning District. The lot as proposed meets the minimum lot size requirements of the Heavy Industrial Zoning District. However, if the applicant is required to dedicate the additional right-of-way as required in Chapter 16 of the Rapid City Municipal Code as part of the platting process the lot will be less than one acre in size. Staff

STAFF REPORT  
October 4, 2007

---

**No. 07PL118 – Preliminary Plat**

**ITEM 39**

---

noted that if the lot is less than one acre in size the property will either need to be rezoned or a variance to allow a lot less than one acre in size in the Heavy Industrial Zoning District shall 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 shall be submitted for review and approval as required.