

STAFF REPORT
September 6, 2007

No. 07PL108 - Preliminary Plat

ITEM 8

GENERAL INFORMATION:

APPLICANT/ AGENT	Dream Design International, Inc.
PROPERTY OWNER	Heartland Retail Center, LLC
REQUEST	No. 07PL108 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of the S1/2 of the SW1/4 of Section 27, and a portion of the N1/2 of the NW1/4 of Section 34, located in the S1/2 of the SW1/4, Section 27, and the N1/2 of the NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 4 of Block 1 of Heartland Retail Center, Section 27 and 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.090 Acres
LOCATION	North of Cheyenne Boulevard
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Pennington County
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/10/2007
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, construction plans for the collector street located along the north lot line shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a 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 a Comprehensive Plan Amendment to the Major Street Plan shall be obtained;

STAFF REPORT
September 6, 2007

No. 07PL108 - Preliminary Plat

ITEM 8

2. Prior to Preliminary Plat approval by the City Council, all of the affected utility easements shall indicate concurrence with the vacation of section line highway or the plat document shall be revised to retain the section line highway as a utility easement;
3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
4. Prior to submittal of a Final Plat application, the plat document shall be revised to eliminate the proposed vacation of the section line highway located east of proposed Lot 4;
5. Prior to submittal of a Final Plat application, the plat title shall be revised to include the vacation of section line highway located on proposed Lot 4;
6. Prior to submittal of a Final Plat application, miscellaneous documents shall be filed at the Register of Deed's Office creating drainage and utility easement(s) for the 60 foot wide Major Drainage Easement and the eight inch wide West River Electric Easement to be located along the south side of Cheyenne Boulevard, respectively;
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:

The applicant has submitted a Preliminary Plat to create a 10.090 acre commercial lot from two unplatted parcels. The commercial lot will be a part of the "Heartland Retail Center".

On November 9, 2006, the Planning Commission approved a SDCL 11-6-19 Review (#06SR060) to allow the construction of a portion of Cheyenne Boulevard, including that portion that abuts the subject property.

The property is located approximately 700 feet east of the intersection of Cheyenne Boulevard and N. Elk Vale Road along the north side of Cheyenne Boulevard. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Collector Street: The Major Street Plan identifies a collector street along a portion of the north lot line. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans for the collector street located along the north lot line be submitted for review and approval. In particular, the construction plans must show the street located in a minimum 76 foot wide right-of-way and constructed with a 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 a Comprehensive Plan Amendment to the Major Street Plan must be obtained.

Section Line Highway: The plat document identifies the vacation of the section line highway along the common lot line of the two unplatted parcels. However, only that portion of the section line highway shown on proposed Lot 4 is within the boundaries of the plat and can be vacated on the plat. As such, staff is recommending that prior to submittal of a Final Plat

STAFF REPORT
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No. 07PL108 - Preliminary Plat

ITEM 8

application, the plat document be revised to eliminate the proposed vacation of the section line highway located east of proposed Lot 4. In addition, the plat title must be revised to include the vacation of section line highway located on proposed Lot 4.

To date, the applicant has not submitted written documents indicating that all of the affected utility companies concur with the vacation of the section line highway. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, all of the affected utility easements must indicate concurrence with the vacation of section line highway or the plat document must be revised to retain the section line highway as a utility easement.

Easements: The plat document identifies the dedication of a 60 foot wide Major Drainage Easement and an eight inch wide West River Electric Easement along the south side of Cheyenne Boulevard. However, the easements are shown on a portion of the unplatted parcel(s) located outside of the boundaries of the plat. As such, staff is recommending that prior to submittal of a Final Plat application, miscellaneous documents be filed at the Register of Deed's Office creating drainage and utility easement(s) as needed.

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.