

STAFF REPORT
November 8, 2007

No. 07PL140 - Preliminary Plat

ITEM 9

GENERAL INFORMATION:

APPLICANT Gary Rasmusson for Walgar Development Corp.

AGENT Doug Sperlich for Sperlich Consulting, Inc.

PROPERTY OWNER Gary Rasmusson for Walgar Development

REQUEST **No. 07PL140 - Preliminary Plat**

EXISTING
LEGAL DESCRIPTION

A portion of the NW1/4 of the NE1/4 of the SE1/4, a portion of the E1/2 of the NW1/4 of the SE1/4, and a portion of Tract B of Robbinsdale Addition No. 10, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: N70°21'03"E along the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 119.95 to a point on the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10; Thence, second course: S25°27'00"E, along the westerly boundary of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, a distance of 90.08 feet, to the southwesterly corner of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the right-of-way of East Minnesota Street; Thence, third course: southwesterly, along the northerly edge of said East Minnesota Street right-of-way, curving to the left on a curve with a radius of 1343.10 feet, a delta angle of 05°09'18", an arc length of 120.84 feet, a chord bearing of S55°55'34"W, and a chord distance of 120.80 feet, to the intersection of the northerly edge of said East Minnesota Street right-of-way, intersecting with the easterly edge of the right-of-way of said Wisconsin Avenue; Thence, fourth course: northwesterly, along the easterly edge of said Wisconsin Avenue right-of-way, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 18°19'43", an arc length of 75.53 feet, a chord bearing of N28°51'00"W, and a chord distance of 75.21 feet, to a point of tangency; Thence, fifth course: N19°41'41"W, along the easterly edge of said Wisconsin Avenue right-of-way, a distance of 45.47 feet, to the southwest corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a

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	point on the easterly edge of the right-of-way of said Wisconsin Avenue, and the Point of Beginning
PROPOSED LEGAL DESCRIPTION	Lot 27 of Block 23 of Robbinsdale Addition No. 10, located in the NW1/4 of the NE1/4 of the SE1/4, the E1/2 of the NW1/4 of the SE1/4, and in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.296 acres
LOCATION	Northeast of the intersection of East Minnesota Street and Wisconsin Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Office Commercial District
East:	Low Density Residential District
West:	Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/2/2007
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of ten additional feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit verification that the adjacent streets have been constructed as per City Specifications, including sewer and water improvements as per Chapter 16.20.040.I of the Rapid City Municipal Code. In addition, construction plans shall be submitted for review and approval if determined necessary to meet City Specifications or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the applicant shall verify that a water line is not located within the existing 20 foot wide water line easement to be vacated on the plat or the plat document shall be revised to show retaining the water line easement or the water line shall be relocated;
4. Prior to submittal of a Final Plat application, the plat document shall be revised to show a planting screen easement along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;

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5. 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,
6. 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 subdivide two parcels creating a 0.296 acre lot leaving two unplatted non-transferable balances. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV058) to waive the requirement to provide a planting screen easement along the south lot line and to reduce the right-of-way width along Minnesota Street from 100 feet to 80 feet as it abuts the property.

The property is located in the northeast corner of the intersection of Wisconsin Avenue and E. Minnesota Street. Currently, the property is void of any structural development.

STAFF REVIEW:

Zoning: The property is currently zoned Low Density Residential District requiring a minimum lot size of 6, 500 square feet. The Preliminary Plat identifies a 0.296 acre lot, or 12,893.8 square feet, meeting the minimum lot size requirement of the Low Density Residential District.

Minnesota Street: Minnesota Street is located along the north lot line of the subject property and is classified as a minor arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way. Currently, Minnesota Street is located in an 80 foot wide right-of-way. As such, prior to Preliminary Plat approval by the City Council, the plat document must be revised to show the dedication of 10 additional feet of right-of-way or a Variance to the Subdivision Regulations must be obtained.

Adjacent Streets: Chapter 16.20.040.I requires a "plan and profile of all streets" in order to determine if the existing adjacent streets have been constructed as per City Specifications. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the applicant submit verification that the adjacent streets have been constructed as per City Specifications, including sewer and water improvements. In addition, construction plans must be submitted for review and approval if determined necessary to meet City Specifications or a Variance to the Subdivision Regulations be obtained.

Water Line Easement: The Preliminary Plat identifies the vacation of a 20 foot wide water line easement extending through the north half of the property. Staff is recommending that prior to Preliminary Plat approval by the City Council, the applicant verify that a water line is not located within the existing water line easement to be vacated on the plat or the plat document must be revised to show retaining the water line easement or the water line must be relocated.

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,

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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 addition, 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.