

STAFF REPORT  
February 7, 2008

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**No. 07PL147 - Preliminary Plat**

**ITEM 19**

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GENERAL INFORMATION:

APPLICANT	Thomas E. Lien
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Gikling and Meier, LLC
REQUEST	<b>No. 07PL147 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	A portion of the unplatted balance of the N1/2 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2 thru 4 of LJS Subdivision, located in the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.6 acres
LOCATION	2310 North Maple Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Shopping Center District 2
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/26/2007
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, 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 for North Maple Avenue shall be submitted for review and approval. In particular, the**

- construction plans shall show sidewalk and water along all of North Maple Avenue as it abuts the property or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to show the extension of a water main from proposed Lot 3 to the intersection of Disk Drive and North Maple Avenue to provide a looped system;
  4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the new sanitary sewer service to proposed Lots 2 and 4 as shown on the Master Utility Plan;
  5. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the existing eight inch water main and the existing eight inch sewer main on Sheet 1 of 1;
  6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the existing water main extending south from East Mall Drive to proposed Lot 3 within a public utility easement or a miscellaneous document shall be recorded at the Register of Deed's Office creating the public utility easement and a copy submitted to the Growth Management Department;
  7. Prior to Preliminary Plat approval by the City Council, a revised cost estimate shall be submitted for review and approval;
  8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing 20 foot wide utility easement along the south lot line of Lot 2. In addition, the plat document shall be revised to show a three foot wide public utility easement along the west lot line of proposed Lot 2 to accommodate the sanitary sewer main location within North Maple Avenue as it abuts this portion of the property;
  9. Prior to submittal of a Final Plat application, the plat document shall be revised to read "North Maple Avenue" in lieu of "Maple Avenue";
  10. 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,
  11. 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, January 25, 2008. All revised and/or added text is shown in bold print.) This item was continued at the January 24, 2008 Planning Commission meeting at the applicant's request. On January 22, 2008, the applicant submitted a revised Preliminary Plat eliminating Lot 4 and eliminating that portion of Lot 2 that abutted the north-south leg of North Maple Avenue.

(Update, January 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the January 10, 2008 Planning Commission meeting at the applicant's request.

(Update, January 3, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 21, 2007 Planning Commission meeting at the applicant's request. On January 2, 2008, the applicant submitted a written request that this item be continued to the January 24, 2008 Planning Commission meeting. As such, staff is

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recommending that the Preliminary Plat be continued as requested.

(Update, December 28, 2007. All revised and/or added text is shown in bold print.) This item was continued at the November 21, 2007 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Preliminary Plat to create three lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV062) to waive the requirement to install sidewalk, water and sewer along North Maple Avenue as it abuts the property. **As noted above, the applicant has submitted a revised plat eliminating Lot 4 and reconfiguring Lot 2.**

On January 15, 2007, the City Council approved a Layout Plat to create three lots, which included a portion of this property.

The property is located in the southeast corner of the intersection of East Mall Drive and North Maple Avenue. Currently, a 10,000 square foot commercial building is located on proposed Lot 3. The balance of the property is void of any structural development.

**STAFF REVIEW:**

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

**Land Use:** As noted above, a 10,000 square foot commercial building is located on proposed Lot 3. A boundary survey has been submitted identifying that 41 parking spaces currently exist on the property. In addition, nine parking spaces are shown along the west lot line, partially located on the adjacent property. Since the parking is not entirely on the applicant's property, these nine parking spaces can not be counted towards the applicant's parking requirement. The applicant should be aware that as a part of the review and approval of any use of the property, additional parking may be required to be located on the property, depending upon the proposed use, and/or a parking agreement must be obtained with the adjacent property owner in order to count the nine spaces along the west lot line.

**North Maple Avenue:** North Maple Avenue is located along the south and west lot lines of the subject property. The street is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, North Maple Avenue is located in a 100 foot wide right-of-way and constructed with an approximate 40 foot wide paved surface, curb, gutter and street light conduit. In addition, water and sewer mains have been installed along a portion of North Maple Avenue. In particular, an eight inch water main is located along the north-south portion of North Maple Avenue abutting proposed Lot 2 and an eight inch water main has been extended from an existing 12 inch water main located in East Mall Drive to serve the commercial building located on proposed Lot 3. In addition, a sewer main is currently located in North Maple Avenue with the exception of approximately 165 feet of the north-south leg as it abuts proposed Lot 2. Currently, sidewalk does not exist along North Maple Avenue as it abuts the property. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing sidewalk, water and sewer along all of North Maple Avenue as it abuts the property or a Variance to the Subdivision Regulations

must be obtained.

**As noted above, the revised plat eliminated that portion of Lot 2 abutting North Maple Avenue. As such, a sanitary sewer main is not required to be extended along this portion of North Maple Avenue as a part of the subdivision improvements for this plat. However, water and sidewalk must still be provided along the east-west leg of North Maple Avenue as noted above. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing sidewalk and water along North Maple Avenue as it abuts the property or a Variance to the Subdivision Regulations must be obtained.**

Water: As noted above, an eight inch water main is located along the north-south portion of North Maple Avenue abutting proposed Lot 2. An eight inch water main has also been extended from an existing 12 inch water main located in East Mall Drive to serve the commercial building on proposed Lot 3. The applicant is proposing to extend the water main from proposed Lot 3 to serve proposed Lot 4 creating a long dead end water main service. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the water plans be revised to show the extension of the water main from proposed Lot 3 to the intersection of Disk Drive and North Maple Avenue to provide a looped system. Staff is also recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show the existing water main extending south from East Mall Drive to proposed Lots 3 and 4 within a public utility easement or a miscellaneous document must be recorded at the Register of Deed's Office creating the public utility easement and a copy submitted to the Growth Management Office.

Emergency Services Communication Center: The Emergency Services Communication Center staff has indicated that the plat document must be revised to read "North Maple Avenue" in lieu of "Maple Avenue". Staff is recommending that the plat document be revised as identified prior to submittal of a Final Plat application.

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 the 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 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.