

STAFF REPORT  
January 10, 2008

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**No. 07PL164 - Preliminary Plat**

**ITEM 69**

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GENERAL INFORMATION:

APPLICANT/AGENT	Arleth & Associates
PROPERTY OWNER	Thomas P. Walsh, Sr. Family Limited Partnership
REQUEST	<b>No. 07PL164 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Plat of the Days Inn Tract and Burger King Tract a replat of Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.38 acres
LOCATION	719 Jackson Boulevard
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/13/2007
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show the dedication of two additional feet of right-of-way along West Kansas City Street or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to City Council approval of the Preliminary Plat, the applicant shall demonstrate that a minimum of 100 feet of right-of-way exists along Jackson Boulevard or the plat document shall be revised to show the dedication of 17 ½ additional feet of right-of-way or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to City Council approval of the Preliminary Plat, water and sewer plans prepared by

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- a Registered Professional Engineer showing the relocation of the service lines to the individual lots shall be submitted for review and approval or an Exception shall be obtained to allow a water and/or sewer service line to cross another lot. In addition, the sewer plans shall show the relocation of the sewer main from under the Days Inn Motel structure or the applicant shall enter into an agreement with the City to hold the City harmless from any damages resulting in the location of the sewer main and to provide maintenance for this portion of the sewer main;
4. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show an access easement along the common lot between the two proposed lots. In addition, construction plans shall be submitted for review and approval showing the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  5. Prior to City Council approval of the Preliminary Plat, construction plans for the existing 24 foot wide access and utility easement located along the west lot line shall be submitted for review and approval. In particular, the plans shall show the easement with a minimum 59 foot width and the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  6. Prior to City Council approval of the Preliminary Plat, the applicant shall submit a parking plan identifying that adequate parking is being provided on each lot or a Variance to the Zoning Ordinance shall be obtained;
  7. Prior to City Council approval of the Preliminary Plat, an Exception shall be obtained to allow the pole sign for the Days Inn Motel to be located on the Burger King Tract or the plat document shall be revised to show the sign on the same lot as the use or the sign shall be removed;
  8. Prior to submittal of a Final Plat application, the plat document shall be revised to show non-access easements along West Kansas City Street and Jackson Boulevard except for the existing driveway location(s);
  9. Prior to submittal of a Final Plat application, the applicant shall clarify if the new legal description will be "Days Inn Tract and Burger King Tract of Trijowinn Subdivision (formerly Lot 2 of the Trijowinn Subdivision) located in..." or "Days Inn Tract and Burger King Tract (formerly Lot 2 of the Trijowinn Subdivision) located in ..." In addition, the plat document shall be revised accordingly;
  10. Prior to City Council approval of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  11. 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,
  12. 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 application to subdivide a 2.36 acre lot into two commercial lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV065) to waive the requirement to dedicate additional right-of-way along West Kansas City Street and Jackson Boulevard.

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On August 20, 2001, the City Council reviewed a similar Preliminary Plat (#01PL056) for the property and acknowledged the applicant's request that the item be withdrawn.

The property is located south of West Kansas City Street and west of Jackson Boulevard. Currently, Days Inn is located on the proposed "Days Inn Tract" and Burger King is located on the proposed "Burger King Tract".

**STAFF REVIEW:**

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

**Water and Sewer:** Currently, a sewer main is located within a 12 foot wide sewer easement that extends under the Days Inn Motel to West Kansas City Street. In addition, water and sewer service lines will be located on adjacent properties as a result of this plat. The City's Standard Specifications do not allow service lines to cross over another lot unless an Exception has been granted. As such, staff is recommending that prior to City Council approval of the Preliminary Plat, water and sewer plans prepared by a Registered Professional Engineer showing the relocation of the service lines to the individual lots be submitted for review and approval or an Exception must be obtained to allow a water and/or sewer service line to cross another lot. In addition, the sewer plans must show the relocation of the sewer main from under the Days Inn Motel structure or the applicant must enter into an agreement with the City to hold the City harmless from any damages resulting in the location of the sewer main and to provide maintenance for this portion of the sewer main.

**West Kansas City Street:** West Kansas City Street is located along the north lot line and is classified as a commercial street requiring that it be located within 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, West Kansas City Street is constructed as a commercial street but is located within a 55 foot wide right-of-way. The applicant is required to dedicate ½ of the right-of-way from their property, or in this case, two additional feet. As such, staff is recommending that prior to City Council approval of the Preliminary Plat, the plat document be revised to show the dedication of two additional feet of right-of-way along West Kansas City Street or a Variance to the Subdivision Regulations must be obtained.

**Jackson Boulevard:** Jackson Boulevard is located along the east lot line and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the street is constructed with an 80 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The Preliminary Plat shows the street located within a 65 foot wide right-of-way but it appears that additional right-of-way and/or H lots have been dedicated along this portion of Jackson Boulevard. Staff is recommending that prior to City Council approval of the Preliminary Plat, the applicant demonstrate that a minimum of 100 feet of right-of-way exists along Jackson Boulevard or the plat document must be revised to show the dedication of the additional right-of-way as needed or a Variance to the Subdivision Regulations must be obtained.

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Existing Access and Utility Easement: An existing 24 foot wide access and utility easement is located along the west lot line of the property. The easement is classified as a commercial street requiring that it be located within a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Internal Circulation: Currently, an access aisle extends through the property providing access to the parking lots for Burger King and Days Inn. The plat document must be revised to show the access aisle within an access easement in order to insure continued access to the individual parking lots. In addition, staff is recommending that prior to City Council approval of the Preliminary Plat, construction plans for the access easement be submitted for review and approval showing the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Parking Plan: Currently, a parking lot with 128 parking spaces exists on the property. Subdividing the property as proposed will result in portions of the parking lot on each lot. Staff is recommending that prior to City Council approval of the Preliminary Plat, the applicant submit a parking plan identifying that adequate parking is being provided on each lot or a Variance to the Zoning Ordinance must be obtained.

Signage: As a result of the proposed plat, a pole sign for the Days Inn Motel will now be located on the Burger King Tract. On December 3, 2007, the City Council approved Ordinance No. 5348 to allow for the conversion of an on-premise sign to an off-premise sign as the result of the subdivision of an existing platted parcel of land, contingent upon the City Council granting an Exception for the sign. Staff is recommending that prior to City Council approval of the Preliminary Plat, an Exception be obtained to allow the pole sign for the Days Inn Motel to be located on the Burger King Tract or the plat document shall be revised to show the sign on the same lot as the use or the sign shall be removed.

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