

STAFF REPORT
August 21, 2008

No. 08PL111 - Preliminary Plat

ITEM 50

GENERAL INFORMATION:

APPLICANT/AGENT	Phillip S. Olsen for Olsen Development Company, Inc.
PROPERTY OWNER	Olsen Development Co., Inc., Phillip S. Olsen, President
REQUEST	No. 08PL111 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Balance of Lot 5 of Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 8 of Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.0 acres
LOCATION	At the eastern terminus of West Fulton Street and west of Skyline Drive
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Park Forest District
East:	Park Forest District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/24/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

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 shall be submitted for review and approval providing a sidewalk along the north side of Fulton Street or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide access to Lot 7, Overlook Subdivision. In addition, construction plans shall be

STAFF REPORT
August 21, 2008

No. 08PL111 - Preliminary Plat

ITEM 50

- submitted for review and approval showing the access within a minimum 59 foot wide access easement or right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, a Variance to the Subdivision Regulations shall be obtained to waive the requirement that each lot shall be provided with access from a public street;
3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a minimum 20 foot wide utility easement along the north lot line for the future extension of a water main from the Palo Verde Water Zone;
 4. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow West Fulton Street, a private drive and utility easement, to serve as access to nine lots in lieu of four lots as per the Street Design Criteria Manual;
 5. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow City utility mains within the private drive and utility easement in lieu of right-of-way;
 6. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 8. 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;
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 10. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to create a three acre commercial lot. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV039) to waive the requirement to provide sidewalk along both sides of West Fulton Street; to waive the requirement that each lot shall be provided with access from a public street and to waive the requirement to improve the access from a public street with a minimum 59 foot wide access easement or right-of-way and to construct the access with a minimum 26 foot wide paved surface, curb, gutter sidewalk, street light conduit, sewer and water.

On January 16, 2006, the City Council approved a Preliminary Plat (File #05PL238) to create a three acre commercial lot as shown on this plat document. In addition, the City Council approved a Variance to the Subdivision Regulations (File #05SV063) to waive the requirement to provide sidewalk along the north side of West Fulton Street and to waive the requirement that each lot shall be provided with access from a public street with the stipulation that proposed Lot 7 be identified as a No Build Easement. The approved Preliminary Plat has subsequently expired and, as such, the applicant has resubmitted this Preliminary Plat application.

STAFF REPORT
August 21, 2008

No. 08PL111 - Preliminary Plat

ITEM 50

The property is located at the eastern terminus of West Fulton Street and west of Skyline Drive. Currently, the property is void of any structural development.

STAFF REVIEW:

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

West Fulton Street: West Fulton Street serves as access to the property and 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, West Fulton Street is located in a 60 foot wide private drive and utility easement and has been constructed to City Street Design Standards with the exception of sidewalk along the north side of the street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval providing a sidewalk along the north side of Fulton Street or a Variance to the Subdivision Regulations must be obtained.

Please note that the applicant has requested an Exception to allow West Fulton Street, a private drive and utility easement, to serve as access to nine lots in lieu of four lots as per the Street Design Criteria Manual. In addition, the applicant has requested an Exception to allow City utility mains within the private drive and utility easement in lieu of right-of-way. Staff is currently reviewing the requests.

Access: Lot 7, Overlook Subdivision is located directly east of this proposed lot. To date, an easement and/or right-of-way has not been dedicated securing access to Lot 7. In 2006 the City Council granted a Variance to the Subdivision Regulations waiving the requirement to provide access to Lot 7 across Lot 8; however, the associated Preliminary Plat creating Lot 8 expired requiring that the applicant submit a new Preliminary Plat application and triggering the requirement that the Variance to the Subdivision Regulations also be obtained again.

Staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to provide access to Lot 7, Overlook Subdivision or a Variance to the Subdivision standards obtained. In addition, construction plans must be submitted for review and approval showing the access within a minimum 59 foot wide access easement or right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. A Variance to the Subdivision Regulations must also be obtained to waive the requirement that each lot shall be provided with access from a public street.

Palo Verde Water Zone: The property is located within the Palo Verde Water Zone. Future development within this area may require that a water main be extended along the north lot line of the property. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to provide a minimum 20 foot wide utility easement along the north lot line for the future extension of a water main from the Palo Verde Water Zone.

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment

STAFF REPORT
August 21, 2008

No. 08PL111 - Preliminary Plat

ITEM 50

control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required.

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 any required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of any public improvements, a Warranty Surety be submitted for review and approval if subdivision improvements are required.

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