

STAFF REPORT
March 5, 2009

No. 08PL176 - Preliminary Plat

ITEM 25

GENERAL INFORMATION:

APPLICANT	Pete Lien and Sons
AGENT	Renner & Associates
PROPERTY OWNER	Pete Lien & Sons
REQUEST	No. 08PL176 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 29.18 acres
LOCATION	Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road
EXISTING ZONING	Heavy Industrial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County) - General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County) - Heavy Industrial District
East:	Suburban Residential District (Pennington County) - General Commercial District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	11/25/2008
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

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

- 1. Prior to the Preliminary Plat application approval by City Council, a drainage and grading plan must be submitted for review and approval or a Variance to the**

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- Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide drainage easements as necessary;
2. Prior to the Preliminary Plat application approval by City Council, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 3. Prior to the Plat application approval by City Council, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities are available for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to the Preliminary Plat application approval by City Council, the applicant shall submit construction plans designed and stamped by a Registered Professional Engineer identifying curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road, or obtain a Variance to the Subdivision Regulations;
 5. Prior to the Preliminary Plat application approval by City Council, the applicant shall submit construction plans designed and stamped by a Registered Professional Engineer identifying pavement, curb, gutter, sidewalk, street light conduit, water and sewer located within a minimum 59 foot wide right-of-way for the access easement, or obtain a Variance to the Subdivision Regulations;
 6. Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid as required;
 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 9. 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: (Update, February 24, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 5, 2009 Planning Commission meeting to allow the applicant to submit the required information. Additional information has been submitted that appears to meet the minimum requirements of the Rapid City Municipal Code. As such, staff recommends that this item be approved with the above noted stipulations.

(Update, January 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the February 5, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the February 19, 2009 Planning Commission meeting.

(Update, January 26, 2009. All revised and/or added text is shown in bold print.) This item

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was continued to the February 5, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the February 19, 2009 Planning Commission meeting.

The applicant has submitted a Preliminary Plat application to reconfigure two existing lots as Lot 1 and Lot 2 of Keller Subdivision. The property is located west of Sturgis Road. Currently the property is being used for surface mining operations. Two accessory buildings associated with the mining operations, a conveyor belt system, and a portion of a former dog racing track are located on the property. The property is not located within the municipal limits of the City of Rapid City; however, the property is located within the City of Rapid City's Three Mile Platting Jurisdiction. A Preliminary Plat application (#05PL072) to subdivide the northern portion of the property into three lots was denied without prejudice on November 21, 2005. A Preliminary Plat application (#07PL165) to subdivide the northern portion of the property into two lots was denied without prejudice on January 22, 2008. A Preliminary Plat application (#08PL016) to subdivide the property into three lots was denied without prejudice at the applicant's request on October 20, 2008. A Vacation of Right of Way request (#06VR011) to vacate Feist Road was approved by the City Council on February 5, 2007. A Variance to the Subdivision Regulations (#08SV057) to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water, and sewer along Sturgis Road has been submitted in conjunction with this request.

The property is currently zoned Heavy Industrial District by Pennington County.

Staff Review: Staff has reviewed the applicant's Preliminary Plat application and noted the following considerations:

Site Plan: A site plan has not been provided. Staff recommends that prior to approval by City Council the applicant submit for review and approval a site plan demonstrating the existing structures on the property to verify that the existing structures meet the minimum requirements of the Zoning Ordinance.

On February 3, 2009 the applicant submitted a site plan demonstrating the existing building on the site meets the minimum requirements of the Zoning Ordinance.

Sturgis Road: The property abuts Sturgis Road on the eastern boundary. Sturgis Road is classified by the Major Street Plan as a principal arterial street requiring a minimum 100 feet of right-of-way and a minimum 12 feet per lane of pavement width. Sturgis Road where it abuts the property currently has a right-of-way width of 130 feet, and a pavement width of 38 feet for three lanes. Currently Sturgis road meets the right-of-way width and pavement requirements for an arterial street.

Curb, gutter, sidewalk, street light conduit, water and the sewer are not currently constructed along Sturgis Road where it abuts the property. Prior to approval by City Council, the applicant is required to submit construction plans designed and stamped by a Registered Professional Engineer identifying curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road, or obtain a Variance to the Subdivision Regulations.

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The applicant's plat document identifies two approach locations along Sturgis Road. However, the South Dakota Department of Transportation has noted that south approach shall be vacated when mining activities on the property cease. This will result in a platted lot with no legal access in the future. As such, staff recommends that this item be continued to the February 5, 2009 Planning Commission meeting to allow the applicant to address access issues to the proposed lot.

On February 5, 2009 the applicant submitted a Variance to the Subdivision Regulations (#09SV003) to construct an access easement that would provide access to Lots 1 and 2 of Keller Subdivision. Staff recommends that prior to the Preliminary Plat application approval by City Council, the applicant shall submit construction plans designed and stamped by a Registered Professional Engineer identifying pavement, curb, gutter, sidewalk, street light conduit, water and sewer located within a minimum 59 foot wide right-of-way for the access easement, or obtain a Variance to the Subdivision Regulations.

Drainage and Grading: A grading plan has not been provided. In addition, an updated drainage plan has not been submitted. Staff recommends that prior to approval by City Council the applicant submit for review and approval a grading plan and drainage plan, if the construction of the improvements are required.

Master Plan: On January 21, 1991, City Council adopted a resolution to establish a policy to request a proposed master plan for surrounding property prior to plat approval. To date, a master plan for the entire property has not been submitted identifying efficient circulation of traffic, adequate access to adjoining properties, and extension of public utilities. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat application, a master plan must be submitted for review and approval as identified.

On February 4, 2009 the applicant submitted a Master Plan for review and approval demonstrating that no future subdivision is currently planned.

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.