

STAFF REPORT
March 26, 2009

No. 09PL009 - Preliminary Plat

ITEM 36

GENERAL INFORMATION:

APPLICANT	FMLC, Inc.
AGENT	Ferber Engineering Co., Inc.
PROPERTY OWNER	Julie Lien/FMLC, Inc.
REQUEST	No. 09PL009 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of the SE1/4 north of Interstate 90 less Tract A of the NE1/4 SE1/4 and less lots H5, H6, H7, H8 and H9 but including that part of vacated East Mall Drive being part of the outside edge of Lot H5; and part of the SW1/4 north of Interstate 90 including vacated East Mall Drive within said SW1/4 and less Lot 1 of NE1/4 SW1/4 and less Lots 1 and 2 of NW1/4 SW1/4 and less Lot H5 and less lot H8; and part of Lot 1 of the NE1/4 SW 1/4 including vacated East Mall Drive within said Lot 1 and less Lot H7; and part of NW1/4 including vacated East Mall Drive within said NW1/4 less Lots AR, B, C and less E1/2 NE1/4 NW1/4 and less E1/2 NW1/4 NE1/4 NW1/4 and less Lots H2 and H4; and part of Lot C of SE1/4 NW1/4 less Lot H3 and less Lot H1; and part of Lot 1 of Silver Strike Subdivision; and all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Block 5 of East Mall Business Center Subdivision and dedicated Public Right-of-way for Tish Boulevard, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 25.4 acres
LOCATION	North of East Mall Drive between Tish Boulevard and Dyess Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation) - General Agriculture District - Limited Agriculture District
South:	General Commercial District
East:	General Commercial District - Light Industrial District
West:	General Commercial District

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PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/27/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

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

1. Prior to City Council approval of the Preliminary Plat application, a drainage and grading plan, must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;
2. Prior to City Council approval of the Preliminary Plat application, road construction plans for Dyess Avenue shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road shall be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to City Council approval of the Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
4. Prior to City Council approval of the Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
5. Prior to City Council approval of the Preliminary Plat application, all red lined comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department;
6. 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 be paid as required;
7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
8. The approved Layout 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 one lot, leaving the remaining portion of the property as an unplatted balance. The property is located at the northeast of the intersection of East Mall Drive and Tish Boulevard. The property is currently zoned General Commercial District and General Commercial District with a Planned Development Designation and void of structural development.

On October 6, 2008 City Council approved a Layout Plat (#08PL126) application for the property with the following stipulations:

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1. Upon submittal of a Preliminary Plat application, a drainage and grading plan, must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;
2. Upon submittal of the Preliminary Plat application, 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 must be obtained;
3. Upon submittal of the Preliminary Plat application, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of the Preliminary Plat application, road construction plans for East Mall Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road shall be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of the Preliminary Plat application, road construction plans for East North Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road shall be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of the Preliminary Plat application, road construction plans for Dyess Avenue shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road shall be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show the required non-access easements except at the approved approach locations;
8. Upon submittal of the Preliminary Plat application, a revised road name shall be submitted for review and approval for East North Street;
9. Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
10. Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual 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 subdivision inspection fees be paid as required;
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
13. The approved Layout 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.

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STAFF REVIEW:

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

East Mall Drive: East Mall Drive is located along the south lot line of the property and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. The street is currently located in a minimum 100 foot wide right-of-way and is being constructed by the developer through a TIF for Tax Increment District #69 with five paved lanes, curb, gutter, sidewalk, street light conduit, water and sewer in accordance with the minimum standards of the Rapid City Street Design Criteria Manual. 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 be paid as required.

Tish Boulevard: Tish Boulevard is located along the east lot line of the property and is classified as a proposed minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. Staff also noted that on July 21, 2008, Tax Increment District #69 was approved by City Council for the North Street Fire Station that included this portion of Tish Boulevard. Staff noted that road construction plans for Tish Boulevard were submitted for review and approval and appear to meet the minimum standards of the Rapid City Street Design Criteria Manual. 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 be paid as required.

Dyess Avenue: Dyess Avenue is located along the east lot line of the property and is classified as a proposed minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for Dyess Avenue be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. 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 be paid as required.

Easement Designation: Staff noted that non-access easements were shown on the plat document except at the approved approach locations.

Drainage: As part of the Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas must be submitted for review and approval. In addition, a drainage plan must be submitted for review and approval. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. Staff also noted that the location of water flow throughout the subdivision and the location and size of all culverts and pipes should be shown on the drainage plan. In addition, the plat document must be revised to provide drainage easements as necessary. Staff is recommending that prior to Preliminary Plat approval by the City Council, a drainage and grading plan, as well as an erosion and sediment control

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plan, must be submitted for review and approval.

Redline Comments: Staff is recommending that prior to City Council approval of the Preliminary Plat application, all redline comments made on the construction plans must be addressed and the revised plans must be resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

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 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 Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval.

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.

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. A master plan for the entire property was submitted with the Layout Plat (#08PL126) identifying efficient circulation of traffic, adequate access to adjoining properties, and extension of public utilities.

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