

STAFF REPORT
February 4, 2010

No. 10PL002 - Preliminary Plat

ITEM 20

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10PL002 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lots 1 thru 16 of Block 95 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract A of Block 95 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.287 acres
LOCATION	South of St. Joseph Street between Fifth Street and Sixth Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/8/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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 showing a sewer main along St. Joseph Street and Fifth 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 show the dedication of one additional foot of right-of-way along the western 100 foot of St. Joseph Street or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to submittal of a Final Plat application, the plat document shall be revised removing the delineation of a proposed 20 foot wide storm sewer easement;

STAFF REPORT
February 4, 2010

No. 10PL002 - Preliminary Plat

ITEM 20

4. 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;
5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
6. 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 replat 16 lots into one commercial lot. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #10SV001) to waive the requirement to install sanitary sewer along St. Joseph Street and Fifth Street and to reduce the right-of-way width for St. Joseph Street from 100 feet to 98 feet.

The property is located south of St. Joseph Street between Fifth Street and Sixth Street. Currently, a parking lot is constructed on the property.

STAFF REVIEW:

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

Street Improvements: As previously indicated, the property is located south of St. Joseph Street between Fifth Street and Sixth Street. In addition, a 20 foot wide alley is located along the south lot line of the property. All of the adjacent streets and the alley are constructed to City Street Design Standards with the exception of a sanitary sewer main along St. Joseph Street and Fifth Street. As such, staff recommends that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing a sewer main along St. Joseph Street and Fifth Street or a Variance to the Subdivision Regulations must be obtained.

St. Joseph Street is classified as a principal arterial street on the City's Major Street Plan requiring a minimum 100 foot wide right-of-way. The western 100 foot of the street as it abuts the property currently has a dedicated right-of-way of 98 feet. The balance of the street as it abuts the property has a 100 foot wide dedicated right-of-way. Prior to submittal of a Final Plat application, the plat document must be revised to show the dedication of one additional foot of right-of-way along St. Joseph Street or a Variance to the Subdivision Regulations must be obtained.

Plat Label: The plat document identifies a proposed 20 foot wide storm sewer easement to be created securing the existing stormwater drain pipe located on the property within an easement. However, the City Attorney's Office has indicated that the City cannot grant an easement to themselves and, as such, has noted that the plat must be revised removing the delineation of the easement. The City Attorney's Office has also indicated that the easement will be retained in the deed when the ownership of the property is transferred.

STAFF REPORT
February 4, 2010

No. 10PL002 - Preliminary Plat

ITEM 20

Staff recommends that prior to submittal of a Final Plat application, the plat document be revised removing the delineation of a proposed 20 foot wide storm sewer easement.

Easements: Title 16.12.200 of the Rapid City Municipal Code states that “Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than 20 feet wide total unless otherwise approved by the City Engineer”. In this case, the City Engineer has indicated that easements are not required along the interior lot lines since utilities and drainage improvements are in place to serve this lot and since the property is located within the Central Business District which allows a zero lot line setback for structural development.

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 as required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff recommends 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 particular, 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 recommends 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.