

STAFF REPORT
March 4, 2010

No. 10PL006 - Preliminary Plat

ITEM 17

GENERAL INFORMATION:

APPLICANT	Robert Akers
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Robert W. Akers
REQUEST	No. 10PL006 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Block 1 of East Mall Business Center Subdivision, located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1R and 2R of Block 1 of East Mall Business Center Subdivision, located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.866 acres
LOCATION	East of North LaCrosse Street between East Mall Drive and East Disk Drive
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	2/5/2010
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, road construction plans for the common access easements shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 59 foot wide easement and constructed with a sidewalk along both sides of the easement, street light

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2. conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; Prior to Preliminary Plat approval by the City Council, road construction plans for Disk Drive shall be submitted for review and approval. In particular, the road construction plans shall show the installation of a sewer main to the eastern terminus of the street and a sidewalk along the north side of the street or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow access to Lot 2R from Mall Drive, the higher traveled street, or the plat document shall be revised to show a non-access easement along all of Lot 2R as it abuts Mall Drive;
4. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the approach to Lot 1R to be located 452.43 feet from the intersection of Mall Drive and LaCrosse Street in lieu of 460 feet as per the Street Design Criteria Manual or the plat document shall be revised to comply with the requirement;
5. Prior to Preliminary Plat approval by the City Council, a grading plan, including cut and fill quantities, shall be submitted for review and approval if subdivision improvements are required;
6. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
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. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed 12.5 foot wide utility easement along the east lot line of proposed Lot 2R as a minimum 20 foot wide utility easement;
9. Prior to submittal of a Final Plat application, the applicant shall demonstrate that the existing gravity sewer main located along the west lot line of proposed Lot 1R is within the existing utility easement or the plat document shall be revised to dedicate an additional utility easement as needed;
10. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Formerly Lots 1 and 2 of Block 1" in lieu of "Formerly the balance of Lots 1 and 2 of Block 1";
11. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously vacated March Avenue right-of-way;
12. 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;
13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
14. 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 two lots creating Lots 1R and 2R of

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Block 1 of East Mall Business Center Subdivision. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #10SV004) to waive the requirement to install water, sewer, sidewalk and street light conduit along the access easements, to reduce the width of the access easements from 59 feet to 35 feet and to waive the requirement to install sewer along a portion of Disk Drive.

On December 18, 2006, the City Council approved a Preliminary Plat (File #09PL054) to create Lots 1 and 2 of Block 1 of East Mall Business Center Subdivision. In addition, the City Council approved a Variance to the Subdivision Regulations (File #06SV073) to reduce the width of the access easement from 59 feet to 35 feet and to waive the requirement to install water, sewer, street light conduit and a sidewalk along both sides of the access easement with the stipulation that a sidewalk be provided along one side of the access easement.

On August 21, 2009, the City approved a Final Plat for Lots 1 and 2 of Block 1 of East Mall Business Center Subdivision. The applicant has submitted this Preliminary Plat application to reconfigure the two lots creating Lot 2R as a flagpole lot in order to secure the driveway extending from Disk Drive on Lot 2R.

STAFF REVIEW:

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

Access Easements: The Preliminary Plat identifies an existing common access easement located along a portion of the common lot line between proposed Lot 1R and an adjacent property known as Lot 1 of Tract G. The easement currently serves as a second access point to the Denny's Restaurant located on Lot 1 of Tract G. In addition, the Preliminary Plat identifies an existing common access easement located in the southwest corner of proposed Lot 2R which serves as access to Boston's Restaurant and Sports Bar located on an adjacent property known as Tract H. The two common access easements are classified as commercial streets requiring that they be located in a minimum 59 foot wide access easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, the access easements are approximately 35 feet in width and have been constructed with a 26 foot wide paved surface, curb and gutter.

Staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans for the common access easements be submitted for review and approval showing the streets located in a minimum 59 foot wide easement and constructed with sidewalk along both sides of the easement, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Disk Drive: Disk Drive is located along the south lot line of proposed Lot 2R 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. Disk Drive has been constructed to commercial street standards with the exception of sewer along the eastern 200 foot of the street and a sidewalk along the north side of the street.

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Staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans for Disk Drive be submitted for review and approval. In particular, the road construction plans must show the installation of a sewer main to the eastern terminus of the street and a sidewalk along the north side of the street or a Variance to the Subdivision Regulations must be obtained.

Approach Locations: The Preliminary Plat identifies two approaches to proposed Lot 2R, a southern approach located along Disk Drive and a northern approach located along Mall Drive. Mall Drive is classified as a principal arterial street and Disk Drive is classified as a commercial street. The Street Design Criteria Manual states that access must be taken from the lesser traveled street which in this case is Disk Drive. As such, staff recommends that prior to Preliminary Plat approval by the City Council, an Exception be obtained to allow access to Lot 2R from Mall Drive, the higher traveled street, or the plat document must be revised to show a non-access easement along all of Lot 2R as it abuts Mall Drive.

The Street Design Criteria Manual also requires a minimum 460 foot separation between the intersection of Mall Drive and LaCrosse Street and the approach to proposed Lot 1R. The Preliminary Plat identifies a separation of 452.43 feet. As such, staff recommends that prior to Preliminary Plat approval by the City Council, an Exception be obtained to allow the approach to Lot 1R to be located 452.43 feet from the intersection of Mall Drive and LaCrosse Street in lieu of 460 feet as per the Street Design Criteria Manual or the plat document must be revised to comply with the requirement.

Covenant Agreement: In 2007, the applicant entered into a covenant agreement with the City stating that a hook-up fee would be paid at such time as an improvement is constructed on the property which requires connection to City water and/or sewer utilities. Even though the payment of the hook-up fee is not required in order to replat the property, the applicant should be aware that the hook-up fee must be paid as a part of a building permit which requires connection to City water and/or sewer utilities.

Grading: A grading plan, including cut and fill quantities, must be submitted for review and approval if subdivision improvements are required. Staff recommends that the grading plan be submitted prior to Preliminary Plat approval by the City Council.

Drainage: A detention cell has been constructed on a portion of Lot 2R. In addition, a culvert was constructed under E. Mall Drive in alignment with the detention cell to carry flows from the cell. Although the detention cell was sized properly it was not graded correctly and subsequent improvements in that area resulted in flows that were not directed properly. As a result, the drainage flows cross Lot 2R west of the detention cell and do not align with the existing culvert located under E. Mall Drive. The applicant has submitted drainage plans identifying the reconstruction of the detention cell. The detention cell as proposed includes re-grading the site and the installation of pipes capturing the flows to redirect the flows to the culvert. The cell has been sized to accommodate drainage flows for the entire sub-basin.

The cell is not located entirely within the previously dedicated Major Drainage Easement. As such, the applicant is proposing to vacate the previously dedicated easement and to dedicate a new Major Drainage Easement in the location of the revised detention cell.

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Stormwater Management Plan: The City Council recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends 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 if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

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 must 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 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 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.