

STAFF REPORT  
April 22, 2010

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**No. 10PL019 - Preliminary Plat**

**ITEM 22**

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GENERAL INFORMATION:

APPLICANT	Jim Mirehouse
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Rapid City Economic Development Foundation
REQUEST	<b>No. 10PL019 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Block 1 less Lots 1 thru 8 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N,R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot D of Block 1 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N,R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.6 acres
LOCATION	South of E. Tallent Street between Creek Drive and South S.D. Highway 79
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	Medium Density Residential District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/26/2010
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 showing the installation of a 20 foot wide paved surface along the 59 foot wide public access and utility easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;

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2. Prior to Preliminary Plat approval by the City Council, a utility plan shall be submitted for review and approval demonstrating that the existing water and sewer lines are located in the existing and proposed utility easements or the plat document shall be revised to dedicate utility easements as needed;
3. Prior to Preliminary Plat approval by the City Council, the plat and site plan shall be revised to address all red lined comments. In addition, the revised plat and site plan, along with the red lined comments, shall be submitted to the Growth Management Department for review and approval;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
5. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the "Resolution by Governing Board" certificate;
6. 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;
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 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 5.61 acre lot, leaving two non-transferable balances. The proposed lot is a part of the South Creek Industrial Park.

On January 19, 2010, the City Council approved a Layout Plat (File #09PL087) to create a 5.61 acre lot as shown on this Preliminary Plat. In addition, the City Council approved a Variance to the Subdivision Regulations (File #09SV029) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cambell Street and the proposed 59 foot wide public access and utility easement and to reduce the pavement width from 26 feet to 20 feet along the proposed 59 foot wide public access and utility easement.

The property is located at the southern terminus of Sioux Avenue, east of Cambell Street. Currently, the property is void of any structural development.

**STAFF REVIEW:**

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

**Public Access and Utility Easement:** The Preliminary Plat identifies a 59 foot wide public access and utility easement located along the west lot line of the proposed lot. The easement is classified as an industrial street requiring that it be constructed with a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. As previously indicated, the City Council has granted a Variance to the Subdivision Regulations (File #09SV029) waiving the requirement to construct curb, gutter, sidewalk, street light conduit, water and sewer and reducing the pavement width from 26 feet to 20 feet along the easement. To date, the applicant has not submitted construction plans showing the

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installation of a minimum 20 foot wide paved surface along the easement. As such, staff recommends that prior to Preliminary Plat approval by the City Council, construction plans showing the installation of a 20 foot wide paved surface along the 59 foot wide public access and utility easement be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Utilities: Currently, an 8 inch sanitary sewer main extends across the west side of the property. In addition, an 8 inch water main extends from Cambell Street into the western portion of the property. Prior to Preliminary Plat approval by the City Council, a utility plan must be submitted for review and approval demonstrating that the existing water and sewer lines are located in the existing and proposed utility easements or the plat document must be revised to dedicate utility easements as needed.

Staff has also noted that the estimated water usage proposed for future development of the property appears conservative. The applicant should be aware that future development on the site may require improvements to the water supply system at the developer's expense. In addition, future development of the site may require improvements to the wastewater collection system at the developer's expense.

The Fire Department has indicated that future development of the property must comply with all provisions of the International Fire Code as adopted by the City of Rapid City. In particular, due to limited access and the limited water supply system to the property, all commercial structures must be provided with fire sprinkler protection throughout unless otherwise approved by the Rapid City Fire Department.

Plat Labeling: The Register of Deed's Office has noted that the "Resolution of Governing Board" certificate must be eliminated from the plat document since the property is located within the City limits and does not require the signature of the Pennington County Board of Commissioners. Staff recommends that the plat document be revised as identified prior to submittal of a Final Plat application.

The Register of Deed's Office has also suggested that the plat document be revised to show the proposed lot as "Lot 9" in lieu of "Lot D". Staff recommends that the applicant work with the Register of Deed's Office to address this issue.

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. Upon submittal of a Final Plat application, surety must 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. Prior to the City's acceptance of any public improvements, a Warranty Surety must be submitted for review

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and approval if subdivision improvements are required as a part of any future platting of the property.

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