

STAFF REPORT  
March 10, 2011

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**No. 11PL008 - Preliminary Plat**

**ITEM 6**

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GENERAL INFORMATION:

APPLICANT	Jim Scull
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Rapid Center, LLC
REQUEST	<b>No. 11PL008 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Unplatted balance located north of Mall Drive in the N1/2 of the SW1/4 of Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 4, 5 and 6 and dedicated Lowery Lane right-of-way of GLM Subdivision No. 2
PARCEL ACREAGE	Approximately 13.98 acres
LOCATION	On the north side of East Mall Drive approximately 1/2 mile west of the intersection of Elk Vale Road and East Mall Drive
EXISTING ZONING	Light Industrial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/11/2011
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the Planning Commission, the improvements along E. Mall Drive shall be completed as per the terms of the existing Covenant Agreement or the applicant shall submit a cost estimate and post surety for the improvements or an

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- updated Traffic Impact Study based on the revised land use(s) shall be submitted for review and approval and the owner shall enter into a revised Covenant Agreement identifying the timing and extent of the required improvements.
2. Prior to Preliminary Plat approval by the Planning Commission, the plat document and the construction plans shall be revised to show intersection alignment between the north/south street and the existing 59 foot wide access and utility easement located across the street or the applicant shall appeal the Exception request to allow a seven foot offset to the City Council and obtain City Council's approval of the request;
  3. Prior to Preliminary Plat approval by the Planning Commission, the plat document shall be revised to show the dedication of five additional feet of right-of-way on each side of the street for a total right-of-way width of 70 feet or the plat document shall be revised to show the dedication of a five foot wide "public access, utility and drainage easement" on each side of the street;
  4. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
  5. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show street light conduit along the north/south street or a Variance to the Subdivision Regulations shall be obtained;
  6. Prior to Preliminary Plat approval by the City Council, erosion and sediment controls shall be provided to prevent sediment transport off the site and a permanent vegetative cover with a density of 70% of the native cover must be established on the property in compliance with Chapter 8.34 and 8.50 of the Rapid City Municipal Code;
  7. Prior to Preliminary Plat approval by the City Council, an alternate street for the north/south street shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved street name;
  8. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show non-access easements along the north/south street and E. Mall Drive in compliance with the Street Design Criteria Manual or an Exception shall be obtained;
  9. 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;
  10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  11. 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 three lots leaving an unplatted non-transferable balance. The lots are sized 3.11 acres, 5.119 acres and 5.205 acres, respectively, and are to be known as Lots 4, 5 and 6 of GLM Subdivision. In addition, the applicant has submitted an Initial and Final Industrial Development Plan to allow a 39,910 square foot office and wholesale distribution facility to be constructed on proposed Lot 5.

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The property is located approximately one-half mile west of the intersection of Elk Vale Road and E. Mall Drive on the north side of E. Mall Drive. The property is currently void of any structural development.

STAFF REVIEW:

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

Street Name: An existing street located south of Interstate 90 is currently named Lowry Lane. However, due to existing development within the area and the location of Interstate 90, the street cannot be extended to align with the north/south street as shown on this plat document. As such, staff recommends that prior to Preliminary Plat approval by the City Council, an alternate street for the north/south street be submitted for review and approval. In addition, the plat document must be revised to show the approved street name.

Traffic Impact Study: In June of 2007, the City approved a Preliminary Plat and, subsequently, a Final Plat to create Lots 1, 2 and 3 of Forefather Flats Subdivision located directly south of the property currently being platted. The "Foursquare Property Traffic Impact Study" was submitted in conjunction with the Preliminary Plat application for Forefather Flats Subdivision identifying improvements required along E. Mall Drive to accommodate traffic as the area continues to develop, including this property. In addition, the property owner, Rapid Center LLC, entered into a Covenant Agreement with the City identifying the timing and the owner's participation for the improvements. Since the improvements have not been completed as per the terms of the Covenant Agreement, the property owner is currently in violation of the agreement. In lieu of completing the improvements along E. Mall Drive as per the terms of the Covenant Agreement, staff has suggested that the applicant submit a cost estimate and post surety for the improvements as per the terms of the Covenant Agreement or submit an updated Traffic Impact Study based on the revised land use(s) for the property. In addition, the owner would need to enter into a revised Covenant Agreement identifying the timing and extent of the required improvements. The new study would likely recommend revising the time frame for completion of the improvements, and could actually revise the recommended improvements.

Prior to Preliminary Plat approval by the Planning Commission, the improvements along E. Mall Drive must be completed as per the terms of the existing Covenant Agreement or the applicant must submit a cost estimate and post surety for the improvements or an updated Traffic Impact Study based on the revised land use(s) must be submitted for review and approval and the owner must enter into a revised Covenant Agreement identifying the timing and extent of the required improvements.

North/South Road: The Preliminary Plat identifies the dedication of right-of-way for a north/south street between proposed Lots 5 and 6 across from an existing 59 foot wide access and utility easement located on the south side of E. Mall Drive. The existing 59 foot wide access and utility easement currently serves as the primary access drive to "Cabela's" and has been identified in the "Foursquare Property Traffic Impact Study" as a signalized intersection.

The proposed street is offset approximately seven feet from the existing access and utility easement located across the street. In addition, the existing sewer main is not located in

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the center of the street right-of-way as required. As such, the applicant has submitted an Exception request to allow the intersection of the north/south street and the 59 foot wide access and utility easement to offset a distance of seven feet and an Exception request to allow the sanitary sewer main to be located outside of the middle of the street. Staff has reviewed the requests and, subsequently, approved the Exception request to allow the sanitary sewer main to be located outside of the middle of the street. However, staff has denied the Exception request to allow the intersection of the north/south street and the 59 foot wide access and utility easement to offset a distance of seven feet. The applicant may appeal staff's decision to the City Council.

Prior to Preliminary Plat approval by the Planning Commission, the plat document and the construction plans must be revised to show intersection alignment between the north/south street and the existing 59 foot wide access and utility easement located across the street or the applicant must appeal the Exception request to the City Council and obtain City Council's approval of the Exception request.

The north/south street is classified as an industrial/commercial street requiring that the street be located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. The applicant has submitted construction plans showing the street located within a 60 foot wide right-of-way and constructed with a 36 foot wide paved surface, curb, gutter, sidewalk, water and sewer. The typical street section for an industrial/commercial street identifies approximately 13.8 feet behind the curb to accommodate utilities and drainage improvements. However, due to the increased pavement width within the 60 foot wide right-of-way proposed by the applicant, a reduced area behind the curb is provided. The narrower right-of-way area located between the street line and the property boundary does not provide adequate area for the utility improvements anticipated to be needed in this area. As such, staff recommends that prior to Planning Commission approval, the plat document be revised to show the dedication of five additional feet of right-of-way on each side of the street for a total right-of-way width of 70 feet or, in lieu of dedicating the additional right-of-way, the applicant has the option of revising the plat to show the dedication of a five foot wide "public access, utility and drainage easement" on each side of the street.

The construction plans did not show street light conduit along the north/south street. As such, prior to Preliminary Plat approval by the City Council, the construction plans must be revised to show street light conduit or a Variance to the Subdivision Regulations must be obtained.

Non-Access Easements: Prior to Preliminary Plat approval by the City Council, the plat document must be revised to show non-access easements along the north/south street and E. Mall Drive in compliance with the Street Design Criteria Manual or an Exception must be obtained as needed.

Construction Plans: Staff has reviewed the construction plans and noted redlined comments that must be addressed prior to Preliminary Plat approval by the City Council. In addition, the revised construction plans and the red lined drawings must be returned to the Growth Management Department.

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Air Quality/Storm Water Quality: As previously indicated, the applicant is proposing to create three lots located north of E. Mall Drive and leave an unplatted balance located south of E. Mall Drive. The portion of the property located south of E. Mall Drive is currently in violation of Chapter 8.34 and 8.50 of the Rapid City Municipal Code which regulates Air Quality and Storm Water Quality. In particular, prior to Preliminary Plat approval by the City Council, erosion and sediment controls must be maintained to prevent sediment transport off the site and a permanent vegetative cover with a density of 70% of the native cover must be established on the property in compliance with Chapter 8.34 and 8.50 of the Rapid City Municipal Code.

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