

STAFF REPORT
March 24, 2011

No. 11PL012 - Preliminary Plat

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GENERAL INFORMATION:

APPLICANT	Rubloff Rapid City, LLC
AGENT	FMG, Inc.
PROPERTY OWNER	Rubloff Rapid City, LLC
REQUEST	No. 11PL012 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot 1R of Five Star Subdivision located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A of Lot 1R and Lot B of Lot 1R of Five Star Subdivision
PARCEL ACREAGE	Approximately 4.5 acres
LOCATION	West of Haines Avenue, south of Disk Drive and north of Interstate 90
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District - General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/25/2011
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 Interstate 90 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with sewer and water or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easement shall be submitted for review and approval. In particular, the road

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- construction plans shall show the street located within a 59 foot wide easement and constructed with a minimum 26 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 submittal of a Preliminary Plat approval by the City Council, the Operation and Easement Agreement shall be reviewed and approved by the City Attorney's Office or additional access easements in a form acceptable to the City Attorney shall be provided to secure access along all shared access aisles and to all parking spaces as required;
 4. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the water and sewer service lines serving Lot B of Lot 1R to cross Lot A of Lot 1R or the lot layout shall be revised to comply with the design specifications or plans to relocate the utilities in compliance with all applicable provisions of the Rapid City Municipal Code and the adopted Utility Specification shall be submitted for review and approval. If the Exception is granted and a Covenant Agreement is required as a stipulation of granting the Exception, then the agreement shall be recorded prior to submittal of a Final Plat application;
 5. 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;
 6. Prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In particular, the drainage plan shall include calculations demonstrating that discharge from any improvements will not exceed pre-development flow rates or local detention facilities shall be provided. In addition, the plat document shall also be revised to provide drainage easements as necessary;
 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 shall be revised to show the lots as Lot 1RA and Lot 1RB;
 9. Upon submittal of a Final Plat application, an additional 4,378 landscape points shall be added to proposed Lot B of Lot 1R or surety shall be posted for the improvement;
 10. 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;
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 12. 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 subdivide an existing 4.5 acre lot into two lots. The lots will be sized 2.427 acres and 2.119 acres, respectively and will be known as "Lot A of Lot 1R and Lot B of Lot 1R, Five Star Subdivision. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #11SV003) to waive the

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requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement and to reduce the width of the access easement from 59 feet to a varying width of 40 feet to 26 feet and to waive the requirement to install water and sewer along Interstate 90 as it abuts the property.

On February 22, 2011, the City Council approved a Layout Plat (File #11PL003) to subdivide the property into two lots as shown on this Preliminary Plat.

The property is located approximately 1,000 feet west of the intersection of Haines Avenue and Disk Drive on the south side of Disk Drive and north of Interstate 90. Currently, a strip mall is located on proposed Lot A of Lot 1R and a "Petsmart" commercial retail store is located on proposed Lot B of Lot 1R.

STAFF REVIEW:

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

Existing Land Development: Currently, two commercial buildings with parking, landscaping and signage exist on the property. As a result of subdividing the property to create individual lots for each of the two structures, the existing parking and landscaping will be divided between the two lots. The applicant has submitted a parking plan identifying that sufficient parking is provided on each of the proposed lots. In addition, the applicant has submitted a sign package identifying that the existing signage is in compliance with the City's Sign Code Ordinance.

As a result of platting the property, proposed Lot B of Lot 1R will be short 4,378 landscape points. As such, the applicant has submitted a landscape plan identifying 4,500 additional landscape points that will be added to the lot. Staff recommends that upon submittal of a Final Plat application, the additional landscaping be planted on proposed Lot B of Lot 1R or surety be posted for the improvement.

Service Lines: Currently, water and sewer service lines extend south from Disk Drive to serve the two commercial structures located on the property. As a result of the platting of the property as proposed, the service lines on proposed Lot B of Lot 1R will cross proposed Lot A of Lot 1R. The City's Utility Design Criteria Specifications states that a service line may not cross another lot. As a part of this application, the applicant has submitted an Exception to allow the water and sewer service lines to cross another lot. Staff is currently reviewing the request.

Prior to Preliminary Plat approval by the City Council, the Exception must be obtained to allow the water and sewer service lines serving Lot B of Lot 1R to cross Lot A of Lot 1R or the lot layout must be revised to comply with the design specifications or plans to relocate the utilities in compliance with all applicable provisions of the Rapid City Municipal Code and the adopted Utility Specification must be submitted for review and approval. If the Exception is granted and a Covenant Agreement is required as a stipulation of granting the Exception, then the agreement must be recorded prior to submittal of a Final Plat application.

Access Easement: Currently, access aisle(s) extend through the site to serve as access to the parking lot(s) currently constructed on the property. As a result of platting the property into

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two lots, the applicant is proposing to secure a portion of the access aisle(s) within a 26 foot wide access easement to insure access to each of the lots. The access easement is classified as commercial street requiring that it be located within a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Staff recommends that prior to Preliminary Plat approval by the City Council, construction plans for the access easement be submitted for review and approval. In particular, the road construction plans must show the street located within a 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Operation and Easement Agreement: The applicant has submitted a copy of a recorded Operation and Easement Agreement between the owners of this property and the adjacent "Kohl's" property which secures a "non-exclusive easement for the passage and parking of vehicles over and across the parking and driveway areas of the properties". The City Attorney's Office is currently reviewing the document to insure that additional access easements are not needed along shared access aisles between these two proposed lots and the adjacent Kohl's property. Staff recommends that prior to Preliminary Plat approval by the City Council, the Operation and Easement Agreement be reviewed and approved by the City Attorney's Office or additional access easements in a form acceptable to the City Attorney be provided to secure access along all shared access aisles and to all parking spaces as required.

Interstate 90: Interstate 90 is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Interstate 90 is located within a varying right-of-way width from 670 feet to 300 feet and constructed with two east bound lanes and two west bound lanes.

Prior to Preliminary Plat approval, road construction plans must be submitted for review and approval showing the construction of sewer and water along Interstate 90 or a Variance to the Subdivision Regulations must be obtained to waive the requirement. The applicant has submitted an Exception request to waive the requirement to install curb, gutter, sidewalk and street light conduit along Interstate 90. Staff has subsequently reviewed and approved the request.

Grading/Drainage: Prior to Preliminary Plat approval by the City Council, a grading plan showing any proposed grading and including cut and fill quantities must be submitted for review and approval if subdivision improvements are required. In addition, a drainage plan in compliance with the Drainage Criteria Manual must be submitted for review and approval if subdivision improvements are required. In particular, the drainage plan must include calculations demonstrating that discharge from any improvements will not exceed pre-development flow rates or local detention facilities must be provided. In addition, the plat document must also be revised to provide drainage easements as necessary.

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. Because site conditions will affect the suitability and effectiveness of

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erosion control measures, a plan specific to each site is required. 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 any subdivision improvements are required.

Plat Labeling: The plat identifies the lots as Lots A and B of Lot 1R of Five Star Subdivision. The Register of Deed's Office has indicated that the lots must be identified as Lot 1RA and Lot 1RB. As such, staff recommends that prior to submittal of a Final Plat application, the plat be revised to show the lots as Lot 1RA and Lot 1RB.

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 must 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 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.