

## STAFF REPORT

November 20, 2003

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**No. 03PL105 - Preliminary and Final Plat**

**ITEM 5**

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GENERAL INFORMATION:

|                               |  |
|-------------------------------|--|
| PETITIONER                    | John Nooney for Norman or Rod McKie  |
| REQUEST                       | <b>No. 03PL105 - Preliminary and Final Plat</b>  |
| EXISTING<br>LEGAL DESCRIPTION | Lots 1 and 2 of Five Star Subdivision located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED<br>LEGAL DESCRIPTION | Lots 1R and 2R of Five Star Subdivision; located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota  |
| PARCEL ACREAGE                | Approximately 13.08 acres  |
| LOCATION                      | West of Haines Avenue and north of Interstate 90   |
| EXISTING ZONING               | General Commercial District  |
| SURROUNDING ZONING            |  |
| North:                        | General Commercial District  |
| South:                        | Low Density Residential District   |
| East:                         | General Commercial District  |
| West:                         | Medium Density Residential District  |
| PUBLIC UTILITIES              | City sewer and water   |
| DATE OF APPLICATION           | 10/24/2003   |
| REPORT BY                     | Vicki L. Fisher  |

RECOMMENDATION:

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

Engineering Division Recommendations:

1. Prior to Final Plat approval by the City Council, the plat document shall be revised to show the proposed "utility easement" as a "public watermain easement";
2. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement identifying that surface restoration due to any operations, maintenance or reconstruction of the watermain shall be the responsibility of the property owner;
3. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a drainage easement across proposed Lot 1R;

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4. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Howard Street or the applicant shall enter into an agreement identifying that access from Howard Street shall be limited exclusively to service and delivery vehicles only and that no physical connection from the service bay area to the balance of the property shall be constructed;
5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show an access easement across proposed Lot 2R extending south from Disk Drive approximately 140 feet or the plat document shall be revised to modify the configuration of the lots to show a shared approach to proposed Lots 1R and 2R. If the plat document is revised to show an access easement, then the construction plans shall be revised to provide a sidewalk on the west side of a 59 foot wide access easement or a Variance to the Subdivision Regulations shall be obtained. In addition, a road maintenance agreement for the access easement shall be recorded at the Register of Deed's Office demonstrating maintenance by the property owner;
6. Prior to Preliminary Plat approval by the City Council, all 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 Engineering Division;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval;

#### Fire Department Recommendation:

8. All Uniform Fire Codes shall be continually met. In particular, prior to Final Plat approval by the City Council, all streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual or surety shall be posted for the improvements;

#### Transportation Division Recommendation:

9. Prior to Final Plat approval by the City Council, the plat document shall be revised eliminating the 12 foot wide approach located in the northeast corner of proposed Lot 1R by extending the non-access easement to the east lot line or the plat document shall be revised to show a shared approach between the two properties;

#### Urban Planning Division Recommendations:

10. Prior to Final Plat approval by the City Council, all of the affected utility companies shall concur with vacating the existing utility easement located on proposed Lot 2R; and,
11. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

#### GENERAL COMMENTS:

The applicant has submitted a Preliminary and Final Plat to reconfigure two commercial lots. On August 4, 2003, the City Council approved a Preliminary and Final Plat to subdivide the subject property into two lots. However, a potential buyer of Lot 2 requires additional acreage and, as such, the applicant is proposing to reconfigure the two lots to meet the buyers' needs.

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The previously approved Preliminary and Final Plat vacated that portion of Howard Street located along the south lot line of the property. However, the Title Company requested that a separate vacation of right-of-way petition be approved by the City Council as the right-of-way was being held as a public street. As such, the applicant submitted a Vacation of Right-of-way Petition (File #03VR011). The Planning Commission recommended approval of the request on November 4, 2003. The Vacation of Right-of-way request will be considered by the City Council on December 1, 2003.

The subject property is located approximately 1,100 feet west of the North Haines Avenue/Disk Drive intersection on the south side of Disk Drive and is currently void of any structural development.

#### STAFF REVIEW:

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

Utility Easements: The Engineering Division has indicated that the "utility easement" as shown on the plat document must be revised to a "public watermain easement" to insure that the easement is exclusively used for the public watermain. As such, staff is recommending that the plat document be revised accordingly prior to Final Plat approval by the City Council.

The above referenced easement is located within the interior of the subject property. As such, the Engineering Division has indicated that the applicant must enter into an agreement identifying that surface restoration due to any operations, maintenance or reconstruction of the water main must be the responsibility of the property owner. Staff is recommending that the agreement be submitted for review and approval prior to Final Plat approval by the City Council.

The plat document indicates that existing 50 foot wide access and utility easement is to be vacated with this plat. To date, Black Hills Power and Black Hills FiberCom have not submitted letters concurring with the utility vacation. As such, staff is recommending that verification that the two utility companies concur with the vacation request be submitted prior to Final Plat approval by the City Council.

Drainage: The Engineering Division has indicated that drainage from proposed Lot 1R will utilize the storm system located on Lot 2R. As such, the plat document must be revised to show a drainage easement across proposed Lot 1R. Staff is recommending that the plat document be revised accordingly prior to Final Plat approval by the City Council.

Fire Department: The Fire Department has also indicated that all streets and turnarounds must be designed and constructed in compliance with the Street Design Criteria Manual and the Uniform Fire Code. In addition, fire hydrants will be required as per City and Uniform Fire Code. The fire hydrants must be in place and operational prior to any building construction. In addition, an all weather access road to accommodate Fire Department apparatus, must

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be in place prior to any building construction. The Fire Department has also indicated that street signs and lot addresses must be posted prior to or in conjunction with any building construction. Staff is recommending that the Uniform Fire Code be continually met.

Access: The applicant has submitted a site plan showing access to proposed Lot 1R from an interior driveway located on proposed Lot 2R. As such, staff is recommending that the plat document be revised to show an access easement across proposed Lot 2R extending south from Disk Drive approximately 140 feet. City Ordinance requires that such an easement be constructed to the same standards as a City Street. Hence, the construction plans must be revised to provide a sidewalk on the west side of the access easement or a Variance to the Subdivision Regulations shall be obtained. In addition, a road maintenance agreement for the access easement must be recorded at the Register of Deed's Office demonstrating maintenance by the property owner. Alternately, the applicant may reconfigure the lots to provide a shared approach not to exceed 40 feet by 40 feet and eliminate the common drive. Due to traffic considerations, staff encourages the applicant to proceed with the access easement and install the additional sidewalk or seek a variance to the sidewalk requirement.

The Transportation Division has indicated that the plat document identifies a non-access easement along Disk Drive except for two approaches. The most eastern approach, directly adjacent to proposed Lot 2R, measures 12 feet in width. The Street Design Criteria Manual requires a minimum 16 foot wide approach to commercial areas. The 12 foot wide approach is located directly adjacent to an approach proposed for Lot 2R. As such, staff is recommending that prior to Final Plat approval by the City Council, the plat document must be revised extending the non-access easement to the east lot line or the plat document must be revised to show a shared approach between the two properties.

Howard Street: A site plan submitted with the Preliminary and Final Plat identifies an approach off Howard Street to serve as access to a delivery bay located along the south side of a proposed retail store. In addition, the site plan shows an interior driveway extending from the service bay area to the balance of a proposed parking lot located west and north of the retail store. The City has approved the creation of a Tax Increment District as well as an Infrastructure Development Partnership Fund loan to fund the Disk Drive improvements located along the north lot line of the subject property. This significant public investment was undertaken to open this area up for development and eliminate traffic conflicts and safety issues associated with expanded commercial development utilizing the Haines Avenue and Howard Street intersection as well as reduce the amount of existing residential traffic utilizing this intersection. Staff had previously agreed to allow truck deliveries only to continue using the Howard Street approach. However, the applicant is now proposing to allow commercial access to the property via Howard Street, rather than at the signalized Disk Drive intersection. Because of the significant safety issues associated with the Howard Street/Haines Avenue intersection and the negative impacts on the capacity at Haines Avenue and the Interstate 90 access ramps, staff cannot support the proposed access expansion. Based on previous agreements, staff is recommending that prior to Final Plat approval by the City Council, the plat document be revised to show a non-access easement

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along Howard Street or the applicant must enter into an agreement identifying that access from Howard Street will be limited exclusively to service and delivery vehicles and that no physical connection from the service bay area to the balance of the property will be constructed.

Staff believes that this proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.