

STAFF REPORT

June 20, 2002

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**No. 02PL034 - Layout Plat**

**ITEM 10**

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GENERAL INFORMATION:

PETITIONER	Jeffrey L. Devine
REQUEST	<b>No. 02PL034 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	Tract B less Lot H1 of Tract B located in SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 located in SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.98 acres
LOCATION	South of East Philadelphia Street and east of Cambell Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District w/Planned Commercial Development
South:	Heavy Industrial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	03/25/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Layout Plat be **approved with the following stipulations:**

**Engineering Division Recommendations:**

- 1. Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;**
- 3. Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service**

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- lines shall be submitted for review and approval;
4. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval;
  5. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for East Philadelphia Street and Cambell Street;
  6. Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Cambell Street except for the approved approach location;

**Fire Department Recommendations:**

7. Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval;

**Emergency Services Communication Center Recommendation:**

8. Prior to Final Plat approval by the City Council, the plat title shall be revised to delete "located in" and the following shall be included in the "formerly" description: SW1/4 SW1/4, Section 32, T2N, R8E, BHM";

**Urban Planning Division Recommendations:**

9. Prior to Final Plat approval by the City Council, the structure located on proposed Lot 2 shall be removed or a Variance to reduce the front yard setback from 35 feet to 8.5 feet shall be obtained or surety shall be posted to insure that the setback issue is addressed as identified;
10. Prior to Final Plat approval by the City Council, documentation shall be submitted indicating that Black Hills Power concurs with the proposed relocation of the 50 foot wide right-of-way utility easement;
11. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City stating that if the building or that portion of the building located within the north 23 feet of proposed Lot 2 is ever removed, the applicant shall dedicate the area as public right-of-way;
12. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;
13. 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; and,

**South Dakota Department of Transportation Recommendation:**

14. Prior to Final Plat approval by the City Council, an Approach Permit for the Cambell Street access shall be obtained;

**GENERAL COMMENTS:**

This item has been continued twice since the May 23, 2002 Planning Commission

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**meeting to allow the applicant to submit additional information. This Staff Report has been revised as of June 10, 2002. All revised or added text is shown in bold print.** The applicant has submitted a Layout Plan to subdivide a 4.98 acre parcel into two lots to be known as Lots 1 and 2 of Devine Subdivision. The proposed lots are 1.490 acres and 3.486 acres, respectively. The plat also proposes to create a 50 foot wide right-of-way utility easement extending north to south across proposed Lots 1 and 2.

The property is located approximate 365 feet east of the Philadelphia Street/Cambell Street intersection on the south side of Philadelphia Street. The property is "L" shaped and extends west along the southern third of the property to abut with Cambell Street for a distance of 151 feet.

Currently, J & J Truck Auto Body is located on proposed Lot 2 and an unoccupied structure is located on proposed Lot 1, adjacent to Cambell Street.

The Layout Plat is an informal preliminary review of a proposed subdivision to identify any major issues prior to platting. It is intended to provide the subdivider with an informal process where major issues may be identified and general agreements may be reached with Rapid City as to the form of the plat. Comments regarding the Layout Plat are based on the level of detail that is provided. All specific details of the subdivision may not be addressed at the Layout Plat but the major concerns and issues are identified based on the information provided. All applicable Subdivision Regulations, Zoning Regulations, Street Design Criteria Manual, and any other applicable regulations will need to be met as part of the Preliminary and Final Plat. Any waiver from the City Code or the Street Design Criteria Manual will require a formal variance request or a special exception, whichever is applicable.

## STAFF REVIEW:

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

Structural Site Plan: As previously indicated, existing development is currently located on both of the proposed lots. A structural site plan must be submitted for review and approval to determine if and/or how the proposed plat will impact the existing development located on the site. Staff is recommending that the Layout Plat be continued to allow the applicant to submit a site plan as identified. **On May 24, 2002, the applicant submitted a structural site plan for the subject property in conjunction with a Preliminary Plat. (See associated item #02PL056.) The Preliminary Plat proposes to subdivide the property as proposed by this Layout Plat.**

Topographic Information: The Subdivision Regulations state that topographic information must be submitted upon Layout Plat submittal. To date, topographic information has not been submitted for review and approval. As such, the Engineering Division is recommending that the Layout Plat be continued to allow the applicant to submit topographic information as required. **In addition to a structural site plan, topographic information was also submitted on May 24, 2002. Staff is currently reviewing the information.**

Grading Plan and Drainage Plan: The Engineering Division has indicated that a grading plan and a drainage plan must be submitted for review and approval. In addition, the plat must

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be revised to show drainage easements as necessary. The Engineering Division anticipates that drainage will be routed along the south lot line of Lot 2 to Cambell Street. The capacity of the existing storm sewer along Cambell Street must be calculated to determine if it can meet the design plan and flows to be generated from the subject property. In addition, on-site detention may be necessary if the storm sewer capacity along Cambell Street cannot accommodate the flows. Staff is recommending that a grading and drainage plan be submitted for review and approval and that the plat be revised to show drainage easements as needed upon Preliminary Plat submittal.

Easement Identification: The proposed plat identifies an existing 50 foot wide right-of-way utility easement extending north to south across Lots 1 and 2. The plat also identifies the dedication of a second 50 foot wide right-of-way utility easement extending north to south across the two lots located directly west of the existing easement. A note on the plat identifies that the *proposed* right-of-way utility easement shall be located "25 feet on each side of the existing power line". It is unclear if the proposed right-of-way utility easement will replace the existing right-of-way utility easement or if two right-of-way utility easements will be located on the property. The right-of-way utility easement(s) will also serve as legal access to proposed Lot 1 and must be constructed to industrial street standards with a minimum 59 foot wide right-of-way and a 26 foot wide paved surface. Staff is recommending that the applicant clarify whether the existing easement will be vacated and that road construction plan(s) be submitted accordingly upon submittal of a Preliminary Plat. If the existing easement is to be vacated, all of the affected utility companies must be notified to determine if they concur with the proposed easement vacation. **The applicant has indicated that the existing right-of-way utility easement will be relocated to the actual location of the overhead electric line resulting in the vacation of the original easement and the dedication of a new easement as identified.**

**On May 24, 2002 the applicant submitted a copy of the right-of-way utility easement document as requested. The City Attorney's Office reviewed the document and determined that the easement is not an "access easement". As such, road improvements within the easement are not required. In addition, the easement is dedicated solely to Black Hills Power. Prior to Final Plat approval, the applicant must submit documentation indicating that Black Hills Power concurs with the proposed relocation of the 50 foot wide right-of-way utility easement.**

Zoning: The west 350 feet of proposed Lot 1 is zoned General Commercial District with the balance being zoned Heavy Industrial District. All of proposed Lot 2 is zoned Heavy Industrial District. The applicant should be aware that development and/or redevelopment of proposed Lot 1 will be limited to those permitted uses within each zoning district as identified on the lot.

Water and Sewer Plans: The Engineering Division has indicated that a 20 inch water main is currently located in East Philadelphia Street. Upon Preliminary Plat submittal, a water and sewer plan, prepared a by a Registered Professional Engineer, must be submitted for review and approval. The plans must show existing and proposed water and sewer lines and the extension of service lines to the subject property.

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East Philadelphia Street: East Philadelphia Street is located along the north lot line of proposed Lot 2 and is classified as a collector road on the Major Street Plan. The Street Design Criteria Manual requires a minimum 76 foot right-of-way for a collector road. Currently, East Philadelphia Street has a 30 foot right-of-way width. It also appears that the existing J & J Auto Body Store is located directly adjacent to East Philadelphia Street. The Engineering Division has indicated that the plat must be revised to provide 23 feet of additional right-of-way along the north lot line with the exception of the area currently occupied by the existing building. In addition, the applicant must sign an agreement that if the building or that portion of the building located within the north 23 feet of proposed Lot 2 is ever removed, then the applicant will dedicate the area as public right-of-way. Prior to Final Plat approval, the plat must be revised to provide an additional 23 feet of right-of-way and the agreement must be signed as identified or a Variance to the Subdivision Regulations must be obtained waiving the requirement. **The structural site plan submitted on May 24, 2002 shows the dedication of an additional 23 feet of right-of-way along East Philadelphia Street, except within the area currently occupied by the J & J Truck and Auto Body structure. A note on the site plan states that future right-of-way will be granted for this area if the existing building is removed from the location. Staff is recommending that the applicant enter into an agreement with the City for the future right-of-way as identified above.**

Cambell Street: Cambell Street is located along the west lot line of proposed Lot 1 and is classified as a principal arterial road on the Major Street Plan. The Street Design Criteria Manual requires a minimum 100 foot right-of-way for a minor arterial road. Currently, Cambell Street has an 80 foot right-of-way width. Prior to Final Plat approval, the plat must be revised to provide an additional 10 foot of right-of-way along Cambell Street or a Variance to the Subdivision Regulations must be obtained waiving the requirement. **The structural site plan submitted on May 24, 2002 also identifies dedicating 10 additional feet of right-of-way along Cambell Street. Granting the additional right-of-way will reduce the front yard setback from the existing structure located on proposed Lot 2 from 18.5 feet to 8.5 feet. (The existing structure is currently a legal non-conforming structure.) Prior to Final Plat approval, that portion of the structure located within the 35 foot front yard setback must be removed or a Variance must be obtained reducing the front yard setback from 35 feet to 8.5 feet. The applicant also has the option of posting surety to insure that the building is removed as identified within two years of the date of approval of the Final Plat. During that two year period, the owner may request a variance to allow the structure to remain and the bond will be released.**

The Engineering Division has also indicated that the existing approach to proposed Lot 2 along Cambell Street must be relocated to align with an existing alley located on the west side of Cambell Street. In addition, the relocated approach may not exceed 28 feet in width. The South Dakota Department of Transportation has also indicated that an Approach Permit must be submitted for review and approval. Staff is recommending that the approach be located and/or relocated as identified and that an Approach Permit be obtained prior to Final Plat approval.

Plat Labeling: The Register of Deed's Office has indicated that the plat title must be revised to delete "located in" and that the following be included in the "formerly" description: "SW1/4

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SW1/4, Section 32, T2N, R8E, BHM". Staff is recommending that the plat be revised as identified prior to Preliminary Plat approval.

**Staff believes that the proposed plat generally complies with all applicable zoning and subdivision regulations assuming compliance with the stated stipulations.**