

STAFF REPORT
June 9, 2005

No. 05PL079 - Preliminary Plat

ITEM 10

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Dr. John Kharouf
REQUEST	No. 05PL079 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot 1, North 80 Subdivision, located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Lot 1, North 80 Subdivision, Located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.647
LOCATION	At the northeast corner of Fifth Street and East Stumer Road
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Office Commercial District
South:	Office Commercial District
East:	Office Commercial District
West:	Office Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/29/2005
REVIEWED BY	Todd Tucker / Bob Dominicak

RECOMMENDATION:

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

1. Prior to issuance of a Building Permit, a Planned Commercial Development - Initial and Final Development Plan shall be approved;
2. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that access will be provided to the proposed fire hydrant or show the hydrant located in a location accessible by fire department apparatus;**
3. All applicable provisions of the International Fire Code shall be continually met; and,
4. 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.

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GENERAL COMMENTS: (This Staff Report was revised on May31, 2005. All revised and/or added text is shown in bold text.) This item was continued at the May 26, 2005 Planning Commission meeting to allow the applicant time for staff to review the revised plat and construction drawings submitted on May 25, 2005.

The applicant has submitted a Preliminary Plat to subdivide a 1.647 acre parcel into two lots. The proposed lots are .946 acres and .701 acres in size. On April 4, 2005, the City Council approved a Layout Plat to subdivide the subject property into two lots. The applicant has also submitted a Variance to the Subdivision Regulations (05SV031) to waive the requirement to dedicate public Right-of-Way, to install pavement, curb, gutter, sidewalks, street light conduit, water and sewer within the private access easement that is located within the proposed Lot 1A.

The property is located at the northeast corner of Fifth Street and East Stumer Road. Currently there is an orthodontics clinic located on the subject property.

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

Zoning: Staff noted that the subject property is located within the South Robbinsdale Neighborhood Area Future Land Use Plan and is identified as appropriate for Office Commercial development with a Planned Commercial Development. The current zoning of the subject property is Office Commercial; however, no Planned Development has been requested for the subject property. Prior to issuance of a Building Permit, Planned Commercial Development - Initial and Final Development Plan must be approved.

Access Easement: The Preliminary Plat identifies an access easement extending from the shared access easement on the east property line of the proposed Lot 1A through the parking lot and terminating at the north lot line of the proposed Lot 1A. The access easement is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. As previously indicated, a Variance to the Subdivision Regulations (05SV031) to waive the requirement to dedicate public right-of-way, to install pavement, curb, gutter, sidewalks, street light conduit, water and sewer within the private access easement has been requested.

On May 26, 2005, the Planning Commission denied without prejudice the Variance to the Subdivision Regulations (05SV031) as the proposed access easement through the proposed Lot 1A is no longer required.

As an alternative, staff noted that the applicant may wish to revise the lot configuration and provide a flag pole lot for the proposed lot to the north, providing access to the proposed Lot 1B along the east property line. This configuration could reduce the applicant's improvement costs.

On May 25, 2005, the applicant submitted a revised plat showing the proposed Lot 1B configured as a flag pole lot with the access to the proposed lot along the east lot line

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of the proposed Lot 1A. There is an existing 20 foot wide access easement located on the subject property. The applicant is proposing to have a 25 foot wide access to the proposed Lot 1B. As such, the applicant is proposing to vacate five feet of the existing non-access easement located along the south lot line of the subject property as it abuts East Stumer Road and create a five foot wide by 40 feet long shared access easement on the east lot line of the proposed Lot 1A. Staff is recommending approval of the vacation of a non-access easement and the creation of an additional five feet to the existing 20 foot wide shared access easement located on the subject property as it will provide the required width needed for access to the proposed Lot 1B.

Fire Protection: Staff has indicated that the number of fire hydrants and the location of fire hydrants appear to be in compliance with the International Fire Code.

Staff noted that the revised location of the proposed fire hydrant appears to be in an inaccessible space for fire department apparatus. As such, the applicant must demonstrate that access will be provided to the proposed fire hydrant or show the hydrant located in a location accessible by fire department apparatus.

Pavement Design: Staff noted that a typical section of pavement design for the access drive to Lot 1B was not submitted with the application. As such, a typical section of pavement design for the access drive to the proposed Lot 1B must be submitted for review and approval prior to Preliminary Plat approval by the City Council.

As previously indicated, the applicant submitted a revised plat showing Lot 1B configured as a flag pole lot with access onto East Stumer Road. As such, the access easement through the proposed Lot 1A is not needed.

Water: Staff noted that the submitted construction plans show the proposed water connection to the existing 16 inch water main located within the Fifth Street right-of-way. Staff recommends relocating the water connection to the existing 12 inch water main located within the East Stumer Road right-of-way. Staff also noted that the submitted construction plans must be revised to show the proposed water service to the proposed Lot 1B to be at right angles as per Section 13.04.340 of the Rapid City Municipal Code.

The revised plat shows that the water service will be provided through a 20 foot wide water main easement located on the east side of the proposed Lot 1A and connected at a right angle to the 12 inch water main located within the East Stumer Road right-of-way.

Sewer: Staff noted that the submitted construction plans show the sanitary sewer service to the proposed Lot 1B to be a service line. Staff noted that the sanitary sewer service must be a main line with an eight inch diameter with a manhole provided at the terminus of the easement at the south lot line of the proposed Lot 1B.

On May 25, 2005, the applicant submitted a revised plat showing the proposed Lot 1B configured as a flag pole lot. The sanitary service will be located within the flag pole portion of the lot. As such, the sanitary sewer service to Lot 1B may be through a

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service line and does not need to be a main line with a manhole.

Red Line Comments: Staff noted that red line comments addressing required revisions and changes have been made on the Preliminary Plat and construction plans. Staff noted that the comments must be addressed and the red lined drawings must be returned prior to Preliminary Plat approval by the City Council.

On May 25, 2005, the applicant returned the red lined comments addressing required revisions to the plat and construction plans.

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