

STAFF REPORT
January 26, 2006

No. 05PL241 - Preliminary Plat

ITEM 11

GENERAL INFORMATION:

PETITIONER	FMG Engineering for West River Elect
REQUEST	No. 05PL241 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Plat of Lot 1 and Lot 2 of West River Electric Association Subdivision and dedicated public Right-of-Way shown as Twilight Drive (formerly Lot 1 less Lot H1, Lots 2 and 3, Lot 4 less Lot H1, Lot 6 less Lot H1, Lots 7 and 8, and Lot 9 less Lot H1, all of Block 1 of Johnson School Subdivision; Lot 1 less Lot H1, Lot 2, and Lot 3 less Lot H1, all of Block 2 of Johnson School Subdivision; Lot A less Lot H1 of the NE1/4 NW1/4 of Johnson School Subdivision; Lot A less Lot H1, and Lots B and C, all of the NW1/4 NE1/4 of Johnson School Subdivision; Rapid Valley School District No. 4 Lot of the NW1/4 NE1/4; vacated School Drive Right-of-Way (Lot "RS"); Lots A and B of Lot 1 of Lot D, and Lot 2 of Lot D, all of the NW1/4 NE1/4 located in the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, and the NW1/4 NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of West River Electric Association Subdivision, located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.26 acres
LOCATION	East of Elk Vale Road and north of Highway 44 and west of Twilight Drive
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	Suburban Residential District (Pennington County)
West:	General Commercial District - Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	12/9/2005

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REVIEWED BY

Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

1. 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;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for Elk Vale Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, road construction plans for S.D. Highway shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for Twilight Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide ten additional feet of right-of-way to align with the existing right-of-way located along the northern 410 feet of proposed Lot 1;
5. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate physical access to proposed Lot 2 from Twilight Drive or access shall be provided through proposed Lot 1 or the plat document shall be revised to combine Lot 1 and Lot 2 into one lot. In addition, road construction plans for the access road through Lot 1 shall be submitted for review and approval showing the street located in a minimum 59 foot wide right-of-way 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;
6. Prior to Preliminary Plat approval by the City Council, road constructed plans for the section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the street 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 or the section line highway shall be vacated;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Elk Vale Road. In addition, a non-access easement shall be shown along Twilight Drive and **S. D. Highway 44** except for the approved approach locations;
9. **Prior to submittal of a Final Plat application, an Approach Permit shall be obtained from the South Dakota Department of Transportation for the proposed approach along S.D. Highway 44;**
10. **Prior to submittal of a Final Plat application, an Approach Permit shall be obtained from the Pennington County Highway Department for the proposed approaches along Twilight Drive; and,**

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11. Upon submittal of the 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.

GENERAL COMMENTS:

(Update, January 18, 2006. All revised and/or added text is shown in bold print.) This item was continued at the January 5, 2006 Planning Commission meeting at the applicant's request. On January 18, 2006, staff met with the applicant and his representatives to discuss issues specific to the development of this site. The Staff Report(s) have been revised to reflect the outcome of the discussions.

The applicant has submitted a Preliminary Plat to combine 19 lots into two lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road, to install curb, gutter, sidewalk and street light conduit along S.D. Highway 44, to install sidewalk, street light conduit and additional pavement along Twilight Drive, and to install curb, gutter sidewalk, street light conduit, water sewer and pavement and to dedicate right-of-way along a section line highway. The applicant has also submitted an Initial Planned Light Industrial Development to allow an office building with outdoor storage for a utility company. (See companion items 05SV083 and 05PD086.)

The property is located in the northwest corner of the intersection of S.D. Highway 44 and Twilight Drive. Currently, an antenna tower, an office building, a warehouse building, school buildings and outdoor storage exists on the subject property.

STAFF REVIEW:

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

Elk Vale Road: Elk Vale Road is located along the west lot line of the subject property and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Elk Vale Road is located in a 250 foot wide right-of-way and constructed with a 40 foot wide paved surface. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans must be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

S.D. Highway 44: S.D. Highway 44 is located along the south lot line of the subject property and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, S.D. Highway is located in a 150 foot wide right-of-way and constructed with a 40 foot wide paved surface, water and sewer. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans must be submitted for review and approval showing the street constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations must be obtained.

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Twilight Drive: Twilight Drive is located along the east lot line of the subject property and is classified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Twilight Drive is located in a right-of-way that varies from 103.3 feet to 66 feet and is constructed with a 40 foot wide paved surface, water and sewer. In addition, sidewalk exists along the northern portion of the subject property. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans must be submitted for review and approval showing the street constructed with curb, gutter, street light conduit and sidewalk along the balance of the street or a Variance to the Subdivision Regulations must be obtained.

The plat document also identifies the dedication of 33 additional feet of right-of-way along the southern portion of Twilight Drive. However, ten additional feet of right-of-way, or 43 feet, was previously provided along the northern 210 feet of Twilight Drive as it abuts the subject property. As such, staff is recommending that the plat document be revised to provide ten additional feet of right-of-way along the balance of Twilight Drive as it abuts the subject property. Staff has also noted that the property is located within a Planned Light Industrial Development. As such, setback reductions and/or lot coverage exceptions may be granted through the review and approval of the Initial and Final Planned Light Industrial Development in consideration of granting the additional right-of-way.

Section Line Highway: A section line highway is located along the north lot line of the subject property. The section line highway is classified as an industrial street requiring that it be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the 66 foot wide section line highway must be dedicated as right-of-way. To date, the section line highway is unimproved. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans must be submitted for review and approval showing the section line highway constructed as identified and the 66 foot wide section line highway dedicated as right-of-way or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated. The northern half of the section line highway is located on an adjacent property under different ownership from the subject property. The Subdivision Regulations states that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivide, the other half shall be platted. No new half-streets shall be permitted". Vacating only that portion of the section line highway located on the subject property will create a half-street. As such, the entire section line highway must be vacated or a Variance to the Subdivision Regulations must be obtained. If the applicant seeks to vacate a portion of the section line right-of-way, the adjacent property owner will need to concur in the request. Prior to City Council approval of the Preliminary Plat, the section line highway issue must be addressed as identified or construction plans for the street must be submitted for review and approval.

Lot 2: The plat document does not identify access to Lot 2 other than Twilight Drive. However, topographic constraints, as well as the Hawthorne Irrigation Ditch, may preclude access to proposed Lot 2 from Twilight Drive. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the applicant must demonstrate physical access to proposed Lot 2 from Twilight Drive or access must be provided through proposed Lot 1 or the plat document must be revised to combine Lot 1 and Lot 2 into one lot. In addition, road

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construction plans for the access road through Lot 1 must be submitted for review and approval showing the street located in a minimum 59 foot wide right-of-way 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.

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