

STAFF REPORT
January 25, 2007

No. 06PL183 - Preliminary Plat

ITEM 8

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Jeffrey L. Devine
REQUEST	No. 06PL183 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of Tract B of the SW1/4 SW1/4, less Lot H-1 of Tract B, located in the SW1/4 S1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.462 acres
LOCATION	262 North Cambell Street
EXISTING ZONING	General Commercial District - Heavy Industrial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	Heavy Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/9/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by City Council, construction plans showing the sewer main extended along Cambell Street to the north property line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained waiving the requirement;**
- 2. Prior to Preliminary Plat approval by City Council, a revised plat document shall be submitted for review and approval and a miscellaneous document shall be recorded with the Pennington County Register of Deeds Office for the proposed drainage easement on the unplatted balance;**
- 3. Prior to Preliminary Plat approval by City Council, the approach shall be located and/or relocated as identified along Cambell Street and an Approach Permit shall be obtained;**
- 4. Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
- 5. Upon submittal of the Final Plat, 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 has been revised as of January 15, 2007. All revised and/or added text is shown in bold print. The applicant has submitted a Preliminary Plat to subdivide a 4.94 acre parcel into one 1.46 acre lot and leave the remaining 3.48 acres as an unplatted balance.

On July 1, 2002, City Council approved a Layout Plat (02PL034) with stipulations for the subject property.

On November 18, 2002 City Council approved a Preliminary Plat (02PL056) for the subject property with the following stipulations:

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as needed;
2. Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval. In addition, the plat document shall be revised to show additional utility easements as needed;
3. 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 Engineering Division;
4. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Cambell Street except for the approved approach location;
5. Prior to Final Plat approval by the City Council, the plat document shall be revised to show ten additional feet of right-of-way along Cambell Street;
6. Prior to Final Plat approval by the City Council, the plat document shall be revised to show 23 additional feet of right-of-way along Philadelphia Street with the exception of the area currently occupied by existing building(s);

Fire Department Recommendations:

7. The Uniform Fire Code shall be continually met;

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;

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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.

The property is located approximately 385 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, an industrial structure is located on the proposed balance of Tract B and the proposed Lot 1 is currently undeveloped.

STAFF REVIEW:

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

Easement Identification: The proposed plat identifies the proposed vacation of an existing 50 foot wide right-of-way utility easement of record extending north to south across Lots 1 and the balance of Tract B. The plat also identifies the dedication of a 50 foot wide utility easement extending north to south across the two lots located directly west of the existing easement. 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. However, since this portion of the property is to remain an unplatted balance the easements cannot be dedicated or vacated as part of this plat. Staff recommends that prior to Planning Commission approval of the Preliminary Plat the applicant submit a revised plat document as indicated. The applicant must also submit a separate application to vacate the 50 foot wide right-of-way utility easement. Staff also noted that the applicant would need to secure a new 50 foot wide utility easement prior to City Council approval of the vacation of the 50 foot wide right-of-way utility easement.

On January 11, 2007 the applicant submitted a right-of-way easement that was recorded at the Pennington County Register of Deeds Office on December 3, 1992 amending the 50 foot wide right-of-way easement to conform to the actual location of the overhead electric line. However, the revised plans propose to dedicate a drainage easement on the unplatted balance. Since this portion of the property is to remain an unplatted balance the easement cannot be dedicated as part of this plat. Staff recommends that prior to City Council approval of the Preliminary Plat the applicant revise the plat document and record a miscellaneous document with the Pennington County Register of Deeds office for the proposed drainage easement on the unplatted balance.

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Zoning: The west 350 feet of proposed Lot 1 is zoned General Commercial District with the balance being 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 System: Staff noted that the plans do not indicate water service to the balance of Tract B. Staff recommends that prior to Preliminary Plat approval by Planning Commission the applicant shall submit revised plans indicating the existing and proposed water service to the balance of Tract B.

Staff noted that the constructions plans submitted on December 29, 2006 show an existing well to serve the balance of Tract B.

Wastewater System: Staff noted that the plans do not indicate sewer service to the balance of Tract B. Staff recommends that prior to Preliminary Plat approval by Planning Commission the applicant shall submit revised plans indicating the existing and proposed sewer service to the balance of Tract B. Staff also noted that sewer service shall be extended along Cambell Street to the north property line or a Variance to the Subdivision Regulations must be obtained waiving the requirement.

On December 29, 2006 an application was submitted requesting a Variance to the Subdivision Regulations (06SV077) waiving the requirement to extend the sewer main along Cambell Street to the north property line. Staff also noted that an existing septic system serves the balance of Tract B.

East Philadelphia Street: East Philadelphia Street is located along the north lot line of the balance of Tract B 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 structure is located directly adjacent to East Philadelphia Street. Staff noted that at the time of platting the balance of Tract B the applicant shall dedicate an additional 23 feet of right-of-way along the north lot line and construct East Philadelphia Street to a collector street standard or a Variance to the Subdivision Regulations must be obtained waiving the requirements.

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. The applicant has proposed the dedication of ten additional feet of right-of-way along Cambell Street on the Preliminary Plat Document.

Staff also indicated that the existing approach to proposed Lot 1 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 Preliminary Plat

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approval by City Council. In addition, the plat document must be revised to show a non-access easement along Cambell Street except for the approved approach location.

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

On December 29, 2006 the applicant submitted revised drawings addressing all red line comments.

Master Plan: In accordance with the adopted resolution, a master plan for the entire property is requested to be submitted for review and approval prior to Preliminary Plat approval by the Planning Commission. In particular the master plan shall identify how utilities are to serve the area northeast of the subject property.

On December 19, 2006 Growth Management Staff met with the applicant and it was determined that the adjacent properties are currently served by sewer and water and the properties to the east will be served in the future by the development of Creek Drive.

This item was continued to the January 4, 2007 Planning Commission meeting to allow the applicant to submit the required information. As of December 20, 2006 the required information has not been submitted and staff is recommending that this item be continued to the January 25, 2007 Planning Commission Meeting. **This item was continued to the January 25, 2007 Planning Commission meeting to allow the applicant to submit the required information.**

Staff finds that the proposed Preliminary Plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.