

STAFF REPORT
July 26, 2007

No. 07PL089 – Layout and Preliminary Plat

ITEM 17

GENERAL INFORMATION:

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| PETITIONER | FMG, Inc. for City of Rapid City |
| REQUEST | No. 07PL089 – Layout and Preliminary Plat |
| EXISTING LEGAL DESCRIPTION | The NE1/4 SE1/4 less Right-of-way and S1/2 SE1/4 NE1/4 less Discovery Subdivision less Lot H2 and Less Right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Tract 3 of Discovery Subdivision and dedicated Right-of-way and dedicated public right-of-way formerly the NE1/4 SE1/4 less Right-of-way and S1/2 SE1/4 NE1/4 less Discovery Subdivision less Lot H2 and Less Right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 32.74 acres |
| LOCATION | West of Elk Vale Road and South of East Mall Drive |
| EXISTING ZONING | General Commercial District |
| SURROUNDING ZONING | |
| North: | General Commercial District |
| South: | General Commercial District - General Commercial District (Planned Commercial Development) |
| East: | Box Elder |
| West: | General Commercial District (Planned Commercial Development) |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 6/29/2007 |
| REVIEWED BY | Vicki L. Fisher / Todd Peckosh |

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, road construction plans for North Elk Vale Road shall be submitted for review and approval. In particular, the road construction plans shall show the construction of water, curb and gutter along both sides of North Elk Vale Road and sidewalk along the west side of North Elk Vale Road or a

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- Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for Interstate 90 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
 3. Prior to submittal of a Final Plat application, the applicant shall enter into a covenant agreement to participate in the cost of upgrading the Elk Vale Road lift station as needed to serve the proposed development;
 4. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the reference to "Tract 4" in the notes;
 5. Prior to submittal of a Final Plat application, the plat document shall be revised correcting the spelling error in the Certificate of Ownership to read "In witness whereof I...";
 6. Prior to submittal of a Final Plat application, the plat document shall be revised extending the 45 foot wide sanitary sewer easement to the north lot line;
 7. 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; and,
 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

GENERAL COMMENTS:

The applicant has submitted a Layout and Preliminary Plat to plat a parcel of land into a 32.456 acre commercial lot. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV037) to waive the requirement to install curb, gutter, water along North Elk Vale Road; to waive the requirement to install sidewalk along the west side of North Elk Vale Road; and, to waive the requirement to install curb, gutter, sidewalk, water and sewer along Interstate 90.

The property is located in the southwest corner of the intersection of North Elk Vale Road and E. Mall Drive. Currently, the City's Visitor Information Center is located on the property.

STAFF REVIEW:

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

Interstate 90: Interstate 90 is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. To date, curb, gutter, sidewalk, sewer and water have not been constructed along the street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

E. Mall Drive: E. Mall Drive is located along the north 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 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. The street is currently

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located in a 100 foot wide right-of-way and constructed with three 12 foot wide paved lanes, curb, gutter, sidewalk along the south side, street light conduit, water and sewer. Currently, sidewalk does not exist along the north side of the street. However, the applicant has submitted a construction sheet showing the sidewalk along the north side of E. Mall Drive. As such, no additional improvements are needed along E. Mall Drive as a part of this platting.

North Elk Vale Road: North Elk Vale Road is located along the east lot line of the property and is classified as a principal arterial street on the City's Major Street Plan. The street is currently located in a 200 foot wide right-of-way and constructed with a 24 foot wide paved surface, a ten inch sewer main and a force main. To date, curb, gutter, sidewalk and water have not been constructed along the street. The South Dakota Department of Transportation is currently constructing the "Exit 61" construction project which includes the construction of two through lanes in each direction with a center turning lane and a sidewalk along the east side of the North Elk Vale Road. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval for the balance of the improvements as identified or a Variance to the Subdivision Regulations must be obtained.

Drainage: The northeast area of the subject property is currently utilized for the detention of drainage. The Preliminary Plat identifies this area of the property as a Major Drainage Easement contributing to the net area of the proposed lot in lieu of a separate lot for drainage.

Inspection Fees and Surety: Staff is recommending that upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed be posted and the subdivision inspection fees be paid.

Warranty Surety: On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

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