

STAFF REPORT  
November 8, 2007

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**No. 07PL121 - Preliminary Plat**

**ITEM 5**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore LLC
REQUEST	<b>No. 07PL121 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1A, 2A and 2B, Block 2, formerly Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, the vacated portion of Rapp Street and the south half of the vacated alley, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.77 acres
LOCATION	At the intersection of Eglin Street and Rapp Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/7/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by the City Council, construction plans showing the installation of a sidewalk along the east side of Rapp Street and water and sewer along Rapp Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, construction plans showing the installation of a sidewalk and sewer along Pine Street shall be submitted for**

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- review and approval or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the note establishing Lot 2 A as a “private parking and circulation easement” shall be removed from the plat document or construction plans showing the easement improved to City Street Design Standards with pavement, curb, gutter, sidewalk, street light conduit, water and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
  4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the elimination of Lot K-4B and Lot K-4C;
  5. Prior to submittal of a Final Plat application, the plat title shall be revised to read “Lot 2 and the south half of a vacated alley less Lot H-1, Block 2, Rapps Addition”. In addition, the plat title shall be revised to show the property located in the “NE1/4SW1/4 and the NW1/4SE1/4, Section 30;
  6. 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,
  7. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

GENERAL COMMENTS:

(Update, October 29, 2007. All revised and/or added text is shown in bold print.) This item was continued at the October 25, 2007 Planning Commission meeting to allow the applicant to submit a revised plat document. The applicant has subsequently submitted the revised plat document showing the three lots reconfigured as previously discussed and two additional lots located in the southeast corner of the intersection of Eglin Street and LaCrosse Street.

(Update, October 12, 2007. All revised and/or added text is shown in bold print.) This item was continued at the October 4, 2007 Planning Commission meeting to allow the applicant to submit a revised plat document. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the November 8, 2007 Planning Commission meeting.

The applicant has submitted a Preliminary Plat to subdivide two parcels into three lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV052) to waive the requirement to install sidewalk, water, sewer, curb, gutter, street light conduit, pavement and to reduce the right-of-way width along a 20 foot side parking and circulation easement, to install sidewalk, water and sewer along Rapp Street and to install sidewalk and sewer along Pine Street as they abut the property.

The recent platting of Rushmore Crossing included the realignment of the intersection of Rapp Street and Eglin Street. As such, the applicant has submitted this Preliminary Plat to create lots on each side of Rapp Street as it extends through the property.

The property is located north of the intersection of Eglin Street and Rapp Street. Currently, Quality Transmission and a cellular communication tower are located on proposed Lot 2A.

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STAFF REVIEW:

On September 25, 2007, staff met with the applicant to discuss the Preliminary Plat and associated Variance to the Subdivision Regulations request. In particular, staff voiced concern with access to proposed Lot 1A and Lot 2A. As a result of the discussion, the applicant has indicated that the plat document will be revised to include an adjacent lot located west of proposed Lot 1A. In addition, the plat document will show the two lots platted into one lot which will allow for an internal private drive to serve as access to proposed Lot 1A in lieu of allowing a separate approach along Rapp Street. The applicant has also indicated that the plat will be revised to vacate an existing 20 foot parking and circulation easement extending across proposed Lot 2B to serve Lot 2A since it is no longer needed to access either lot. **The revised plat document incorporates an adjacent lot into proposed Lot 1A which allows for an internal private drive extending from Rapp Street to serve all areas of the lot. In addition, the plat document has been revised to show the vacation of an existing 20 foot parking and circulation easement extending across Lot 2B to serve Lot 2A.**

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

**Lots:** As previously indicated, the revised plat document shows two additional lots, K-4B and K-4C, in the southeast corner of the intersection of Eglin Street and LaCrosse Street, for a total of five lots. The applicant has indicated that the two lots will be removed from this plat document. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show the elimination of Lot K-4B and Lot K-4C.

**Pine Street:** Pine Street is located along the east lot line of the subject property and is being constructed as a part of the Rushmore Crossing development. In particular, the street will be constructed with a 36 foot wide paved surface, curb, gutter, street light conduit and water. However the construction plans do not show sidewalk or sewer along the street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans showing the installation of a sidewalk and sewer along Pine Street be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

**Rapp Street:** Rapp Street is located along the east lot line of proposed Lot K-4A and is classified as a commercial street requiring that it be 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. The plat document identifies Rapp Street located within an existing 63 foot wide right-of-way and/or H lot. In addition, the applicant has submitted construction plans showing Rapp Street being constructed to commercial street standards with the exception of water, sewer and a sidewalk along the east side of the street. The northern portion of the street is currently constructed as identified with the exception of water, sewer and a sidewalk along the east side of the street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans showing the installation of a sidewalk along the east side of Rapp Street and water and sewer

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along Rapp Street be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

**Easement:** The plat document identifies Lot 2A as a “private parking and circulation easement”. Staff is recommending that prior to Preliminary Plat approval by the City Council, the note establishing the easement on Lot 2A be removed from the plat document or construction plans showing the easement improved to City Street Design Standards with pavement, curb, gutter, sidewalk, street light conduit, water and sewer must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

**Inspection Fees and Surety:** Chapter 16.20.080 of the Rapid City Municipal Code states that before any Final Plat is approved, an additional fee shall be paid to the City to cover the costs of inspection of the subdivision improvements required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff is recommending that upon submittal of a Final Plat application, surety be posted and subdivision inspection fees be paid as required.

**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 addition, 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.