

STAFF REPORT
December 6, 2007

No. 07PL156 - Preliminary Plat

ITEM 13

GENERAL INFORMATION:

APPLICANT	Pat Tlustos for Bypass LLC
AGENT	FMG, Inc.
PROPERTY OWNER	By-Pass Development, LLC
REQUEST	No. 07PL156 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	The W1/2 of the NE1/4 less I90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 4 and 5 of Block 2, Lots 4 thru 9 of Block 5, Lots 3 thru 6 of Block 6 and Lots 1 and 2 of Block 7; all of I90 Heartland Business Park, and dedicated public right-of-way shown as Seger Drive, Rearden Court and Dakota Craft Drive, locate din the W1/2 of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 36.21 acres
LOCATION	West of Elk Vale Road and north of East Mall Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Light Industrial District
East:	Light Industrial District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/20/2007
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Prior to submittal of a Final Plat application, the plat document shall be revised to show a drainage easement across Lot 1, Block 7 for the storm sewer crossing;
2. Prior to submittal of a Final Plat application, the plat document shall be revised to show a

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- non-access easement along the entire frontage of Lot 4, Block 2; Lot 6, Block 5; Lot 4, Block 6; and Lot 1, Block 7 as they abut Seger Drive or an Exception shall be obtained to allow access from the higher order street;
3. 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,
 4. 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 Preliminary Plat to create 14 lots. On August 23, 2007, the City Council approved a Preliminary Plat (#07PL073) to subdivide the property into 14 lots as shown on this plat document 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, the plat document shall be revised to show Dakota Craft Lane, a collector street, extending to the north lot line of the subject property or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained revising the Major Street Plan to coordinate with the proposed plat document;
3. Prior to Preliminary Plat approval by the City Council, temporary turnaround easements shall be recorded at the Register of Deed's Office for the turnarounds to be constructed at the end of Rearden Court and Seger Drive, respectively;
4. Prior to submittal of a Final Plat application, the plat document shall be revised to show a drainage easement across Lot 1, Block 7 for the storm sewer crossing;
5. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the entire frontage of Lot 4, Block 2; Lot 6, Block 5; Lot 4, Block 6; and Lot 1, Block 7 as they abut Seger Drive or an Exception shall be obtained to allow access from the higher order street;
6. 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;
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.

The applicant is requesting that stipulation No. 6 be eliminated and, as such, has submitted this Preliminary Plat for the City's review and approval.

The property is located north of E. Mall Drive and west of Elk Vale Road and is currently void of any structural development.

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STAFF REVIEW:

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

Lift Station: The North Elk Vale Road Lift Station will serve the subject property. A draft evaluation of the lift station is currently being reviewed by the Public Works Department staff. As noted above, a stipulation of the original approval of Preliminary Plat application #07PL073 states that "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". However, on August 6, 2007, the City Council approved Tax Increment District No. 64 which included the construction costs for the lift station. As such, the applicant is requesting that the stipulation of approval be eliminated. Since the cost of the lift station is included in Tax Increment District No. 64, staff has no objection to the applicant's request.

Plat Labeling: Preliminary Plat #07PL073 was approved with stipulations requiring that the plat document be revised to show a drainage easement across Lot 1, Block 7 for the storm sewer crossing and a non-access easement along the entire frontage of Lot 4, Block 2; Lot 6, Block 5; Lot 4, Block 6; and Lot 1, Block 7 as they abut Seger Drive. To date, the plat document has not been revised as previously required. As such, staff is recommending that prior to submittal of a Final Plat application, the plat document be revised to show the drainage easement. In addition, the plat document must be revised to show the non-access easement as identified or an Exception must be obtained to allow access from the higher order street.

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 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.