

STAFF REPORT
November 19, 2009

No. 09PL066 - Preliminary Plat

ITEM 42

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	HDRK Properties, LLC
REQUEST	No. 09PL066 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.79 acres
LOCATION	1520 Luna Avenue
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial District)
South:	General Commercial District (Planned Development Designation) - General Agriculture District
East:	General Commercial District (Planned Development Designation) - General Agriculture District
West:	General Commercial District (Planned Commercial District)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/9/2009
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easement shall be submitted for review and approval. The plat document shall be revised to show a minimum 59 foot wide access easement and construction plans shall be submitted for review and approval showing the access easement constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision**

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- Regulations shall be obtained;
2. **Prior to Preliminary Plat approval by the City Council, applicant shall submit a copy of the recorded Covenant Agreement providing access to the Water Shutoff Valve;**
 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;**
 4. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
 5. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

GENERAL COMMENTS: (Update, November 13, 2009. All revised and/or added text is shown in bold print.) This item was continued to the November 19, 2009 Planning Commission meeting to allow the applicant to submit the required information. The applicant submitted a revised plat document for review and approval as required. As such, staff recommends that this item be approved with the stipulations indicated above.

The applicant has submitted a Preliminary Plat to subdivide Tract C by creating a 1.79 acre lot, leaving the remaining 6.615 acre portion as a balance of Tract C. The property is currently vacant and is located north of East Anamosa Street, east of Luna Avenue and south of Eglin Street. The applicant has submitted an associated Variance to the Subdivision Regulations application (#09SV021) to waive the requirements to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on a shared access easement to Lot 1 of Tract C, an Initial and Final Planned Commercial Development Plan (#09PD051), a Comprehensive Plan Amendment application (#09CA028) and a Rezoning application (#09RZ048).

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

Master Plan: On January 21, 1991, the City Council adopted a resolution establishing a policy that a Master Plan for the surrounding properties be submitted prior to Layout Plat approval, including pedestrian and vehicular connections. To date, a Master Plan has not been submitted for the surrounding properties. (The applicant in this application is not required to submit a Layout Plat because all of the infrastructure improvements are in place, hence the Preliminary Plat application.) As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit a Master Plan for review and approval for the balance of Tract C as per the City's adopted resolution. **The applicant submitted a Master Plan of the surrounding property as required. Luna Drive is classified as a commercial/industrial street. Staff is concerned that when East Anamosa Street is constructed from its current terminus east to East North Street, the traffic levels on Luna Drive will increase significantly creating additional vehicular conflicts. As such, staff recommends that when additional platting occurs, the Master Plan be revised to**

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accommodate shared approaches at the common lot lines to reduce vehicular conflicts as originally proposed on the Master Plan dated November 4, 2009.

Master Utility Plan: The Master Utility Plan ensures that the property as well as the adjacent properties can be served from water and sewer mains extending south along Luna Avenue. However, because a Master Plan for the property has not yet been submitted for review and approval, the determination that water and sewer mains within the Luna Avenue right-of-way can provide adequate utilities for the balance of Tract C. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit a Utility Master Plan as identified. **The applicant submitted a Master Utility Plan of the surrounding property as required and based on the plan provided, it appears that adequate utilities can be provided to adjacent properties.**

Shared Access Easement: The applicant has submitted a proposed shared access easement 20 feet wide by 60 feet long along the south property line. The shared approach must not exceed 40 feet by 40 feet or construction plans must be submitted for review and approval showing the driveway constructed to City Street Design Standards with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and located within a minimum 45 foot wide right-of-way or a Variance to the Subdivision Regulations must be obtained. By creating a 40 foot by 40 foot shared access easement, the applicant can eliminate the need for the Subdivision Variance for the driveway construction. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit a revised plat document to reflect a 40 foot by 40 foot shared access easement.

The applicant submitted a revised plat document identifying a 50.5 foot wide by 45 foot long access easement located on the southwestern most corner of the lot in order to provide access to the balance of Tract C. The applicant has submitted a Variance to the Subdivision Regulations (#09SV021) to waive the requirements to design and construct the access easement in accordance with the adopted Street Design Criteria Manual. As such, staff recommends that the plat document be revised to show a minimum 59 foot wide access easement and submit construction plans review and approval showing the access easement constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or obtain a Variance to the Subdivision Regulations.

Non-access Easement: The plat identifies an Access and Utility Easement located along the northern lot line. As such, staff recommends that the plat be revised to reflect a non-access easement along the entire Access and Utility Easement unless the applicant can demonstrate that the Access Easement specifically authorizes that proposed Lot 1 of Tract C can utilize the Access Easement. Additionally, the plat needs to be revised to reflect a non-access easement starting at the northwest corner of the property extending south along Luna Avenue approximately 135 feet.

The applicant submitted a revised plat document identifying the non access easement along the north boundary extending south along the west boundary approximately 135 feet.

Easement: A fire hydrant and associated appurtenances are located on-site to ensure

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adequate fire protection. As such, staff recommends that the applicant enter into a Covenant Agreement with the City in order to provide the site with unobstructed ingress and egress to the water service valves.

Staff recommends that the Preliminary Plat be approved with the above-referenced stipulations.