

STAFF REPORT
January 7, 2010

No. 09PL076 - Preliminary Plat

ITEM 41

GENERAL INFORMATION:

APPLICANT	Vantage Properties, LLC
AGENT	Britton Engineering & Land Surveying, Inc.
PROPERTY OWNER	Vantage Properties, LLC
REQUEST	No. 09PL076 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot 4 and a portion of Lot 3 and a portion of the NW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Vista Ridge Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.687 acres
LOCATION	South of East North Street between Cambell Street and Anamosa Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/13/2009
REVIEWED BY	Vicki L. Fisher / 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, 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, construction plans for East North Street shall be submitted for review and approval showing sewer and a sidewalk along both sides of the street or a Variance to the Subdivision**

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- Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, construction plans for Century Road shall be submitted for review and approval showing sewer and a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, a water system and water usage analysis shall be submitted for review and approval verifying that the existing water supply system provides adequate fire and domestic flows or construction plans shall be submitted for review and approval showing a connection to the High Level Service Zone as per the City's Water Service Zone Master Plan;
 5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a non-access easement along East North Street;
 6. Prior to Preliminary Plat approval by the City Council, a vacation of right-of-way petition document shall be signed by the two abutting property owners, Century Resources Inc. and Frontera Chicos LLC, documenting concurrence with the proposed alley vacation. In addition, written documentation shall be submitted identifying that all of the affected utility companies concur with the vacation request;
 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of a minimum 59 foot wide right-of-way for Century Road as it abuts the property or a Final Plat shall be approved for that portion of the right-of-way to be dedicated as a part of the proposed plat for Lot 2A, 2B and 2C of Huffman Subdivision or the right-of-way shall be secured as an H Lot or a Variance to the Subdivision Regulations shall be obtained;
 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show "US Highway 14 & 16" as "East North Street";
 9. 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;
 10. Prior to the City's acceptance of the public improvements, a Warranty Surety shall be submitted for review and approval as required; and,
 11. 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, December 24, 2009. All revised and/or added text is shown in bold print.)
This item was continued at the December 10, 2009 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted sewer plans, a revised plat document, a revised Master Plan and a Variance to the Subdivision Regulations (#09SV027) to waive the requirement to install sewer along a portion of East North Street, sidewalk along both sides of East North Street, sewer along Century Road and sidewalk along a portion of Century Road.

The applicant has submitted a Preliminary Plat to create a 1.687 acre commercial lot,

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leaving two non-transferable balances. The lot is to be known as Lot 1 of Vista Ridge Subdivision.

The property is located southeast of the intersection of Century Road and E. North Street. Currently, the proposed lot is void of any structural development. The Horseshoe Bar and a sign are located on the non-transferable balance.

STAFF REVIEW:

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

Sewer: The construction plans show a sewer main along the service road. However, a profile for the design of the sewer line has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit sewer plans as required. In addition, the plat document must be revised to show utility easements as needed.

(Update: December 24, 2009) The applicant has submitted a sewer plan showing the extension of a sewer main along a portion of East North Street as it abuts the property to serve the proposed lot.

Water: The property is located in the North Rapid High Level Service Zone as per the City's Water Service Zone Master Plan. Prior to Preliminary Plat approval by the City Council, a water system and water usage analysis must be submitted for review and approval verifying that the existing water supply system provides adequate fire and domestic flows or construction plans must be submitted for review and approval showing a connection to the High Level Service Zone as per the City's Water Service Zone Master Plan;

Access: The Preliminary Plat identifies access to the proposed lot from a service road located within the East North Street right-of-way and from a second approach located along Century Road. However, the City does not support a service road within the East North Street right-of-way as inadequate separation distance is provided resulting in a potential traffic safety hazard. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to revise the Preliminary Plat to eliminate the service road and to show a non-access easement along Century Road except for the approved approach location and along all of East North Street as it abuts the property.

(Update: December 24, 2009) The applicant has submitted a revised plat document showing the elimination of the service road. However, to date the plat document has not been revised to provide a non-access easement along the north lot line as it abuts East North Street. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the plat document be revised to provide a non-access easement along East North Street as required.

Master Plan: The applicant has submitted a Master Plan proposing to subdivide this property as well as two additional adjacent properties into 19 lots with a dedicated stormwater management area and with the extension of several streets. Staff has reviewed the Master Plan and noted that it must be revised as follows:

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- Show the extension of Philadelphia Street, a collector street as per the City's Major Street Plan, along the southern portion of the property;
- Remove the service road from the East North Street right-of-way;
- Show the 50 foot wide access and utility easement extending south from East Anamosa Street between Lot 3 and Lot 5 with a minimum 59 foot width since it is classified as a commercial street; and,
- Remove the proposed apartment development from the southwest corner of the property since it is currently zoned Light Industrial District which does not allow the proposed use. In addition, the Master Plan must be revised to show a use on the property that complies with the zoning and the Future Land Use Plan designation of Light Industrial.

Upon platting of these future phases of the development, construction plans prepared by a Professional Engineer must be submitted for review and approval in compliance with Title 16 of the Rapid City Municipal Code and with the Street Design Criteria Manual. A complete drainage plan must also be submitted for review and approval. In addition, maintenance and ownership of the proposed storm water management area must be identified.

Staff recommends that the Preliminary Plat be continued to allow the applicant to revise the Master Plan as identified above.

(Update: December 24, 2009) The applicant has submitted a revised Master Plan showing the extension of Philadelphia Street. However, the eastern portion of the street does not match the alignment of the street as shown on the City's adopted Major Street Plan. As such, the applicant should be aware that upon platting this area of the property, the street must be realigned to comply with the City's Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan must be obtained.

The Master Plan has also been revised to eliminate the service road from the East North Street right-of-way. However, the Master Plan shows an approach extending from East North Street to a future lot located north of this proposed lot. The applicant should be aware that upon platting this area of the property, an Exception must be obtained to allow access from East North Street, the higher traveled street, or the approach must be eliminated.

The Master Plan has also been revised to remove the proposed apartment development from the southwest corner of the property.

Alley: Currently, a 15 foot wide alley of record extends through the proposed lot. The Street Design Criteria Manual states that an alley must be located within a minimum 20 foot wide right-of-way and constructed with a minimum 16 foot wide paved surface. As such, the applicant must submit construction plans for the alley as identified or a Variance to the Subdivision Regulations to waive the requirement to dedicate the additional right-of-way and to improve the alley must be obtained or the alley must be vacated.

Staff recommends that the Preliminary Plat be continued to allow the applicant to address the alley issue as identified.

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(Update: December 24, 2009) The plat document has been revised to show the vacation of the alley as it extends through the property. To date, a petition to vacate right-of-way has not been signed by all of the abutting property owners. In particular, Century Resources Inc. and Frontera Chicos LLC must sign a petition of right-of-way vacation form to document that they concur with the proposed alley vacation. In addition, written documentation must be submitted identifying that all of the affected utility companies concur with the alley vacation.

Staff recommends that prior to Preliminary Plat approval by the City Council, a vacation of right-of-way petition be signed by the abutting property owners as identified and written documentation be submitted identifying that all of the affected utility companies concur with the vacation request.

East North Street: East North Street is located along the north lot line of the property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. East North Street is located within a 260 foot wide right-of-way and is currently constructed to City Street Design standards with the exception of a sidewalk along both sides of the street and sewer. As such, staff recommends that prior to Preliminary Plat approval by the City Council, construction plans for East North Street be submitted for review and approval showing sewer and a sidewalk along both sides of the street or a Variance to the Subdivision Regulations must be obtained.

Century Road: Century Road is located along the south lot line of the property 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 construction plans show the street being constructed in compliance with City Design Standards with the exception of a sidewalk along both sides of the street and sewer. As such, staff recommends that prior to Preliminary Plat approval by the City Council, construction plans for Century Road be submitted for review and approval showing sewer and a sidewalk along both sides of the street or a Variance to the Subdivision Regulations must be obtained.

Plat Label: The proposed plat identifies the dedication of a 60 foot wide right-of-way for Century Road as it abuts the property. However, the southern half of the first 170 feet of Century Road as it extends east from East North Street is located within an existing 30 foot wide access easement and is a part of the adjacent property. The Preliminary Plat does not show the existing access easement or that a portion of the adjacent lot is located within the proposed dedicated right-of-way. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, the plat document be revised to show that a portion of the adjacent lot is located within the right-of-way and to show the existing access easement. In addition, the Preliminary Plat application and the plat title must be revised to include the adjacent lot.

(Update: December 24, 2009) The revised plat document for this property identifies that a portion of the proposed right-of-way to be dedicated for Century Road will be dedicated as a part of a separate plat document for Lots 2A, 2B and 2C of Huffman

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Subdivision that is also currently being reviewed by the City. However, to date, the Final Plat for Huffman Subdivision has not been submitted for review and approval. As such, prior to submittal of a Final Plat application for this property, the plat document must be revised to include all of Century Road right-of-way or a Final Plat must be approved for that portion of the right-of-way to be dedicated as a part of the proposed plat for Lot 2A, 2B and 2C of Huffman Subdivision or the right-of-way must be secured as an H Lot 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 must 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 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 any public improvements, a Warranty Surety be submitted for review and approval if subdivision improvements are required.

Staff believes that this proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.