

STAFF REPORT  
February 4, 2010

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**No. 10PL003 - Preliminary Plat**

**ITEM 22**

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GENERAL INFORMATION:

APPLICANT	Founders Park II, LLC
AGENT	Centerline
PROPERTY OWNER	Founders Park II, LLC
REQUEST	<b>No. 10PL003 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 6 of Founders Park Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.2 acres
LOCATION	North of Founders Park Drive
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Commercial Development)
South:	Office Commercial District (Planned Commercial Development)
East:	Flood Hazard District
West:	Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/13/2010
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, construction plans for the 26 foot wide public access easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide easement

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---

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---

- and constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of 6 additional inches of right-of-way for Founders Park Drive or a Variance to the Subdivision Regulations shall be obtained;
  3. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the existing approach is located within the proposed 26 foot wide public access easement or the public access easement shall be widened to accommodate the existing approach;
  4. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously recorded utility and access easement located on existing Lot 7. In addition, the plat document shall clearly delineate the existing utility and access easement located on Lot 7 from the proposed utility and access easement to be located on Lot 6;
  5. 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;
  6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  7. 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:

The applicant has submitted a Preliminary Plat to create a 0.8345 acre lot to be known as Lot 6 of Founders Park Subdivision. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #10SV002) to reduce the width of the proposed public access easement that extends through the property from 59 feet to 26 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the public access easement and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet as it abuts the property. The applicant has also submitted a Major Amendment to the Planned Commercial Development (File #10PD001) to allow an office building to be constructed on each of proposed Lots 6 and 9 of Founders Park Subdivision.

On August 21, 2006, the City Council approved a Preliminary Plat (File #06PL115) to create Lots 1 through 11 of Founders Park Subdivision. In addition, a Variance to the Subdivision Regulations (File #06SV046) was approved to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements. On January 26, 2007, a Final Plat was approved by the City for Lots 1, 7 and 8 of Founders Park Subdivision. On February 29, 2008, a Final Plat was approved for Lot 2 of Founders Park Subdivision. The Preliminary Plat for Lots 3, 4, 5, 6, 9, 10 and 11 has expired. As such, the applicant has submitted this Preliminary Plat request for Lot 6.

On March 9, 2006, the Planning Commission approved an Initial Planned Unit Development (File #06PD001) to allow a mixed use development including family dwelling units and office uses to be constructed within the Founders Park Subdivision. Final Planned Unit

STAFF REPORT  
February 4, 2010

---

**No. 10PL003 - Preliminary Plat**

**ITEM 22**

---

Development(s) have been approved for Lots 2, 7 and 8 of Founders Park Subdivision to allow an office building to be constructed on each of the lots. On February 21, 2008 a Major Amendment to the Planned Unit Development (File #08PD021) was approved revising the previously approved sign package.

The property is located approximately 700 feet north of the intersection of Executive Drive and Founders Park Drive on the north side of Founders Park Drive. Currently, no buildings have been constructed on proposed Lot 6. Landscaping has been installed and a parking lot has been constructed on the site.

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

Public Access Easement: As noted, a parking lot has been constructed on proposed Lot 6. It is a joint parking lot serving proposed Lots 6 and 9 as well as Lot 7 and 8. The plat document identifies the access aisle within the parking lot located within a 26 foot wide public access easement. The access easement is classified as a commercial street requiring that it be located in a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement has been constructed with a 26 foot wide paved surface.

Staff recommends that prior to Preliminary Plat approval by the City Council, construction plans for the 26 foot wide public access easement be submitted for review and approval. In particular, the construction plans must show the street located in a minimum 59 foot wide easement and constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Approach: The approach located along Founders Park Drive appears to measure approximately 31 feet in width. However, the plat document shows the driveway located within a 26 foot wide access easement. Prior to Preliminary Plat approval by the City Council, the applicant must demonstrate that the existing approach is located within the proposed 26 foot wide public access easement or the public access easement must be widened to accommodate the existing approach.

Founders Park Drive: When the Layout Plat for Founders Park Subdivision was initially approved, Founders Park Drive was classified as a commercial street requiring that the street 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. Founders Park Drive was subsequently dedicated as a 59 foot wide right-of-way and constructed as a commercial street as a part of the Final Plat for Lots 1, 7 and 8 of Founders Park.

Subsequently, a Comprehensive Plan Amendment to the Major Street Plan (File #06CA001) was approved designating Founders Park Drive as a collector street in lieu of West Street. As a collector street, Founders Park Drive must be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. As such, prior to Preliminary Plat approval by the City Council, the plat document must be revised to show the dedication of 6 additional inches of

STAFF REPORT  
February 4, 2010

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right-of-way for Founders Park Drive 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 as required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff recommends 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 recommends 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.

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