

STAFF REPORT
July 22, 2010

No. 10PL048 - Preliminary Plat

ITEM 21

GENERAL INFORMATION:

APPLICANT	Larry and Gayle Motsick
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Gary Motsick
REQUEST	No. 10PL048 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot DS-2 Revised, Lot DS-3, Lot H-3, a portion of Lien Street right-of-way and a portion of the previously vacated section line right-of-way located in the SW1/4 of the SW1/4 and the SE1/4 of the SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Attic Subdivision, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.902 acres
LOCATION	1339 Deadwood Avenue
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/25/2010
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 existing driveway located on proposed Lot B extending to proposed Lot A shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 59 foot wide access easement or right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water

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- and sewer or a Variance to the Subdivision Regulations shall be obtained or the site plan shall be revised to show the driveway being removed;
2. Prior to Preliminary Plat approval by the City Council, a landscaping plan shall be submitted for review and approval demonstrating that the subdivision of the property continues to provide landscaping in compliance with the Landscape Ordinance or additional landscaping shall be provided or a Variance shall be obtained from the Zoning Board of Adjustment if needed;
 3. Prior to Preliminary Plat approval by the City Council, a site plan showing the location of the all existing signage shall be submitted for review and approval to determine if the proposed subdivision of the property creates any violations of the Sign Code Ordinance or the signage and/or plat shall be revised as needed or an Exception shall be obtained to allow an off-premise sign as a result of platting the property;
 4. Prior to Preliminary Plat approval by the City Council, water data with anticipated usage or service information shall be submitted for review and approval to determine if adequate supply and pressure is available for commercial and fire flows;
 5. Prior to Preliminary Plat approval by the City Council, estimated sanitary sewer flows shall be submitted for review and approval to determine that adequate sewer capacity is available;
 6. Prior to Preliminary Plat approval by the City Council, an Approach Permit shall be obtained from the South Dakota Department of Transportation. In addition, the plat document shall be revised to show the approved approach location(s). If the South Dakota Department of Transportation approves the existing approach locations then an Exception shall be obtained from the City to allow a 40 foot wide approach to Lot A and Lot B, respectively, or the two existing approaches shall be revised to provide a maximum 28 foot width. The plat document shall also be revised to show a non-access easement along Deadwood Avenue except for the approved approach location(s);
 7. Prior to Preliminary Plat approval by the City Council, a Vacation of Right-of-way petition shall be signed by the adjacent property owners for the proposed vacation of a portion of Lien Street or the plat document shall be revised to show retaining Lien Street as right-of-way. In addition, written documentation shall be submitted from all of the affected utility companies indicating concurrence with the proposed vacation of this portion of Lien Street right-of-way. If the Lien Street right-of-way is retained, then construction plans shall be submitted for review and approval showing the street located within 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 or a Variance to the Subdivision Regulations shall be obtained;
 8. Prior to Preliminary Plat approval by the City Council, construction plans for Deadwood Avenue showing a sidewalk along both sides of the street shall be submitted for review and approval or an Exception shall be obtained to waive the requirement;
 9. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 10. Prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan shall be submitted for review and approval if subdivision improvements are required;
 11. Prior to Preliminary Plat approval by the City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
 12. Upon submittal of a Final Plat application, surety for any required subdivision

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- improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 14. 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 replat three lots into two lots. The Preliminary Plat identifies the proposed lots as "Lot A and Lot B of The Attic Subdivision". The lots are sized 1.375 acres and 1.527 acres, respectively.

The property is located approximately 125 feet north of the intersection of Commerce Road and Deadwood Avenue on the west side of Deadwood Avenue. Currently, storage units are located on proposed Lot A. An outdoor display area and an off-premise billboard sign are located on proposed Lot B. A chain link fence also exists around the outdoor display area located on proposed Lot B.

STAFF REVIEW:

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

Deadwood Avenue: Deadwood Avenue is located along the east lot line of the property and is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Deadwood Avenue is located within a 100 foot wide right-of-way and constructed with a 60 foot wide paved surface, curb, gutter, street light conduit, water and sewer. To date, a sidewalk has not been constructed along Deadwood Avenue. As such, prior to Preliminary Plat approval by the City Council, construction plans for Deadwood Avenue showing a sidewalk along both sides of the street must be submitted for review and approval or an Exception must be obtained to waive the requirement.

Driveway: The Preliminary Plat identifies an existing driveway extending across Lot B to serve as access to Lot A. Since the driveway will serve as access to a separate lot, it is classified as a commercial street requiring that it be located within a 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.

Staff recommends that prior to Preliminary Plat approval by the City Council, construction plans for the existing driveway located on proposed Lot B extending to proposed Lot A be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained or the site plan must be revised to show the driveway being removed.

Approach Locations: The applicant has submitted a site plan identifying the location of the existing approaches along Deadwood Avenue that currently serve the property. Replatting

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the property as proposed requires that an Approach Permit be obtained from the South Dakota Department of Transportation to insure that access to the reconfigured lot(s) meets State design standards.

Staff recommends that prior to Preliminary Plat approval by the City Council, an Approach Permit be obtained from the South Dakota Department of Transportation as required. In addition, the plat document must be revised to show the approved approach location(s). If the South Dakota Department of Transportation approves the existing approach locations then an Exception must be obtained from the City to allow a 40 foot wide approach to Lot A and Lot B, respectively, or the two existing approaches must be revised to provide a maximum 28 foot width. The plat document must also be revised to show a non-access easement along Deadwood Avenue except for the approved approach location(s).

Vacation of Lien Street Right-of-way: The Preliminary Plat identifies the proposed Vacation of that portion of the Lien Street right-of-way located on proposed Lot B. The balance of the Lien Street right-of-way within this area has previously been vacated. Prior to Preliminary Plat approval by the City Council, a Vacation of Right-of-way petition must be signed by the adjacent property owners for the proposed vacation of Lien Street or the plat document must be revised to show retaining Lien Street as right-of-way. In addition, written documentation must be submitted from all of the affected utility companies indicating concurrence with the proposed vacation of this portion of Lien Street right-of-way. If the Lien Street right-of-way is retained, then construction plans must be submitted for review and approval showing the street located within 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 or a Variance to the Subdivision Regulations must be obtained.

Existing Development: As previously indicated, storage units are located on proposed Lot A. An outdoor display area and an off-premise billboard sign are located on proposed Lot B. A chain link fence also exists around the outdoor display area located on proposed Lot B. Prior to Preliminary Plat approval by the City Council, a landscape plan must be submitted for review and approval demonstrating that the subdivision of the property continues to provide landscaping in compliance with the Landscape Ordinance or additional landscaping must be provided or a Variance must be obtained from the Zoning Board of Adjustment if needed. In addition, a site plan showing the location of the all existing signage must be submitted for review and approval to determine if the proposed subdivision of the property creates any violations of the Sign Code Ordinance or the signage and/or plat must be revised as needed or an Exception must be obtained to allow an off-premise sign as a result of platting the property.

Water: City water is currently located within Deadwood Avenue right-of-way. Prior to Preliminary Plat approval by the City Council, water data with anticipated usage or service information must be submitted for review and approval to determine if adequate supply and pressure is available for commercial and fire flows.

Sewer: City sewer is currently located within Deadwood Avenue right-of-way. Prior to Preliminary Plat approval by the City Council, estimated sanitary sewer flows must be submitted for review and approval to determine that adequate sewer capacity is available.

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Stormwater Management Plan: The City Council recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff recommends that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required.

Grading and Drainage Information: To date, grading and/or drainage information has not been submitted for review and approval. If subdivision improvements are required, then prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan must be submitted for review and approval.

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. Upon submittal of a Final Plat application, surety must be posted and subdivision inspection fees must 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 2 years after the required final inspection and the City has accepted the improvements. Prior to the City's acceptance of any public improvements, a Warranty Surety must be submitted for review and approval if subdivision improvements are required as a part of any future platting of the property.

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