

STAFF REPORT
November 8, 2012

No. 12PL077 - Preliminary Subdivision Plan

ITEM 4

GENERAL INFORMATION:

APPLICANT	David Muck - Ferber Engineering Co., Inc.
AGENT	FMLC, Inc.
PROPERTY OWNER	FMLC, Inc.
REQUEST	No. 12PL077 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	A part of the SE1/4 north of I-90 less Tract A of the NE1/4 SE1/4 and less Lot 1 of Block 5 and Lot 1 of Block 6 of East Mall Business Center Subdivision and less Lots H5, H6, H7 and H11 and less that part of the SE1/4 north of 1-90 and west of East North Street, but including that part of vacated East Mall Drive being part of Lot H5, all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lot 1 of Block 3 of East Mall Business Center Subdivision
PARCEL ACREAGE	Approximately 23.96 acres
LOCATION	On the south side of East Mall Drive between East North Street and Dyess Avenue
EXISTING ZONING	General Commercial District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District - Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	October 12, 2012
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Preliminary Subdivision Plan be approved with the following

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stipulations:

1. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show non-access easement(s) as redlined on the plat document or an Exception to the Infrastructure Design Criteria Manual shall be obtained;
2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to clarify the existing right-of-way width of Dyess Avenue as it abuts the property and the portion of the right-of-way being dedicated as a part of this plat or an Exception to the Infrastructure Design Criteria Manual shall be obtained;
3. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the correct spelling of "Pennington" in the title;
4. Upon submittal of a Development Engineering Plan application, drainage information shall be submitted for review and approval demonstrating that the existing drainage within the eastern portion of the property does not handle off-site run-off or the plat document shall be revised to secure the existing drainage area within a drainage easement; and,
5. Prior to submittal of a Final Plat application, a waiver of right to protest any future assessment for improvements along Interstate 90, East North Street and Dyess Avenue as they about the property shall be executed and a copy of the recorded document submitted with the Final Plat application.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Subdivision Plan application to create a 23.98 acre lot leaving a 3.9 acre unplatted non-transferable balance. The lot is to be known as Lot 1 of Block 3 of East Mall Business Center Subdivision.

The property is located on the south side of East Mall Drive between East North Street and Dyess Avenue. Currently, the property is void of any structural development.

A Preliminary Subdivision Plan is a tentative plan of a proposed subdivision requiring the installation of public improvements. Approval of a Preliminary Subdivision Plan by the City Council is required before an applicant can proceed with Development Engineering Plans and a Final Plat application for all or part of the area within the Preliminary Subdivision Plan application.

STAFF REVIEW:

Staff has reviewed the Preliminary Subdivision Plan application and has noted the following considerations:

East North Street: East North Street is located along the west lot line of the property and is classified as a minor 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, sidewalk, street light conduit, water and sewer. Currently, East North Street is located within a varying right-of-way width of 150 feet to 225 feet and constructed with 26 foot wide paved south bound lane(s) and 48 foot wide paved north bound lane(s), curb, gutter, street light conduit and sidewalk along the east side of the street. The applicant has requested and the City has approved an Exception to waive the requirement to improve East North Street with water, sewer and a sidewalk along the west side of the street with the stipulation that prior to submittal of a Final Plat application, a

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waiver of right to protest any future assessment for improvements along East North Street as it abuts the property be executed and a copy of the recorded document be submitted with the Final Plat application.

Interstate 90: Interstate 90 is located along the south lot line of the property and is classified as an Expressway. To date, curb, gutter, sidewalk, water and sewer have not been constructed along the street. The applicant has requested and the City has approved an Exception to waive the requirement to improve Interstate 90 with curb, gutter, sidewalk, water and sewer with the stipulation that prior to submittal of a Final Plat application, a waiver of right to protest any future assessment for improvements along Interstate 90 as it abuts the property be executed and a copy of the recorded document be submitted with the Final Plat application.

Dyess Avenue: Dyess Avenue is located along the east lot line of the property and is classified as a commercial street requiring that it be located within a minimum 70 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 plat document does not clearly show whether Dyess Avenue is currently located within an 83 foot wide right-of-way or whether the existing right-of-way width is 66 feet with 17 additional feet of right-of-way being dedicated on this plat document. Currently, Dyess Avenue is constructed with an approximate 27 foot wide paved surface at the north end as it abuts the property and an approximate 24 foot wide paved surface at the south end as it abuts the property. In addition, a water main currently exists along Dyess Avenue. The applicant has requested and the City has approved an Exception to waive the requirement to improve Dyess Avenue with curb, gutter, street light conduit, sewer and two additional feet of pavement with the stipulation that prior to submittal of a Final Plat application, a waiver of right to protest any future assessment for improvements along Dyess Avenue as it abuts the property be executed and a copy of the recorded document be submitted with the Final Plat application. Staff also recommends that prior to submittal of a Development Engineering Plan application, the plat document be revised to clarify the existing right-of-way width of Dyess Avenue as it abuts the property and the portion of the right-of-way being dedicated as a part of this plat or an Exception to the Infrastructure Design Criteria Manual must be obtained.

East Mall Drive: East Mall Drive 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. Currently, East Mall Drive is located within a 115 foot wide right-of-way and constructed with a 68 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer which meets the minimum design standards of a principal arterial street.

Non-Access Easement: The plat document currently shows a non-access easement along East North Street and a portion of East Mall Drive and Dyess Avenue. Staff has redlined the plat document identifying revisions to the non-access easement to ensure compliance with the Infrastructure Design Criteria Manual. Prior to submittal of a Development Engineering Plan application, the plat document must be revised to show non-access easement(s) as redlined on the plat document or an Exception to the Infrastructure Design Criteria Manual must be obtained.

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Drainage: An existing drainage way currently exists within the eastern portion of the property which appears to handle off-site run-off. However, the plat document does not identify a drainage easement to accommodate the off-site drainage. As such, staff recommends that upon submittal of a Development Engineering Plan application, drainage information be submitted for review and approval demonstrating that the existing drainage within the eastern portion of the property does not handle off-site run-off or the plat document must be revised to secure the existing drainage area within a drainage easement.

Surety/Warranty: Since all subdivision improvements have been waived, inspection fees, surety and/or warranty surety are not required as a part of platting the property.

Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.