

STAFF REPORT

October 24, 2002

No. 02PL056 - Preliminary Plat

ITEM 9

GENERAL INFORMATION:

PETITIONER	Renner & Sperlich for J&J Truck & Auto Body
REQUEST	No. 02PL056 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Less Lot H1 of Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Devine Subdivision located in the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	4.976 acres
LOCATION	Southeast corner of the intersection of Cambell Street and Philadelphia Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District/PCD
South:	Heavy Industrial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	5/23/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

Engineering Division Recommendations:

- 1. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as needed;**
- 2. Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval. In addition, the plat document shall be revised to show additional utility easements as needed;**
- 3. Prior to Preliminary Plat approval by the City Council, all necessary changes shall**

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- be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;
4. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Cambell Street except for the approved approach location;
 5. Prior to Final Plat approval by the City Council, the plat document shall be revised to show ten additional feet of right-of-way along Cambell Street;
 6. Prior to Final Plat approval by the City Council, the plat document shall be revised to show 23 additional feet of right-of-way along Philadelphia Street with the exception of the area currently occupied by existing building(s);

Fire Department Recommendations:

7. The Uniform Fire Code shall be continually met;

Emergency Services Communication Center Recommendation:

8. Prior to Final Plat approval by the City Council, the plat title shall be revised to delete "located in" and the following shall be included in the "formerly" description: SW1/4 SW1/4, Section 32, T2N, R8E, BHM";

Urban Planning Division Recommendations:

9. Prior to Final Plat approval by the City Council, the structure located on proposed Lot 2 shall be removed or a Variance to reduce the front yard setback from 35 feet to 8.5 feet shall be obtained or surety shall be posted to insure that the setback issue is addressed as identified;
10. Prior to Final Plat approval by the City Council, documentation shall be submitted indicating that Black Hills Power concurs with the proposed relocation of the 50 foot wide right-of-way utility easement;
11. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City stating that if the building or that portion of the building located within the north 23 feet of proposed Lot 2 is ever removed, the applicant shall dedicate the area as public right-of-way;
12. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;
13. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

South Dakota Department of Transportation Recommendation:

14. Prior to Final Plat approval by the City Council, an Approach Permit for the Cambell Street access shall be obtained;

GENERAL COMMENTS:

This item has been continued several times since the June 20, 2002 Planning Commission meeting to allow the applicant to submit additional information. This Staff Report has been revised as of October 16, 2002. All revised or added text is shown in bold print. The applicant has submitted a Preliminary Plat to subdivide a 4.98 acre parcel into two lots to be known as Lots 1 and 2 of Devine Subdivision. The proposed

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lots are 1.490 and 3.486 acres, respectively.

On July 1, 2002, the City Council approved Layout Plat #02PL034 to subdivide the subject property as proposed by this plat.

The property is located approximately 385 feet east of the Philadelphia Street/Cambell Street intersection on the south side of Philadelphia Street. The property is "L" shaped and extends west along the southern third of the property to abut with Cambell Street for a distance of 151 feet. Currently, J & J Truck and Auto Body is located on proposed Lot 2 and an unoccupied structure is located on proposed Lot 1, adjacent to Cambell Street.

STAFF REVIEW:

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

Grading Plan and Drainage Plan: The Engineering Division has indicated that a revised grading and drainage plan must be submitted for review and approval. In addition, the plat document must be revised to show additional and/or revised drainage easements as necessary.

Easement Identification: The proposed plat identifies the proposed vacation of an existing 50 foot wide right-of-way utility easement extending north to south across Lots 1 and 2. The plat also identifies the dedication of a 50 foot wide right-of-way utility easement extending north to south across the two lots located directly west of the existing easement. The applicant has indicated that the existing right-of-way utility easement will be relocated to the actual location of the overhead electric line resulting in the vacation of the original easement and the dedication of a new easement as identified.

On May 24, 2002 the applicant submitted a copy of the right-of-way utility easement document identifying that the easement is dedicated solely to Black Hills Power. As such, prior to Final Plat approval, the applicant must submit documentation indicating that Black Hills Power concurs with the proposed relocation of the 50 foot wide right-of-way utility easement.

Zoning: The west 350 feet of proposed Lot 1 is zoned General Commercial District with the balance being zoned Heavy Industrial District. All of proposed Lot 2 is zoned Heavy Industrial District. The applicant should be aware that development and/or redevelopment of proposed Lot 1 will be limited to those permitted uses within each zoning district as identified on the lot.

Water and Sewer Plans: The Engineering Division has indicated that a revised water and sewer plan must be submitted for review and approval. In addition, the plat document must be revised to show additional utility easements as needed.

East Philadelphia Street: East Philadelphia Street is located along the north lot line of proposed Lot 2 and is classified as a collector road on the Major Street Plan. The Street Design Criteria Manual requires a minimum 76 foot right-of-way for a collector

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road. Currently, East Philadelphia Street has a 30 foot right-of-way width. It also appears that the existing J & J Auto Body Store is located directly adjacent to East Philadelphia Street. The applicant has submitted a site plan identifying the dedication of 23 feet of additional right-of-way along the north lot line with the exception of the area currently occupied by the existing building. Staff is recommending that the applicant sign an agreement stipulating that if the building or that portion of the building located within the north 23 feet of proposed Lot 2 is ever removed, then the applicant will dedicate the area as public right-of-way. Prior to Final Plat approval, the plat must be revised to provide an additional 23 feet of right-of-way and the agreement must be signed as identified or a Variance to the Subdivision Regulations must be obtained waiving the requirement.

Cambell Street: Cambell Street is located along the west lot line of proposed Lot 1 and is classified as a principal arterial road on the Major Street Plan. The Street Design Criteria Manual requires a minimum 100 foot right-of-way for a minor arterial road. Currently, Cambell Street has an 80 foot right-of-way width. The applicant has submitted a structural site plan identifying the dedicating of ten additional feet of right-of-way along Cambell Street. Granting the additional right-of-way will reduce the front yard setback from the existing structure located on proposed Lot 2 from 18.5 feet to 8.5 feet. (The existing structure is currently a legal non-conforming structure.) Prior to Final Plat approval, that portion of the structure located within the 35 foot front yard setback must be removed or a Variance must be obtained reducing the front yard setback from 35 feet to 8.5 feet. The applicant also has the option of posting surety to insure that the building is removed as identified within two years of the date of approval of the Final Plat. During that two year period, the owner may request a variance to allow the structure to remain and the bond will be released. In addition, the plat document must be revised to provide the ten additional feet of right-of-way prior to Final Plat approval.

The Engineering Division has also indicated that the existing approach to proposed Lot 2 along Cambell Street must be relocated to align with an existing alley located on the west side of Cambell Street. In addition, the relocated approach may not exceed 28 feet in width. The South Dakota Department of Transportation has also indicated that an Approach Permit must be submitted for review and approval. Staff is recommending that the approach be located and/or relocated as identified and that an Approach Permit be obtained prior to Final Plat approval. In addition, the Engineering Division has indicated that the plat document must be revised to show a non-access easement along Cambell Street except for the approved approach location.

Plat Labeling: The Register of Deed's Office has indicated that the plat title must be revised to delete "located in" and that the following be included in the "formerly" description: "SW1/4 SW1/4, Section 32, T2N, R8E, BHM". Staff is recommending that the plat be revised as identified prior to Preliminary Plat approval.

Staff believes that the proposed plat generally complies with all applicable zoning and subdivision regulations assuming compliance with the stated stipulations.