

STAFF REPORT

November 21, 2002

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**No. 02PL052 - Layout Plat**

**ITEM 55**

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GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for Lazy P-6 Properties, LLC
REQUEST	<b>No. 02PL052 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	GL 1-2 Less ROW, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	
PARCEL ACREAGE	Approximately 40
LOCATION	North of Catron Boulevard and east of future Fifth Street
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	County
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	05/10/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Layout Plat be **denied**.

GENERAL COMMENTS:

At the July 3, 2002 Planning Commission meeting, staff recommended that the Layout Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
3. Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. If an interim on-site wastewater system is proposed, then all rules and regulations of South Dakota Title 74 and the South Dakota Department of Environment and Natural Resources On-site Wastewater Regulations shall be met. In addition, an Industrial Disposal Permit shall be obtained from the Environmental

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- Protection Agency;
4. Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. If an interim on-site water system is proposed, then all rules and regulations of the South Dakota Department of Environment and Natural Resources shall be met;
  5. Upon submittal of the Preliminary Plat, the plat shall be revised to show a non-access easement along Fifth Street, except for the approved approach location(s) and along Catron Boulevard. In addition, a non-access easement shall be shown along the first 175 feet on the northern access road as it extends east from Fifth Street;
  6. Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways. In particular, the street design plans shall provide property line sidewalks instead of curb side sidewalks or a Special Exception to the Street Design Criteria Manual shall be obtained;
  7. Upon submittal of the Preliminary Plat, the plat shall be revised to eliminate the southern access road that extends east to west through the property. In lieu of the proposed roadway, a shared approach shall be allowed to serve as access to the two adjacent lots;
  8. Upon submittal of the Preliminary Plat, the in-bound curve return at the Fifth Street/northern access road intersection shall be adjusted to accommodate large vehicles as required by the Fifth Street Corridor Traffic Study;
  9. Upon submittal of the Preliminary Plat, the plat shall be revised to provide the dedication of the entire right-of-way width for Fifth Street as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained to allow platting of half of the right-of-way. In addition, the road construction plans shall be coordinated with the road construction plans for Fifth Street including providing the underground detector loops and junction boxes for the signalization of the Catron Boulevard/Fifth Street intersection. The South Dakota Department of Transportation shall also review and approve any road connection(s) to Catron Boulevard;

Fire Department Recommendations:

10. Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval. Any interim on-site water system shall provide necessary fire flows;

Emergency Services Communication Center Recommendation:

11. Upon submittal of the Preliminary Plat, a plat document showing road names shall be submitted for review and approval;

Urban Planning Division Recommendations:

12. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and,
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.

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**This item has been continued several times since the July 3, 2002 Planning Commission meeting at the applicant's request. On October 11, 2002, the applicant requested that this item again be continued to the November 21, 2002 Planning Commission meeting to allow further consideration of the drainage basin plan issues. This Staff Report has been revised as of November 15, 2002. All revised or added text is shown in bold print.**

Upon review, the Engineering Division has indicated that the proposed revisions are not agreeable with them. In particular, the revised conditions would allow the southern access road to remain in lieu of the recommended shared approach. In addition, the revised condition regarding drainage would allow for the applicant to submit a drainage plan "in accordance with the most recent City information contained in its South Truck Route Drainage Basin Plan document." To date, the South Truck Route Drainage Basin Plan has not been approved by the City Council in part due to on-going issues between the underlying property owner(s). Since the South Truck Route Drainage Plan may significantly change as negotiations continue between the property owner(s), staff cannot support revising the stipulation as identified.

The applicant has also requested that stipulation #6 be revised to identify "...which streets must have property line sidewalks or obtain a (Special) Exception". The stipulation states that "the street design plans shall provide property line sidewalks instead of curb side sidewalks...". The stipulation, as written, requires that all streets have property line sidewalks or a Special Exception to the Street Design Criteria Manual be obtained.

Lastly, the applicant requests that it be clarified "...that the stipulations numbered 1 through 13, as shown in staff report dated July 3, 2002 or as amended, are the only conditions, and no other conditions are expressed or implied in other places within the staff report. This is to determine if there are other conditions not specifically listed that staff intends to enforce at some other time". As such staff has revised stipulation #7 to include additional requirements relating to the construction of Fifth Street. However, there are several comments within the Staff Report that identify the specifics relating to the requirement(s) to submit a drainage plan, geotechnical information, grading plan, etc. that are not all inclusive within the "stipulations". The intent of the Staff Report is to outline the stipulations of approval followed with "text" that further explains the specifics of the requirement(s).

The applicant has submitted a Layout Plat to subdivide approximately 40 acres into 20 commercial lots. The subject property is located in the northeast corner of the intersection of Catron Boulevard and the proposed right-of-way location for the future extension of Fifth Street. The property is currently void of any structural development. **On October 31, 2002, the applicant submitted a revised Layout Plat. The Layout Plat includes the forty acres located directly north of the subject property, also owned by the applicant. Staff has reviewed the revised Layout Plat as a Master Plan identifying road networking between the two properties. (Any action on this Layout Plat for the subject property does not indicate approval of a Layout Plat for the north forty acres.)**

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In addition to the subject property, the applicant also owns approximately 40 adjoining acres located directly north of the subject property on the north of Catron Boulevard. In order to insure adequate road networking throughout the applicant's property as well as to adjacent properties, a Master Plan must be submitted for review and approval. The Master Plan must also identify a conceptual utility layout. To date, a Master Plan has not been submitted for review and approval. The applicant has subsequently submitted a letter requesting that staff review the proposed Layout Plat without a Master Plan. In addition the letter states that "...Lazy P-6 Land Co., Inc. hereby acknowledges and accepts that any changes to this Layout Plat necessitated by development of the north 40 acres will result in a review and/or revision of the elements presented in this request. Lazy P-6 will assume full responsibility to adjust infrastructure elements to the satisfaction of the City of Rapid City in that event".

On June 24, 2002 the applicant submitted a Master Plan as requested. The Master Plan identifies the extension of interior roads through the northern portion of the applicant's property and shows a conceptual utility layout of the site. Staff has subsequently reviewed the Layout Plat and offers the following considerations:

Road Issues: The Layout Plat identifies platting half a right-of-way for Fifth Street located along the west lot line of the subject property. In addition, a portion of Fifth Street is shown to be located within a north-south section line highway. Platting half the right-of-way and utilizing an existing section line highway results in the platting of a half street. Chapter 16.12.050 of the Rapid City Municipal Code states that "...No new half-street shall be permitted". As such, staff is recommending that the plat be revised to provide the dedication of the entire right-of-way for Fifth Street as it abuts the subject property or a Variance to the Subdivision Regulations must be obtained. In addition, the road construction plans must be revised to coordinate with the road construction plans for Fifth Street, including providing the underground detector loops and junction boxes for the signalization of the Catron Boulevard/Fifth Street intersection. The South Dakota Department of Transportation has also indicated that any road connection(s) with Catron Boulevard must also be coordinated with their office.

The Engineering Division has indicated that the southern access road extending east-west through the subject property must also be eliminated. A shared approach to the two lots along Fifth Street may be allowed in lieu of the southern road. **The revised Layout Plat shows the shared approach as requested.** The Engineering Division has also indicated that the in-bound curve return at the Fifth Street/northern access road intersection must be adjusted to accommodate large vehicles as required by the Fifth Street Corridor Traffic Study. ( A copy of the study has been made available to the applicant.) In addition, the plat must be revised to show a non-access easement along Fifth Street, except for the approved approach location(s) and along Catron Boulevard. The plat must also be revised to show a non-access easement along the first 175 feet on the northern access road as it extends east from Fifth Street. In addition, all approaches must meet the minimum separation requirements as specified by the Street Design Criteria Manual and shared access point(s) must be provided as needed.

The Layout Plat also identifies a rearage road extending east through the subject property from Fifth Street to the future proposed location of the Elm Street right-of-way. The rearage

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road/Elm Street intersection is shown to be located approximately 630 feet north of the Elm Street/Catron Boulevard intersection. (The Street Design Criteria Manual requires a minimum 460 foot separation distance between the two intersections.) The proposed rearage road is also identified as a collector road on the Major Street Plan. The proposed location of the rearage road complies with the Major Street Plan assuming that a minimum 460 foot separation is maintained between the rearage road/Elm Street intersection and the Catron Boulevard/Elm Street intersection. That portion of the rearage road that abuts Elm Street, or the eastern 520 feet of the rearage road as shown on the Master Plan, is located on an adjacent property under different ownership than the applicant. On May 2, 1994, a Layout Plat was approved for the adjacent property that also identified a rearage road extending east to west through the property. The Layout Plat was approved contingent upon the rearage road complying with the Major Street Plan. Staff recommends that the two property owners continue to coordinate the exact location of the rearage road as final construction plans are prepared in order to insure that the road alignment is maintained as the two sites develop.

As previously indicated, the proposed rearage road is identified as a collector road on the Major Street Plan. The Layout Plat identifies the rearage road to be located within a 60 foot wide right-of-way. The proposed right-of-way width meets the minimum width requirements for a collector road, without on-street parking, as per the Street Design Criteria Manual. The Engineering Division has indicated that three – 12 foot lanes must be constructed within the 60 foot wide right-of-way. The Layout Plat also identifies that curb side sidewalks will be constructed along all of the interior street(s). The Engineering Division has indicated that property line sidewalks must be provided within the proposed commercial development as required by the Street Design Criteria Manual or a Special Exception to allow curb side sidewalks must be obtained. (Please note, on June 26, 2002, the applicant submitted a Special Exception request to allow curb side sidewalks in lieu of property line sidewalks. The Special Exception request will be heard at the July 25, 2002 Planning Commission meeting.) Staff is recommending that the road construction plans be provided as identified upon Preliminary Plat submittal.

Water and Sewer: The Engineering Division has indicated that the water and sewer plans generally comply with the Fifth Street Road Construction Plans. However, water and sewer services to this area are not currently in place. The applicant must continue to coordinate the utility plans with the currently submitted Fifth Street Road Construction Plans. In addition, a water loop must be extended to service this area from the Robbinsdale Water Zone to the properties located to the west of the subject property. Due to on-going issues relative to the final design and/or construction of Fifth Street, the timing for the extension of the Robbinsdale Water Zone is not known. The Engineering Division has indicated that if interim on-site water system(s) are proposed, then all rules and regulations as required by the South Dakota Department of Environment and Natural Resources must be met. In addition, any on-site water system must meet fire flow protection and commercial use(s) requirements. The Engineering Division has also indicated that if interim on-site wastewater systems are being proposed, then South Dakota Title 74, regulating on-site wastewater systems, and the South Dakota Department of Environment and Natural Resources On-site Wastewater Regulations must be met. Residential developments located west of the subject property are currently utilizing on-site wastewater systems;

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however, the volume of wastewater discharge potentially generated by commercial use(s) limit the use of on-site wastewater system(s) for the proposed commercial development. The Engineering Division has also noted that an Industrial Disposal Permit must be obtained from the Environmental Protection Agency for any on-site wastewater system that receives fluid waste generated by commercial operation and maintenance processes.

Drainage: The Engineering Division has indicated that a drainage basin plan has not been adopted for this area at this time. As such, the natural drainage ways located on the property must be kept open or the proposed development must incorporate appropriate stormwater management. In addition, the developer must assume at this point that the natural drainage ways will be carrying flows from upstream. On-site detention may be required since downstream improvements are not in place. The Layout Plat could potentially be revised due to drainage concerns. As such, staff is suggesting that a preliminary drainage plan be submitted as a part of the Layout Plat review. **The revised Layout Plat shows a drainage channel to be located on an adjacent property east of the subject property. The natural drainage ways located on the subject property are not shown to carry any of these flows. The Engineering Division has indicated that upon Preliminary Plat submittal, the plat must be revised to show the historic drainage flows or a drainage plan must be submitted for review and approval to support the drainage flows as shown on the plat document.**

**On November 14, 2002, staff received an e-mail from the applicant's engineer indicating that the plat will not be revised nor will a drainage plan be submitted as requested. (A copy of the e-mail is attached for your review.) As such, staff is recommending that the Layout Plat be denied.**

Upon Preliminary Plat submittal, a complete drainage plan must be submitted for review and approval. A grading plan must also be submitted for review and approval. (City topographic information will not be acceptable.) Due to potential drainage impacts, channel grading and the future construction of buildings over historic drainage paths, the lot layout appears potentially problematic. Geotechnical information addressing soil stability issues as identified must also be submitted for review and approval upon Preliminary Plat submittal.

Fire Department: The Fire Department has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, all proposed streets must be constructed to meet the minimum standards of the Street Design Criteria Manual to insure fire apparatus access. As previously indicated, any on-site wastewater system must meet fire flow protection including water storage if necessary. Staff is recommending that the construction plans be submitted for review and approval as identified upon Preliminary Plat submittal.

Zoning: The property is currently zoned General Agriculture District. The South Robbinsdale Neighborhood Future Land Use Plan has recently been amended identifying the first 550 feet of the subject property adjacent to Catron Boulevard as appropriate for General Commercial land uses with a Planned Commercial Development. The balance of the subject property has been identified as appropriate for Office Commercial land uses. Prior to any commercial structural development of the site(s), the subject property must be

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rezoned as identified on the South Robbinsdale Neighborhood Future Land Use Plan.

Plat Labeling: The Emergency Services Communication Center has indicated that street names must be submitted for review and approval. In addition, the Register of Deed's Office has indicated that a plat document must be submitted for review and approval. Staff is recommending that road names and a plat document be submitted as identified upon submittal of the Preliminary Plat.