

STAFF REPORT  
February 21, 2008

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**No. 07PL116 - Layout Plat**

**ITEM 12**

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GENERAL INFORMATION:

APPLICANT	James Letner
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	James Letner
REQUEST	<b>No. 07PL116 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.34 acres
LOCATION	At the northwest corner of the intersection of Creek Drive and East St. Patrick Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/23/2007
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

**Staff recommends that the Layout Plat be continued to the March 6, 2008 Planning Commission meeting to allow the applicant to address the outstanding issues and to allow the applicant to submit additional information.**

GENERAL COMMENTS: (Update February 12, 2008. All revised text is shown in bold.)

**This item was continued to the February 21, 2008 Planning Commission meeting to allow the applicant to address the outstanding grading, drainage, and construction issues that were to be completed as part of the previously approved building permit**

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**for this property and to allow the applicant to submit additional information. As of February 12, 2008, those issues have not been addressed. Staff recommends that the Layout Plat be continued to the March 6, 2008 Planning Commission meeting to allow the applicant to address the outstanding issues and submit additional information.**

The applicant has submitted a Layout Plat to subdivide the property from approximately an eight acre lot into eight general commercial lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate 10 additional feet of right-of-way and provide a planting screen easement along E. St. Patrick Street; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, to dedicate 17 feet of right-of-way and provide a planting screen easement along Creek Drive; and to install sidewalk along the south side of E. St. Charles Street as per Chapter 16 of the Rapid City Municipal Code as they abut the property. (See companion item #07SV050.)

The property is located along East Saint Patrick Street, Creek Drive and East Saint Charles Street. Currently, there is a retail structure and parking lot located on a portion of the property.

On February 21, 2005 City Council approved a Layout Plat (#05PL006) with the following stipulations for the property:

1. Upon submittal of a Preliminary Plat, road construction plans for East Saint Charles Street shall be submitted for review and approval. In particular, the construction plans shall show East Saint Charles Street 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 and bike path if disturbed or a Variance to the Subdivision Regulations shall be obtained;
2. Upon submittal of a Preliminary Plat, road construction plans for Creek Drive shall be submitted for review and approval. In particular, the road construction plans shall show Creek Drive located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Upon submittal of a Preliminary Plat, a drainage plan and on-site detention plan for all improved areas shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as necessary;
4. Upon submittal of a Preliminary Plat application, water and sewer plans prepared by a Registered Professional Engineer showing the extension of water service lines and locations along Creek Drive and East Saint Charles Street with size of sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat, a grading plan for all improved areas shall be submitted for review and approval;
6. Upon submittal of a Preliminary Plat, geotechnical information identifying the soil testing and design calculations for pavement design shall be submitted for review and approval;
7. Upon submittal of a Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management staff;

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8. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a minimum 75 foot separation between the proposed driveways and Ash Avenue or a shared approach shall be provided aligning with Ash Avenue or an Exception to the Street Design Criteria Manual shall be obtained;
9. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a minimum 230 foot separation between driveway(s) and the East Saint Patrick Street/Creek Drive intersection or an Exception to the Street Design Criteria Manual shall be obtained;
10. Prior to submittal of a Final Plat, an Approach Permit from the South Dakota Department of Transportation for proposed East Saint Patrick Street accesses to the subject property shall be obtained;
11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
12. Upon submittal of a Final Plat application, the plat document title shall be revised to identify a different subdivision name;
13. Upon submittal of a Final Plat application, the plat document shall be revised to show an additional 10 foot of right-of-way dedicated along East Saint Patrick Street and an additional 17 foot of right-of-way dedicated along Creek Drive or a Variance to the Subdivision Regulations shall be obtained;
14. Upon submittal of a Final Plat application, the plat document shall be revised eliminating the proposed access easements and show shared approaches or construct the access easements per City street standards. In particular, the access easements shall be a minimum 59 foot wide and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or request a Variance to the Subdivision Regulations;
15. Upon submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and,
16. Upon submittal of the 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.

On March 7, 2005 City Council denied without prejudice a Variance to the Subdivision Regulations (#05SV002) at the applicant's request for the property.

On June 20, 2005 City Council denied without prejudice a Variance to the Subdivision Regulations (#05SV019) at the applicant's request for the property.

The Layout Plat is an informal preliminary review of a proposed subdivision to identify any major issues prior to platting. It is intended to provide the subdivider with an informal process where major issues may be identified and general agreements may be reached with Rapid City as to the form of the plat. Comments regarding the Layout Plat are based on the level of detail provided. All specific details of the subdivision may not be addressed as part of the Layout Plat approval but the major concerns and issues are identified based on the information provided. All applicable Subdivision Regulations, Zoning Regulations, Street Design Criteria Manual, and any other applicable regulations will need to be met as part of the Preliminary and Final Plat. Any waiver from the Rapid City Municipal Code or the Street Design Criteria Manual will require a formal variance request or a special exception whichever is applicable.

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STAFF REVIEW:

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

Revised Plat: On October 9, 2007 the applicant submitted a revised plat creating five lots and leaving the remainder of the property as an unplatted balance. In addition, the applicant is withdrawing the Variance request for the portion of the property as it relates to Creek Drive. (See companion item #07SV050.)

On December 3, 2007 the applicant requested staff to review the original plat submitted on August 23, 2007 with the eight lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate 10 additional feet of right-of-way and provide a planting screen easement along E. St. Patrick Street; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, to dedicate 17 feet of right-of-way and provide a planting screen easement along Creek Drive; and to install sidewalk along the south side of E. St. Charles Street as per Chapter 16 of the Rapid City Municipal Code as they abut the property. (See companion item #07SV070.)

Building Permits: Staff noted that there are still outstanding grading, drainage, and construction issues that were to be completed as part of the previously approved building permit for this property. To date these issues have not been addressed and the related improvements have not been completed. Complaints have been received from area property owners regarding the existing erosion problems, lack of adequate soil stabilization, lack of adequately functioning storm drainage improvements, and the negative impact of soil deposits and storm drainage inundation on the pedestrian improvements. Staff is recommending that these issues be addressed prior to Layout Plat approval by the Planning Commission. As such, staff would recommend that this item be continued to the November 8, 2007 Planning Commission meeting to allow the applicant to address the outstanding development issues associated with this property.

East Saint Patrick Street: East Saint Patrick Street is located along the south lot line and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 feet wide right-of-way and 48 feet wide paved surface. The plat document must be revised to show an additional 10 feet of right-of-way dedicated along East Saint Patrick Street. The balance of the required right-of-way will be obtained from adjacent property in the future. Currently, East Saint Patrick Street is located in an 80 feet wide right-of-way and constructed with a 48 feet wide paved surface, sidewalk, street light conduit, water and sewer. Staff recommends upon submittal of the Preliminary Plat, the plat document shall be revised to show 10 feet of additional right-of-way being dedicated or a Variance to the Subdivision Regulations shall be obtained.

Creek Drive: Creek Drive is located along the east lot line and is classified as a minor arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 feet wide right-of-way and 40 feet wide paved surface. The plat document must be revised to show an additional 17 feet of additional right-of-way dedicated along Creek Drive. The balance of the required right-of-way will be obtained from adjacent property in the future. Currently, Creek Drive is located in a 66 feet wide right-of-way and constructed with an approximate 24 feet wide paved surface and sewer. Staff recommends upon submittal of the Preliminary

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Plat, construction plans for Creek Drive must be submitted for review and approval providing a minimum 40 feet wide paved surface, curb, gutter, sidewalk, street light conduit and water or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised to show 17 feet additional right-of-way along Creek Drive as it abuts the property.

East Saint Charles Street: East Saint Charles Street is located along the north lot line of the subject property and is classified as an industrial/commercial street requiring that the street be located in a minimum 59 feet wide right-of-way and constructed with a minimum 26 feet wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, East Saint Charles Street is not constructed with pavement, curb, gutter, sidewalk, streetlight conduit, water and sewer as it abuts the subject property. Currently, a bike path exists and if disturbed by construction will need to be reconstructed. In addition, geotechnical information identifying the soil testing and design calculations for pavement design shall be submitted for review and approval. Staff recommends upon submittal of a Preliminary Plat, road construction plans extending to the property line including water, sewer and utility plans must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Drainage: As part of the Preliminary Plat application, a drainage plan must be submitted for review and approval. The drainage plan must address flow directions, calculations to verify any on-site detention and all drainage structures and sizes. In addition, a grading plan and an erosion and sediment control plan for all improved areas must be submitted for review and approval. Staff is recommending that upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan be submitted for review and approval and the plat document be revised to provide drainage easements as needed.

On October 9, 2007 the applicant submitted a revised plat creating five lots and leaving the remainder of the property as an unplatted balance. Staff noted that the applicant is proposing to create drainage easements across the unplatted portion of the property. The drainage easements will need to be created as part of a miscellaneous document and recorded at the Register of Deeds office prior to submittal of a Final Plat application or the plat document will have to be revised to include the property where the proposed easements will be located.

On December 3, 2007 the applicant requested staff to review the original plat submitted on August 23, 2007 with the eight lots. Staff is recommending that upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan be submitted for review and approval and the plat document be revised to provide drainage easements as needed.

Access Easement: Staff noted that an existing approach along East Saint Patrick Street will serve as access to proposed Lot 6 and Lot 7 of Market Square Subdivision. An Access Easement is required to be dedicated as part of platting the property and the Access Easement shall be constructed as an industrial/commercial street requiring that the street be located in a minimum 59 feet wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Staff

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recommends upon submittal of the Preliminary Plat, the plat document shall be revised providing an Access Easement to the proposed lots and construction plans for the Access Easement must be submitted for review and approval providing a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit and water or a Variance to the Subdivision Regulations must be obtained.

On October 9, 2007 the applicant submitted a revised plat creating five lots and leaving the remainder of the property as an unplatted balance. The applicant is proposing to create an access easement to proposed Lot 6 across the unplatted portion of the property. The access easement will have to be recorded at the Register of Deeds office as a miscellaneous document prior to submittal of a Final Plat or the plat document would have to be revised to include the property where the proposed access easement will be located. Also, the access easement must be built in accordance with the Rapid City Street Design Criteria Manual standard, and located in a minimum 59 feet of right-of-way with a 26 feet wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained prior to Preliminary Plat approval.

On December 3, 2007 the applicant requested staff to review the original plat submitted on August 23, 2007 with the eight lots. Staff recommends upon submittal of the Preliminary Plat, the plat document shall be revised providing an Access Easement to the proposed lots and construction plans for the Access Easement must be submitted for review and approval providing a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit and water or a Variance to the Subdivision Regulations must be obtained.

Utility Easements: Staff noted that existing sanitary sewer main and storm sewer lines cross Lot 6, Lot 7, and Lot 8 of Market Square Subdivision. Utility Easements are required to be dedicated as part of platting the property. Staff recommends upon submittal of the Preliminary Plat, the plat document shall be revised providing Utility Easements to the proposed lots for the existing utilities.

On October 9, 2007 the applicant submitted a revised plat creating five lots and leaving the remainder of the property as an unplatted balance. Staff noted that the applicant is proposing to create a utility easement across the unplatted portion of the property. The utility easement must be created as part of a miscellaneous document and recorded at the Register of Deeds office prior to submittal of a Final Plat application or the plat document must be revised to include the area of the site where the proposed easement will be located.

On December 3, 2007 the applicant requested staff to review the original plat submitted on August 23, 2007 with the eight lots. Staff recommends upon submittal of the Preliminary Plat, the plat document shall be revised providing Utility Easements to the proposed lots for the existing utilities.