

STAFF REPORT
March 27, 2008

No. 08PL007 - Preliminary Plat

ITEM 29

GENERAL INFORMATION:

APPLICANT	Merlin Stromer
AGENT	Ron Davis for Davis Engineering, Inc.
PROPERTY OWNER	Merlin Stromer
REQUEST	No. 08PL007 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot B of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots B1 and B2 of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 50.55 acres
LOCATION	At the northeast corner of the intersection of S.D. Highway 44 and Airport Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District - General Commercial District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Low Density Residential District (Pennington County)
PUBLIC UTILITIES	Private well and on-site wastewater
DATE OF APPLICATION	1/25/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Preliminary Plat be **denied without prejudice at the applicant's request.**

GENERAL COMMENTS:

(Update, March 15, 2008. All revised and/or added text is shown in bold print.) This

STAFF REPORT
March 27, 2008

No. 08PL007 - Preliminary Plat

ITEM 29

item was continued at the March 6, 2008 Planning Commission meeting to allow the applicant to submit additional information. On March 13, 2008, the Development Appeals and Review Board recommended approval of a request to allow a shared approach along S.D. Highway 44, the higher order street. Subsequently, on March 17, 2008, the City Council approved the request to allow a shared approach along S. D. Highway 44. In addition, the City Council continued this item to their April 7, 2008 City Council meeting.

On March 13, 2008, the applicant requested that the Preliminary Plat be denied without prejudice. As such, staff is recommending that the Preliminary Plat be denied without prejudice as requested.

(Update, February 22, 2008. All revised and/or added text is shown in bold print.) This item was continued at the February 21, 2008 Planning Commission meeting to allow the applicant to submit additional information. In particular, an on-site water plan prepared by a Professional Engineer demonstrating that adequate fire and commercial flows are being provided must be submitted for review and approval. In addition, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. A Master Utility Plan showing private and public utilities must also be submitted for review and approval.

To date, the applicant has not submitted the information as previously requested. As such, staff is recommending that the Preliminary Plat be continued to the March 27, 2008 Planning Commission meeting to allow the applicant to submit the information.

The applicant has submitted a Preliminary Plat to subdivide one lot into two lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV003) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Aviation Road, to install curb, gutter, sidewalk, street light conduit, water and sewer along Airport Road and to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along S.D. Highway 44 as they abut the property.

The property is located in the northeast corner of the intersection of S.D. Highway 44 and Airport Road. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Zoning: The property is currently zoned General Agriculture District by Pennington County. The General Agriculture District requires a minimum lot size of 40 acres. The proposed plat shows the lot sizes as 30.55 acres and 20 acres, respectively. The applicant has submitted a rezoning request to Pennington County to rezone the proposed 20 acre lot from General Agriculture District to General Commercial District. The City's adopted Future Land Use Plan identifies the appropriate use of the property as Business Park. Rezoning the property as proposed is in conflict with the adopted Future Land Use Plan.

Staff is recommending that prior to Preliminary Plat approval by the City Council, the property be rezoned from General Agriculture District to allow the proposed lot size(s) or a

STAFF REPORT
March 27, 2008

No. 08PL007 - Preliminary Plat

ITEM

Variance to the lot size requirement must be obtained from Pennington County.

Water: The applicant has indicated that the property will be served by a well. If the well is to serve both lots, it must be designed as a public water system. In addition, an on-site water plan prepared by a Professional Engineer demonstrating that adequate fire and commercial flows are being provided must be submitted for review and approval. Staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the water plans as identified. In addition, the applicant must show the location of the well on a site plan and the plat document must be revised to provide utility easements as needed.

Wastewater: The applicant has indicated that the property will be served by a private on-site wastewater system. To date, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to allow the applicant to submit an on-site wastewater plan as identified. In addition, the plat document must be revised to show a reserve drainfield area for on-site wastewater treatment on the plat or a note must be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided.

Master Utility Plan: To date, a Master Utility Plan showing private and public utilities has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the Master Utility Plan as required.

Section Line Highway: An east-west section line highway is located within the southern portion of the property. The section line highway is classified as a commercial street requiring that it be 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 or a Variance to the Subdivision Regulations must be obtained or the section line highway must be Vacated by Pennington County. Staff is recommending that prior to Preliminary Plat approval by the City Council, the section line highway issues be addressed.

S.D. Highway 44: S.D. Highway 44 is located along the south 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 in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, S.D. Highway 44 is located within a 150 foot wide right-of-way with an approximate 26 foot wide paved surface. South Dakota Department of Transportation does not have any plans to improve this portion of S. D. Highway 44 at this time. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing the construction of curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along that portion of S.D. Highway that abuts the property or a Variance to the Subdivision Regulations must be obtained.

Airport Road: Airport Road is located along the west lot line of the subject property and is classified as a minor arterial street on the City's Major Street Plan requiring that the street be

STAFF REPORT
March 27, 2008

No. 08PL007 - Preliminary Plat

ITEM

located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Airport Road is located within a 130 foot wide right-of-way with an approximate 48 foot wide paved surface. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing the construction of curb, gutter, sidewalk, street light conduit, water and sewer along that portion of Airport Road that abuts the property or a Variance to the Subdivision Regulations must be obtained.

Aviation Road: Aviation Road is located along the north lot line of the subject property and is classified as a commercial street requiring that the street be located in a minimum 59 foot wide right-of-way or easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Aviation Road is located within a 49 foot wide easement and is unimproved. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing Aviation Road being constructed with curb, gutter, sidewalk, street light conduit, water, sewer and pavement or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised dedicating an additional five feet of right-of-way or easement width along Aviation Road.

Aviation Road is also an approximate 1,720 foot long cul-de-sac street. However, the Street Design Criteria Manual states that a cul-de-sac street may not exceed 1,200 feet in length and that an intermediate turnaround must be provided every 600 feet. Prior to Preliminary Plat approval by the City Council, an Exception must be obtained to allow a 1,720 foot long cul-de-sac street in lieu of a maximum 1,200 foot long cul-de-sac street and to waive the requirement to provide an intermediate turnaround every 600 feet or the design of the street must be revised to comply with the Street Design Criteria Manual.

A turnaround must also be provided at the eastern terminus of Aviation Road. In particular, the turnaround must be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot paved diameter, curb, gutter, sidewalk, street light conduit, water and sewer. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval for the turnaround as identified or a Variance to the Subdivision Regulations must be obtained.

Drainage, Grading and Erosion Control Plans: To date, a drainage, grading and erosion control plan has not been submitted for review and approval. If subdivision improvements are needed as a part of subdividing the property, a drainage, grading and erosion control plan must be submitted for review and approval as required. If a Variance to the Subdivision Regulations is obtained to waive all subdivision improvements, the plan(s) are not needed. Staff is recommending that prior to Preliminary Plat approval by the City Council, a drainage, grading and erosion control plan be submitted for review and approval if any subdivision improvements are required as a part of this plat review unless a Variance is granted waiving those improvements.

Stormwater Management Plan: The City Council has 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 is

STAFF REPORT
March 27, 2008

No. 08PL007 - Preliminary Plat

ITEM

recommending that prior to Preliminary Plat approval by the City Council, a Stormwater Management Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval.

Non-Access Easements: The Street Design Criteria Manual states that access must be taken from the lesser order street, or in this case, Aviation Road. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show a non-access easement along S.D. Highway 44 and Airport Road and the first 115 feet of Aviation Road as it extends east from Airport Road or an Exception must be obtained to allow access from a higher order street. If an Exception is granted to allow access from S.D. Highway 44, an Approach Permit must be obtained from the South Dakota Department of Transportation.

Emergency Services Communication Center: The Emergency Services Communication Center has indicated that the plat document must be revised to show the easement along the north lot line as "Aviation Road". Staff is recommending that prior to submittal of a Final Plat application, the plat document be revised to show Aviation Road as identified.

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. As such, staff is recommending that upon submittal of a Final Plat application, surety be posted and subdivision inspection fees 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 addition, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

Staff is recommending that the Preliminary Plat be **denied without prejudice at the applicant's request.**