

STAFF REPORT
September 25, 2008

No. 08PL123 - Layout Plat

ITEM 46

GENERAL INFORMATION:

APPLICANT	Oliver A. Freimark
AGENT	Henriksen, Inc.
PROPERTY OWNER	F-H Spring Creek Estates, LLC
REQUEST	No. 08PL123 - Layout Plat
EXISTING LEGAL DESCRIPTION	Tracts B, C, D and F and Lot 4 of Tract E and Lot 1 in Tract D and in the NE1/4 SE1/4 and the NE1/4 SE1/4 and the N1/2 of the SE1/4 of the SE1/4, all in Government Lot 2 of the N1/2 of the SE1/4 and in the N1/2 of the S1/2 of the SE1/4 of Section 3, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A, B, C, D, E of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 13 of Block 3, Lots 1 thru 16 of Block 4, Lots 1 thru 14 of Block 5, Lots 1 thru 13 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 7 of Block 8 of F-H Spring Creek Estates Subdivision, all in Government Lot 2 of the N1/2 of the SE1/4 and in the N1/2 of the S1/2 of the SE1/4 of Section 3, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 113.21 acres
LOCATION	8800 South Highway 16
EXISTING ZONING	Limited Agriculture District - Highway Services District - Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Highway Services District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Highway Services District (Pennington County)
PUBLIC UTILITIES	City water Private community wastewater treatment system
DATE OF APPLICATION	8/29/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

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RECOMMENDATION:

Staff recommends that the Layout Plat be denied.

GENERAL COMMENTS:

The applicant has submitted a Layout Plat to subdivide approximately 55 acres into 87 lots to be developed with a mix of residential, multi-family residential and commercial uses. The development is to be known as "F-H Spring Creek Estates Subdivision".

The property is located along U.S. Highway 16, across from Reptile Gardens. Several structures currently exist on the property. To date, a site plan showing existing development on the property, including structures, utilities, access, etc., has not been submitted for review and approval.

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.

STAFF REVIEW:

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

Utilities: The applicant has indicated that City water will be extended south from Moon Meadows Drive approximately 6,040 feet along U.S. Highway 16 to serve the proposed development. However, the City limits boundary currently ends at Moon Meadows Drive. In order for the property to be served by the City, the property must either be located within the City limits of Rapid City or the applicant must form a utility district and obtain approval from the City Council for the district to utilize City water service. Since there are several properties located between the existing City limits boundary and this property, with several of the properties under different ownership than the applicant, it may not be possible to annex this property into the City limits at this time.

The applicant has also indicated that an "Ecolo-Chief On-site Wastewater Treatment System" will be utilized. To date, the applicant has not submitted any information demonstrating what the system will consist of or how the proposed system will function. In addition, staff is concerned with transferring City water as proposed from one basin and discharging into another basin. Use and design of the proposed wastewater treatment system and the transference of water as identified will require the review and approval of the South Dakota Department of Environment and Natural Resources, which to date has not been obtained. In addition, a National Pollution Discharge Elimination System Permit must be reviewed and approved by the South Dakota Department of Environment and Natural Resources. An Operation and Maintenance Schedule must also be submitted for review

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and approval and the applicant must identify a certified operator for the system.

Without addressing the water service boundary issue as identified and without preliminary sewer plans showing how the proposed wastewater system will function to serve the development as proposed, staff can not support the Layout Plat. As such, staff is recommending that the Layout Plat be denied to allow the applicant to address the water and sewer issues as identified.

Zoning: The property is located in Pennington County, outside of the City limits of Rapid City but within the City's three mile platting jurisdiction. That portion of the property located along U.S. Highway 16 is currently zoned Highway Service District by Pennington County. Approximately 16 acres located in the northeast corner of the property is currently zoned Suburban Residential District. The balance of the property is zoned General Agriculture District. The Pennington County Planning Department has indicated that the property must be rezoned to allow the proposed commercial and residential uses as shown on the Layout Plat. However, the County's Future Land Use Plan for this area reflects the current zoning of the property. As such, rezoning the property to support the uses as shown on the Layout Plat is in direct conflict with the County's current zoning and Future Land Use Plan for the property. Pennington County Planning Department has also indicated that as a part of any zoning changes, a water and wastewater plan must be submitted for review and approval demonstrating how the site will be serviced.

Staff is recommending that the Layout Plat be denied to allow the applicant to resolve the zoning issue with Pennington County.

Traffic Impact Study: The Layout Plat identifies two access points onto a service road within the U.S. Highway 16 right-of-way. The South Dakota Department of Transportation has indicated that a Traffic Impact Study must be submitted for review and approval prior to acceptance of the access points. There are existing traffic concerns along this stretch of U.S. Highway 16 with Reptile Gardens located west of the site and the campground located directly adjacent to the site. As such, staff is recommending that the Layout Plat be denied without prejudice to allow the applicant to submit a Traffic Impact Study and to revise the plat document to reflect any proposed changes as a result of the study.

Site Plan: As previously indicated, a site plan showing all existing development on the property has not been submitted for review and approval as required. In particular, the site plan must show the location of all structures, utilities, driveways, etc. Staff is recommending that the Layout Plat be denied to allow the applicant to submit the site plan as required.

Drainage Plan: A drainage plan in accordance with the Drainage Basin Criteria Manual must be submitted for review and approval. In particular, the drainage plan must include calculations demonstrating that discharge from any site facilities will result in net drainage basin run-off not exceeding pre-development flows or local detention facilities must be provided or expanded as necessary. Staff is recommending that a drainage plan be submitted for review and approval as identified upon submittal of a Preliminary Plat application. In addition, the plat document must be revised to provide drainage easements as needed.

A grading plan must also be submitted for review and approval. Staff is recommending that

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the information be submitted as identified upon submittal of a Preliminary Plat.

Floodplain Development Permit: The southern portion of the property is located within the 100 year federally designated floodplain. Prior to any construction within this area, a Floodplain Development Permit must be obtained.

Geotechnical Report: A geotechnical report including pavement design must be submitted for review and approval. Staff is recommending that the geotechnical report be submitted for review and approval upon submittal of a Preliminary Plat application.

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 recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval.

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Utility Master Plan: Upon submittal of a Preliminary Plat application, a Master Utility Plan showing private and public utilities must be submitted for review and approval.

U.S. Highway 16: U.S. Highway 16 is located along the west 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 right-of-way. Currently, the street is located within a 300 foot wide right-of-way and constructed with four-12 foot wide paved lanes, separated by a grassed median. Staff is recommending that upon submittal of a Preliminary Plat application, construction plans for the street be submitted for review and approval showing the construction of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the construction plans must include turn lanes, deceleration lanes, signalization, etc. as per the findings of the Traffic Impact Study.

U.S. Highway 16 Service Road: The U.S. Highway 16 Service Road is classified as a commercial street requiring that the street be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Staff is recommending that upon submittal of a Preliminary Plat, construction plans for the service road be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Commercial Streets: The Layout Plat identifies Sam Oliver Road and that portion of Spring Creek Crossing located between U.S. Highway 16 and Oliver Sam Drive as a commercial Street. Staff is recommending that upon submittal of a Preliminary Plat, road construction plans for the commercial streets be submitted for review and approval. In particular, the road construction plans must show the streets located in a minimum 59 foot wide right-of-

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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.

Sub-collector Streets: The Layout Plat identifies Sam Argo Drive and that portion of Spring Creek Crossing extending east from Sam Oliver Drive as sub-collector streets. Staff is recommending that upon submittal of a Preliminary Plat, road construction plans for the sub-collector streets be submitted for review and approval. In particular, the road construction plans must show the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the construction plans must identify the construction of a permanent turnaround at both ends of Sam Argo Drive, a cul-de-sac street, with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations must be obtained.

The two cul-de-sacs located at either end of Sam Argo Drive measure approximately 800 feet in length each. However, the Street Design Criteria Manual requires an intermediate turnaround along a cul-de-sac street every 600 feet. As such, prior to submittal of a Preliminary Plat application, an Exception must be obtained to waive the requirement to provide an intermediate turnaround or the plat document must be revised accordingly.

Lane-Place Streets: The Layout Plat identifies Oliver Lane, Oliver Drive and Sam Oliver Drive as Lane Place Streets. Staff is recommending that upon submittal of a Preliminary Plat, road construction plans for the Lane-Place Streets be submitted for review and approval. In particular, the road construction plans must show the streets located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Street Names: Several of the street names include the name "Oliver". The Emergency Services Center has indicated that naming the streets so similarly will be confusing to the public and emergency response services. As such, staff is recommending that alternate street names be submitted for review and approval upon submittal of a Preliminary Plat application. In addition, the plat document must be revised to show the revised street names.

Lot Configuration: The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The proposed Layout Plat identifies that five of the lots will have a length twice the distance of the width. As such, staff is recommending that submittal of a Preliminary Plat application, an Exception be obtained to allow a lot twice as long as it is wide or the plat document must be revised to comply with the length to width requirement.

Fire Protection: The Fire Department staff 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) or a Variance to the Subdivision Regulations must be obtained waiving the requirement to install a central water system. In addition, all proposed

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streets must be constructed to meet the minimum standards of the Street Design Criteria Manual to ensure fire apparatus access. Staff is recommending that construction plans be submitted for review and approval as identified upon Preliminary Plat submittal.

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, any future platting of the property will require that 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 particular, 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, prior to the City's acceptance of any public improvements, a Warranty Surety must be submitted for review and approval if subdivision improvements are required as a part of any future platting of the property.

Staff is recommending that the Layout Plat be denied to allow the applicant to resolve the zoning issue with Pennington County, to address the water and wastewater issues and to submit a Traffic Impact Study.