

STAFF REPORT
September 24, 2009

No. 09PL056 - Layout Plat

ITEM 23

GENERAL INFORMATION:

APPLICANT	Greg Lester
AGENT	Renner & Associates
PROPERTY OWNER	Gregory Lester
REQUEST	No. 09PL056 - Layout Plat
EXISTING LEGAL DESCRIPTION	Lot G of Lot 2 of the SE1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 3 of Block 1 of Lester Subdivisoin located in the SE1/4SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.45 acres
LOCATION	1714 Creek Drive
EXISTING ZONING	Light Industrial District - Flood Hazard District
SURROUNDING ZONING	
North:	Light Industrial District - Flood Hazard District
South:	Light Industrial District
East:	Flood Hazard District
West:	General Commercial District - Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/27/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Layout Plat be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat application, a Master Utility Plan showing private and public utilities shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed;
2. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and a grading permit shall be submitted for review and approval if subdivision improvements are required. In addition, a grading permit, an Erosion and Sediment Control Permit and a Floodplain

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- Development Permit for the existing piles of dirt located in the southeast corner of the property shall be submitted for review and approval or the dirt shall be removed from the property;
4. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary;
 5. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
 6. Upon submittal of a Preliminary Plat application, road construction plans for Creek Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer along the northern 80 feet of Creek Drive as it abuts the property and water or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way;
 7. Prior to Preliminary Plat approval by the City Council, a Variance from the Zoning Board of Adjustment shall be obtained to reduce the minimum required front yard setback from 25 feet to 18.8 feet in the Light Industrial District as a result of dedicating the 17 additional feet of right-of-way;
 8. Upon submittal of a Preliminary Plat application, 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
 9. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
 10. Upon submittal of the Preliminary Plat application, 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 or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
 11. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 12. Upon submittal of a 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;

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13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
14. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

GENERAL COMMENTS:

The applicant has submitted a Layout Plat to subdivide the property into three lots. The lots are sized 1 acre, 1.726 acres and 1.726 acres, respectively. The applicant has indicated that the subdivision is to be known as "Lester Subdivision".

The property is located directly east of the intersection of E. St. Charles Street and Creek Drive. Currently a single family residence and a carport are located on proposed Lot 1. In addition, a shed is located on proposed Lot 2.

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:

Zoning/Land Use: The eastern 2/3rds of the property is currently zoned Light Industrial District. The western 1/3 of the property is currently zoned Flood Hazard District. The existing single family residence, shed and carport were constructed on the property in 1958 when the property was outside the City limits of Rapid City. The property was subsequently annexed in 1986. A single family residence is not allowed in the Light Industrial District unless it is used as a caretaker's residence to an industrial use being conducted on the property. As such, if the residence has been vacant for a continuous period of one year since the property was annexed, it can no longer be used as a single family residence. In addition, any expansion of the building(s) or change in use of the building(s) will require that they conform to Chapter 17.52 of the Rapid City Municipal Code which defines non-conforming buildings and uses.

The shed is located in the 100 year Federally Designated Floodplain. The applicant should be aware that any expansion of the shed or other development within this area will require a Floodplain Development Permit.

Several stock piles of dirt have been placed in the southeastern corner of the property. It is

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unclear as to when the dirt piles were placed on the property but aerial photography of this area show that the dirt piles were not there in 2001. This area of the property is located within the 100 year Federally Designated Floodplain. To date, the necessary permits have not been obtained to allow the stock piles of dirt on the property. As such, prior to submittal of a Preliminary Plat application a grading permit, an Erosion and Sediment Control Permit and a Floodplain Development Permit for the existing piles of dirt must be submitted for review and approval or the dirt must be removed from the property.

Creek Drive: Creek Drive is located along the west lot line of the property and is classified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Creek Drive is located in a 66 foot wide right-of-way and constructed with a 22 foot wide paved surface and sewer along the southern 235 feet of the property as it abuts Creek Drive.

Upon submittal of a Preliminary Plat application, construction plans for Creek Drive must be submitted for review and approval showing the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer along the northern 80 feet of Creek Drive as it abuts the property and water or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised to show the dedication of 17 additional feet of right-of-way.

The existing single family residence is located 35.8 feet from the front lot line. Dedicating the right-of-way as required for Creek Drive will result in an 18.8 foot front yard setback. As such, prior to Preliminary Plat approval by the City Council, a Variance from the Zoning Board of Adjustment must be obtained to reduce the minimum required front yard setback from 25 feet to 18.8 feet in the Light Industrial District or the structure must be relocated or modified to observe the minimum required setback.

Sewer: A private on-site wastewater system, consisting of a septic tank and drainfield, currently serves the residence located on the property. As previously indicated a City sewer main is currently located within Creek Drive. Chapter 16.16.050 of the Rapid City Municipal Code states that any subdivision located within 500 feet of the Rapid City sewer system shall be required to hook up to that system. As such, staff recommends that upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. The plat document shall also be revised to provide utility easements as needed.

Water: A private well with a water valve pit currently serves the property. However, a City water main is currently located at the northwest corner of the property in the Creek Drive right-of-way. To date, the applicant has not indicated if it is their intent to connect to City water or continue to utilize an on-site water system. As such, staff recommends that upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer must be

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submitted for review and approval. In addition, the water plans must demonstrate that adequate fire and domestic flows are being provided. The plat document must also be revised to provide utility easements as needed.

Geotechnical Report: A geotechnical report including pavement design must be submitted for review and approval. In addition, the geotechnical report must include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information must be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections must be provided as needed for buried water system metal fixtures.

Stormwater Management Plan: The City Council 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. In addition, staff has received complaints in the past regarding the lack of erosion and sediment control efforts on previous phases of the development. As such, staff recommends that upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

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 must 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 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, staff is recommending that prior to the City's acceptance of any public improvements, a Warranty Surety be submitted for review and approval if subdivision improvements are required.

The proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.