

STAFF REPORT  
October 22, 2009

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**No. 09PL040 - Layout Plat**

**ITEM 28**

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GENERAL INFORMATION:

APPLICANT	Lazy P-6 Land Co., Inc.
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Orvil Davis
REQUEST	<b>No. 09PL040 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 in Block 1 and Lots 1 thru 4 in Block 2, located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.0 acres
LOCATION	At the southeast corner of the intersection of Fifth Street and Catron Boulevard
EXISTING ZONING	General Commercial District - Light Industrial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	Light Industrial District (Pennington County)
East:	General Commercial District - Light Industrial District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/9/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Prior to Layout Plat approval by the Planning Commission, a Master Plan including the surrounding properties as per the City's adopted resolution shall be submitted for review

STAFF REPORT  
October 22, 2009

---

**No. 09PL040 - Layout Plat**

**ITEM 28**

---

- and approval;
2. Upon submittal of a Preliminary Plat application, a Traffic Impact Study shall be submitted for review and approval;
  3. Upon submittal of a Preliminary Plat application, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to install water and sewer and an Exception shall be obtained to waive the requirement to install curb, gutter, sidewalk and street light conduit. The construction plans shall also include additional lanes and/or turn lanes along Catron Boulevard as per the Traffic Impact Study. In addition, the traffic signal shall be modified as needed;
  4. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the dedication of 50 additional feet of right-of-way along Catron Boulevard if the South Dakota Department of Transportation's acquisition of right-of-way with the applicant is completed. If the acquisition is not completed, the plat document shall be revised to show a 50 foot wide future roadway easement along Catron Boulevard to preclude any development within this area of the property until the negotiations are completed;
  5. Upon submittal of a Preliminary Plat application, road construction plans for 5<sup>th</sup> Street 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 three 12 foot wide paved lanes, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall include additional lanes and/or turn lanes as per the Traffic Impact Study;
  6. Upon submittal of a Preliminary Plat application, road construction plans for Prairie Dog Street and Rattlesnake Lane shall be submitted for review and approval. In particular, the road construction plans shall show the streets located within 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 shall be obtained;
  7. 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;
  8. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan in compliance with the South Truck Route Drainage Plan and 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;
  9. Upon submittal of a Preliminary Plat application, a utility master plan including existing and proposed public and private utilities shall be submitted for review and approval. In addition, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties;

STAFF REPORT  
October 22, 2009

---

No. 09PL040 - Layout Plat

ITEM 28

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10. 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 in compliance with the March 19, 2004 CETEC Sewer Report 2004 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The plat document shall also be revised to provide utility easements as needed;
11. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains in compliance with the adopted Burns & McDonnell Utility System Master Plan shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. 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;
12. 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. In addition, the International Fire Code shall be continually met;
13. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
14. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
15. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;
16. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
17. Prior to submittal of a Preliminary Plat application, an alternate street name shall be submitted to the Emergency Services Communication Center for "Prairie Dog Street" for review and approval. In addition, the plat document shall be revised to show the new street name;
18. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
19. 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;
20. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,
21. 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:

**(Update, October 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 24, 2009 Planning Commission meeting to allow the applicant to submit a Master Plan including the surrounding properties as per the City's adopted resolution. As of this writing, the Master Plan has not been submitted for review and approval. Staff will notify the Planning Commission at the October 22,**

STAFF REPORT  
October 22, 2009

---

**No. 09PL040 - Layout Plat**

**ITEM 28**

---

**2009 Planning Commission meeting if this requirement has not been met. Please note that no other part of this Staff Report has been revised.**

(Update, September 12, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 10, 2009 Planning Commission meeting to allow the applicant to submit a Master Plan including the surrounding properties as per the City's adopted resolution. As of this writing, the Master Plan has not been submitted for review and approval. Staff will notify the Planning Commission at the September 24, 2009 Planning Commission meeting if this requirement has not been met. Please note that no other part of this Staff Report has been revised.

(Update, August 31, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 27, 2009 Planning Commission meeting to allow the applicant to submit a Master Plan including the surrounding properties as per the City's adopted resolution. As of this writing, the Master Plan has not been submitted for review and approval. Staff will notify the Planning Commission at the September 10, 2009 Planning Commission meeting if this requirement has not been met. Please note that no other part of this Staff Report has been revised.

(Update, August 14, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 6, 2009 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Layout Plat to create five lots leaving a non-transferable balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #09SV015) to waive the requirement to reduce the pavement width from 12 feet to 11 feet per lane along 5<sup>th</sup> Street.

On February 3, 2003, the City Council overruled a Planning Commission decision and approved a SDCL 11-6-19 Review (File #02SR013) to construct a portion of 5th Street in the section line highway located along the west lot line of the property. In particular, it was determined that the gravel road must be hard surfaced if the applicant constructs any additional storage units on the property. In addition, the road must be built to City Street Design Standards if the property is platted or if water and sewer are extended to within 600 feet of the intersection of Catron Boulevard and 5<sup>th</sup> Street. In 2004, water and sewer were extended to the intersection of Catron Boulevard and 5<sup>th</sup> Street, adjacent to the northwest corner of the property. However, to date, the road has not been constructed in accordance with City Standards. The applicant is now proposing to plat the property which also requires that the street be constructed to City Street Design Standards.

The property is located in the southeast corner of the intersection of 5<sup>th</sup> Street and Catron Boulevard. A vehicle sales business with a small commercial building is located on proposed Lot 1. The balance of the property is void of any structural development.

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

STAFF REPORT  
October 22, 2009

---

**No. 09PL040 - Layout Plat**

**ITEM 28**

---

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:

**Annexation:** In May, 1983, the City Council approved a resolution requiring all properties that are contiguous to Rapid City which are being platted to be annexed into the City limits of Rapid City prior to Preliminary Plat approval. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the property be annexed as required.

Upon annexation, the property will be zoned No Use District. The City's Future Land Use Plan identifies the appropriate land use for the northern portion of the property as General Commercial with a Planned Commercial Development. In addition, the City's Future Land Use Plan identifies the appropriate land use for the southern portion of the property as General Commercial and Light Industrial. The applicant should be aware that prior to issuance of a building permit, the property must be rezoned as identified. In addition, an Initial and Final Planned Commercial Development must be submitted for review and approval for that portion of the property located within the Planned Commercial Development designation.

The property located west of 5<sup>th</sup> Street is currently located in Pennington County, outside the City limits of Rapid City and outside the boundaries of this plat. The applicant should be aware that the property must be annexed into the City limits prior to connecting to City sewer and water.

**Master Plan:** On January 21, 1991, the City Council adopted a resolution establishing a policy that a Master Plan for the surrounding properties be submitted prior to Layout Plat approval. To date, a Master Plan has not been submitted. As such, staff recommends that prior to Layout Plat approval by the Planning Commission, a Master Plan be submitted for review and approval as per the City's adopted resolution.

The Layout Plat identifies the subdivision of the western portion of four condominium lots located along 5<sup>th</sup> Street. The eastern portion of the lots is being left as a "non-transferable balance". The Master Plan must identify how these lots will be accessed. In addition, a legal description describing the balance of the condominium lots must be submitted for review and approval.

**Traffic Impact Study:** The South Dakota Department of Transportation has indicated that a Traffic Impact Study must be submitted for review and approval in order to determine what improvements will be needed along Catron Boulevard and at the intersection of Catron Boulevard and 5<sup>th</sup> Street as a result of the proposed development. In addition, the South Dakota Department of Transportation has indicated that the existing signal must be modified

as needed to accommodate the additional traffic as per the Traffic Impact Study.

Staff recommends that upon submittal of a Preliminary Plat application, a Traffic Impact Study be submitted for review and approval as identified.

Oversize Costs: The applicant has submitted a written request that the City identify its portion of the funding obligation for 5<sup>th</sup> Street as a part of this Layout Plat review and approval. Chapter 16.16.100 of the Rapid City Municipal Code states that the “Common Council may participate in the cost of oversize improvements within a subdivision if it is adjudged that the oversize improvements are necessary to serve large areas of land not in the subdivision and if the cost of the oversize improvements is an unreasonable burden on the subdivider”. To date, the applicant has not submitted design calculations verifying what improvements will be needed for this development.

Chapter 16.16.100 also states that “the Subdivider shall not be required to pay the full cost of any highway or arterial street, but shall participate in the cost of these improvements in the amount that a collector street would cost if situated where the highway or arterial street is located”. Until a Traffic Impact Study is submitted for review and approval identifying what improvements will be needed along 5<sup>th</sup> Street and Catron Boulevard to accommodate the traffic generated from the proposed development, it is unclear what improvements beyond the collector street design standard will be the applicant’s responsibility versus the City’s responsibility.

Once the applicant has submitted design calculations, a cost estimate and a Traffic Impact Study verifying what improvements will be needed for this development, a request must be submitted to the City Council requesting reimbursement for any oversize costs.

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.

Drainage: The property is located within the South Truck Route Drainage Plan. The applicant has requested that the city confirm modeling data and provide any amended models for this area. However, no stormwater or drainage system data, design criteria or calculations have been provided. As such, the City is unable to determine the system requirements or compare and determine modeling.

Staff recommends that upon submittal of a Preliminary Plat application, a drainage plan in compliance with the South Truck Route Drainage Plan and the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. The plat document must also be revised to provide drainage easements as necessary.

Sewer: The applicant has requested that the City confirm sewer capacity data and provide its

STAFF REPORT  
October 22, 2009

---

**No. 09PL040 - Layout Plat**

**ITEM 28**

---

preferred main size options through this area. However, no wastewater system data, design criteria or usage calculations have been provided. As such, the City is unable to determine system requirements, preferred sizing options or potential oversizing considerations.

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 in compliance with the March 19, 2004 CETEC Sewer Report be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. The plat document must also be revised to provide utility easements as needed.

Water: The property is located in the Palo Verde Water Service Zone. The applicant has requested that the City confirm water data and provide its preferred main size options through this area. However, no water system data, design criteria or usage calculations have been provided. As such, the City is unable to determine system requirements, preferred sizing options or potential oversizing considerations.

Staff recommends that upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains in compliance with the adopted Burns & McDonnell Utility System Master Plan be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. 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.

Catron Boulevard: Catron Boulevard is classified as a principal 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, Catron Boulevard is located in a 150 foot wide right-of-way and constructed with approximately 48 feet wide paved surface.

Staff recommends that upon submittal of a Preliminary Plat application, road construction plans for Catron Boulevard be submitted for review and approval. In particular, the road construction plans must show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained to waive the requirement to install water and sewer and an Exception must be obtained to waive the requirement to install curb, gutter, sidewalk and street light conduit. The construction plans must also include additional lanes and/or turn lanes along Catron Boulevard as per the Traffic Impact Study. In addition, the traffic signal must be modified as needed.

South Dakota Department of Transportation staff has indicated that they are negotiating with the applicant to obtain 50 additional feet of right-of-way along Catron Boulevard as per the South Dakota Department of Transportation's construction plans to improve Catron Boulevard. If the acquisition of right-of-way is completed prior to submittal of a Preliminary Plat application, the plat document must be revised to show the dedicated right-of-way. If acquisition is not completed, the plat document must be revised to show a 50 foot wide future roadway easement along Catron Boulevard to preclude any development within this area of the property until the negotiations are completed. If it is determined that the additional right-of-way is not needed, the easement can be vacated.

STAFF REPORT  
October 22, 2009

---

**No. 09PL040 - Layout Plat**

**ITEM 28**

---

Fifth Street: Fifth Street is classified as a principal 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, Fifth Street is located in a 66 foot wide section line highway and constructed with an approximate 22 foot wide graveled surface.

Staff recommends that upon submittal of a Preliminary Plat application, road construction plans for Fifth Street be submitted for review and approval. In particular, the road construction plans must show the street located within a minimum 100 foot wide right-of-way and constructed with three 12 foot wide paved lanes, 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 additional lanes and/or turn lanes as per the Traffic Impact Study.

Prairie Dog Street and Rattlesnake Lane: Prairie Dog Street and Rattlesnake Lane are classified as commercial streets requiring that they 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.

Staff recommends that upon submittal of a Preliminary Plat application, road construction plans for Prairie Dog Street and Rattlesnake Lane be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Emergency Services Communication Center staff has indicated that a different street name for Prairie Dog Street must be submitted for review and approval. Staff recommends that prior to submittal of a Preliminary Plat application, an alternate street name be submitted to the Emergency Services Communication Center for "Prairie Dog Street" for review and approval. In addition, the plat document must be revised to show the approved street name.

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 as 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.



STAFF REPORT  
October 22, 2009

---

**No. 09PL040 - Layout Plat**

**ITEM 28**

---

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.