

STAFF REPORT
August 5, 2010

No. 10PL016 - Layout Plat

ITEM 9

GENERAL INFORMATION:

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| APPLICANT | Scott Weyer for Weyer Creations |
| AGENT | Doug Sperlich for Sperlich Consulting, Inc. |
| PROPERTY OWNER | Weyer Creations |
| REQUEST | No. 10PL016 - Layout Plat |
| EXISTING LEGAL DESCRIPTION | Lot 1 of Judicial Lot 4, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots A thru E of Lot 1 of Judicial Lot 4 of Norman Ranch Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 10.191 acres |
| LOCATION | Approximately 1.424 miles southwest of the intersection of Old Folsom Road and S.D. South Highway 79 |
| EXISTING ZONING | Light Industrial District (Pennington County) |
| SURROUNDING ZONING | |
| North: | Limited Agriculture District (Pennington County) |
| South: | Limited Agriculture District (Pennington County) |
| East: | General Agriculture District (Pennington County) |
| West: | General Agriculture District (Pennington County) |
| PUBLIC UTILITIES | Cistern and septic tank |
| DATE OF APPLICATION | 3/12/2010 |
| REVIEWED BY | Ali DeMersseman / Ted Johnson / Vicki L. Fisher |

RECOMMENDATION:

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

GENERAL COMMENTS:

(Update, July 23, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 22, 2010 Planning Commission meeting to allow the applicant to submit a site plan and revised plat document. On July 23, 2010, the applicant requested that this item be denied without prejudice.

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

(Update, July 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 8, 2010 Planning Commission meeting to allow the applicant to submit a site plan and revised plat document. As of this writing, a site plan and revised plat document have not been submitted for review and approval. As such, staff recommends that the item be continued to allow the applicant to submit the above noted information for review and approval.

(Update, June 28, 2010. All revised and/or added text is shown in bold print.) This item was continued at the May 6, 2010 Planning Commission meeting to allow the applicant to submit a site plan and revised plat document. As of this writing, a site plan and revised plat document have not been submitted for review and approval. As such, staff recommends that the item be continued to allow the applicant to submit the above noted information for review and approval.

(Update, April 26, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 22, 2010 Planning Commission meeting to allow the applicant to submit a site plan and revised plat document. As of this writing, a site plan and revised plat document have not been submitted for review and approval. As such, staff recommends that the item be continued to allow the applicant to submit the above noted information for review and approval.

(Update, April 14, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 8, 2010 Planning Commission meeting to allow the applicant to submit a site plan and revised plat document. As of this writing, a site plan and revised plat document have not been submitted for review and approval. As such, staff recommends that the item be continued to allow the applicant to submit the above noted information for review and approval.

The applicant has submitted a Layout Plat to create five lots ranging in size from 1.306 acres to 2.986 acres. The property is located along Old Folsom Road, east of South Highway 79. Currently, the property is developed with a single industrial building.

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 noted the following considerations:

Site Plan: As previously noted, the property is currently developed with an industrial building. However, a site plan identifying existing structural development on the property was not submitted with the application. The plan must show existing structural development, the entire Old Folsom Road right-of-way, pavement width, adjacent driveway locations, and site topography as per Section 16.20.030 of the Rapid City Municipal Code. As such, staff recommends that the item be continued to allow the applicant to submit the above noted information.

Redline Comments: Staff is recommending that prior to Layout Plat approval, all redline comments made on the plat document must be addressed and resubmitted to the Growth Management Department for review and approval. As such, staff recommends that the item be continued to allow the applicant to address the redline comments.

Driveway Access: Section 8.2.1 of the Street Design Criteria Manual states that “if a property has frontage on more than one street, access will be permitted only on the less traveled street frontage, where standards can be met.” Proposed Lot D has frontage on both Weyer Road, an industrial street, and Old Folsom Road, a principal arterial. Therefore, proposed Lot D must take access from Weyer Road in accordance with the provisions of the Street Design Criteria Manual. In addition, proposed Lot E has exclusive frontage and access from Old Folsom Road. Further, staff has indicated that the proposed 40 foot by 40 foot shared approach off of Old Folsom Road, serving proposed Lots D and E does not meet the approach corner clearance of Section 8.2.3 of the Street Design Criteria Manual. As such, staff recommends that this item be continued to allow the applicant to revise the plat document to comply with the Street Design Criteria Manual.

Old Folsom Road: Old Folsom Road is located along the east 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 in a minimum 100 foot wide right-of-way and constructed with a minimum 48 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. As previously noted, the applicant did not submit a plan identifying the entire Old Folsom Road right-of-way or existing pavement width. As such, staff recommends that the item be continued to allow the applicant to submit a topographic plan as required in accordance with Section 16.20.030 of the Rapid City Municipal Code.

East-West Section Line Highway: An undeveloped section line highway is located along the property’s north lot line. As such, staff recommends that upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the north lot line be submitted for review and approval. In particular, the construction plans must show the street constructed within a 49 foot right-of-way width, with a 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated. A portion of the section line highway is located on an adjacent property under different ownership. The Subdivision Regulations state that “...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted.” Vacating only that portion of the section line highway located on the property will create a half-street. As such, the entire section line highway must be vacated

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or a Variance to the Subdivision Regulations must be obtained. If the applicant seeks to vacate a portion of the section line highway, the adjacent property owner will need to concur the request. Prior to Preliminary Plat approval, the section line highway issue must be addressed as identified or construction plans for the street must be submitted for review and approval.

North-South Section Line Highway: An undeveloped section line highway is located along the property's west lot line. As such, staff recommends that upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the west lot line be submitted for review and approval. In particular, the construction plans must show the street constructed within a 49 foot right-of-way width, with a 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated. A portion of the section line highway is located on an adjacent property under different ownership. The Subdivision Regulations state that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted." Vacating only that portion of the section line highway located on the property will create a half-street. As such, the entire section line highway must be vacated or a Variance to the Subdivision Regulations must be obtained. If the applicant seeks to vacate a portion of the section line highway, the adjacent property owner will need to concur the request. Prior to Preliminary Plat approval, the section line highway issue must be addressed as identified or construction plans for the street must be submitted for review and approval.

Weyer Road: The plat document identifies Weyer Road as a proposed platted right-of-way providing access to three of the proposed five lots. Weyer Road is classified as an industrial street requiring that the street be located within a 59 foot right-of-way, constructed with 26 foot wide pavement, curb, gutter, sidewalks, street light conduit, water and sewer. In addition, the Street Design Criteria Manual requires that industrial streets may be designed to have one end permanently closed. The plat document shows Weyer Road closed at one end. In addition, cul-de-sacs shall be provided with a turnaround at the closed end and intermediate turnarounds at intervals not exceeding 600 feet. The turnaround must have a right-of-way diameter of 118 feet and pavement diameter of 96 feet. As such, staff recommends that prior to Preliminary Plat approval, road construction plans for Weyer Road be submitted as identified or a Variance to the Subdivision regulations must be obtained.

In addition, the Pennington County Emergency Services Communication Center has suggested an alternate name for Weyer Road be provided, as there is concern that it will be frequently misspelled.

Non-access easement: Staff has indicated that the plat document must be revised to show a non-access easement along the length of the property as it abuts Old Folsom Road and along the first 50 feet along each side of Weyer Road. As such, staff recommends that prior to Preliminary Plat approval, the plat document must be revised to show non-access easements along Old Folsom Road and Weyer Road.

Zoning: The property is currently zoned Light Industrial District by Pennington County. The Pennington County Zoning Ordinance states that minimum area for lots within the Light

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Industrial District “shall be determined by the private water carriage waste disposal system based on individual requirements and data required by the Pennington County Health Department.” The applicant has indicated that the proposed lots will be served by cisterns and septic tanks. The Pennington County Planning staff has indicated that the proposed lots appear to meet the minimum lot requirements of the Light Industrial District.

The Rapid City Future Land Use Plan identifies the appropriate zoning for the property as Light Industrial with a Planned Industrial Development. The minimum area for a lot in the Light Industrial Zoning District is 20,000 square feet. Therefore, the proposal conforms to the Rapid City Future Land Use Plan.

Wastewater System: The applicant has indicated that septic tanks will serve the proposed lots. However, the submitted plans do not show the proposed locations of the on-site wastewater systems. As such, upon submittal of a Preliminary Plat application, an on-site wastewater plan prepared by a Registered Professional Engineer must be submitted for review and approval. In particular, the plan must include the location and capacity of all areas acceptable for septic tanks and drainage fields, as well as the location of percolation test holes and the results of percolation tests demonstrating that the soils are suitable for an on-site wastewater system.

The Rapid City Master Utility Plan identifies the property within “Tier One”, which indicates that the area is an anticipated near term development project in lieu of a long range development project. As such, dry sewer must be provided even if on-site wastewater systems are proposed to be utilized in the interim. 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 must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Water System: The applicant has indicated that cisterns will serve the proposed lots. However, the Rapid City Master Utility Plan identifies a 12 inch water main in Old Folsom Road at this location. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains must be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained to allow cisterns on the proposed lots. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer must be submitted for review and approval. In addition, the water plans must demonstrate that adequate fire and domestic flows are being provided.

Drainage: Staff has indicated that there is an existing 50 foot wide major drainage easement that extends from the property to the south onto proposed Lot C. As such, staff recommends that upon submittal of a Preliminary Plat application, the plat document be revised to show this existing major drainage easement.

In addition, as part of the Preliminary Plat application, a grading plan, including cut and fill quantities, and an Erosion and Sediment Control Plan for all improved areas must be submitted for review and approval. In particular, the drainage facilities must be design in compliance with the Drainage Criteria Manual. The drainage plan must also demonstrate that design flows do not exceed pre-developed flows, or on-site detention must be provided.

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If on-site detention is required, then design calculations and details for the detention must be submitted for review and approval. In addition, the plat document must provide drainage easements as necessary.

Approach Permit: The plat document identifies two lots taking access off of Old Folsom Road by way of a 40 foot wide by 40 foot long shared approach. However, as noted above, staff has expressed concerns about the proposed approach. In the event that access is taken off of Old Folsom Road, upon submittal of a Preliminary Plat application, an Approach Permit must be obtained from the Pennington County Highway Department for the proposed shared approach along Old Folsom Road.

Register of Deeds: The Register of Deed's Office has suggested that the plat title be revised to read "Lots A through E of Norman Ranch Subdivision" in lieu of "Lots A through E of Lot 1 of Judicial Lot 4, Norman Ranch Subdivision." Since this is a suggestion and not a recommendation, it is at the applicant's discretion to change the plat title as suggested.

Fire Protection: The Pennington County Fire Department has indicated that a road sign must be installed at the time Weyer Road is constructed. In addition, addresses must be posted, which are visible from the road for each lot at the time of building permit.

The Rapid City Fire Department has indicated that development cannot be supported on the proposed lots unless steps are taken to provide water or fire sprinkler protection. The Fire Department staff has also noted that municipal water has been extended to approximately one mile southwest of the property. As such, staff recommends that prior to the submittal of a Preliminary Plat application, the applicant coordinate with the Rapid City Fire Department to identify options to address fire protection needs for the property.

Air Quality Permit: An air quality construction permit must be obtained prior to any surface disturbance of one acre or more.

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. 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 any subdivision improvements are required.

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. Upon submittal of a Final Plat application, surety must be posted and subdivision inspection fee 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.

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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. 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 recommends that the Layout Plat be denied without prejudice at the applicant's request.