

STAFF REPORT
December 9, 2010

No. 10PL062 - Layout Plat

ITEM 10

GENERAL INFORMATION:

APPLICANT	Kelly Flannery
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	Ripple Gee, LLC
REQUEST	No. 10PL062 - Layout Plat
EXISTING LEGAL DESCRIPTION	A portion of Lot 1 of the SE1/4 SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2 and 3 of Flannery Subdivision, Section 29, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.72 acres
LOCATION	South side of Sheridan Lake Road between Dunsmore Road and Croyle Avenue
EXISTING ZONING	Highway Services District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Suburban Residential District (Pennington County)
East:	Highway Services District (Pennington County)
West:	Highway Services District (Pennington County)
PUBLIC UTILITIES	Colonial Pines Sanitary District/Private on-site wastewater
DATE OF APPLICATION	8/13/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the Layout Plat.

GENERAL COMMENTS:

**(Update: November 23, 2010. All revised and/or added text is shown in bold print.)
This item was continued at the November 18, 2010, Planning Commission meeting to allow the applicant to submit additional information. On November 23, 2010, the applicant submitted a written statement withdrawing the Layout Plat application.**

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Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the Layout Plat.

(Update: November 5, 2010. All revised and/or added text is shown in bold print.) This item was continued at the November 4, 2010, Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the December 9, 2010, Planning Commission meeting.

(Update: October 22, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 21, 2010, Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the November 18, 2010, Planning Commission meeting.

(Update: October 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 23, 2010 Planning Commission meeting to allow the applicant to submit additional information. On October 12, 2010, staff met with the applicant to review the information that must be submitted in order to review the Layout Plat. To date, the information has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the November 4, 2010 Planning Commission meeting.

(Update: September 13, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 9, 2010 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the October 7, 2010 Planning Commission meeting.

The applicant has submitted a Layout Plat to subdivide a previously platted lot, Lot 1 of Flannery Subdivision, creating two lots and leaving a non-transferable balance. The proposed lots are to be known as Lots 2 and 3 of Flannery Subdivision.

The property is located southeast of the intersection of Sheridan Lake Road and Croyle Avenue. Currently a residence is located on proposed Lot 2 and a restaurant is located on proposed Lot 3. The balance of Lot 1 appears to be 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 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 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. The north lot line of the property currently abuts the City limits of Rapid City. As such, prior to Preliminary Plat approval by the City Council, the property must 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 of the property as General Commercial with a Planned Commercial Development and with a landscape buffer. 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.

The applicant should also be aware that a single family residence as the principal use of the property is not permitted in the General Commercial District. As such, any expansion to the existing residence must be in compliance with Chapter 17.52 of the Rapid City Municipal Code which regulates nonconforming buildings and uses or the use of the structure must be in compliance with the General Commercial District.

(Update: October 22, 2010.) On October 22, 2010, the applicant submitted a petition to annex the property. The request will be considered at the November 18, 2010, Planning Commission meeting and the December 6, 2010, City Council meeting.

Setbacks: The General Commercial District requires a minimum 25 foot front yard setback and a zero foot rear yard setback except where a commercial building is served from the rear, then a minimum 30 foot rear yard setback must be provided. In addition, a zero foot side yard setback is required, except when the property abuts a residential district which then requires a minimum 25 foot side yard setback. The property does not abut a residential district. However, it appears that the restaurant located on proposed Lot 2 is served from the rear. As such, the plat document must be revised to provide a minimum 30 foot rear yard setback along Lot 2 or the setback requirement must be reduced as a part of the review and approval of the Initial and Final Planned Commercial Development. Since the plat document could significantly be altered, staff recommends that the Layout Plat be continued to allow the applicant to address the issue.

Master Plan: A road currently extends south from Sheridan Lake Road across the balance of Lot 1 to serve the rear of the restaurant and the single family residence. The applicant has not indicated whether this road will be secured within an access easement or platted as right-of-way in order to secure the existing access to the rear of the restaurant and to the existing residence. In addition, it is unclear why the southwest corner of proposed Lot 2 is configured with an arc design in lieu of a straight line as per 16.12.19 of the Rapid City Municipal Code which states that side lot lines shall be substantially at right angles to streets.

On January 21, 1991, the City Council adopted a resolution establishing a policy that a

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Master Plan for the surrounding properties must be submitted prior to Layout Plat approval. To date, a Master Plan for the property has not been submitted for review and approval. Staff recommends that the Layout Plat be continued to allow the applicant to submit a Master Plan as required and to revise the Layout Plat as needed.

Site Plan: The applicant has submitted a site plan showing the existing restaurant and residence located on the property. In addition, the site plan shows the location of the existing septic tanks. However, the site plan does not show the location of the drainfields, utility service lines or driveway locations. Since the Layout Plat could be altered once these items are shown, staff recommends that the Layout Plat be continued to allow the applicant to submit a revised site plan as identified for review and approval.

Sheridan Lake Road: Sheridan Lake Road is located along the north lot line of the property and is classified as a principle 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 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Sheridan Lake Road is located in an 80 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface. The Layout Plat identifies the dedication of 10 additional feet of right-of-way along Sheridan Lake Road. Staff recommends that upon submittal of a Preliminary Plat application, road construction plans for Sheridan Lake Road be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

The plat document must also be revised to show a non-access easement along Sheridan Lake Road except for the approved approach locations.

Access Easement: The Layout Plat identifies a 51.15 foot long by 48.75 foot wide access easement located directly west of the common lot line between Lots 2 and 3. The access easement is classified as a commercial street requiring that it located within a minimum 59 foot wide easement 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, construction plans be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained. The applicant also has the option of securing a 40 foot by 40 foot shared approach at this location in lieu of the proposed access easement which precludes the requirement to construct the approach to City street design standards. However, the applicant must demonstrate that access to both lots can physically be provided within a shared approach in lieu of the proposed access easement.

Exception: A minimum separation of 230 feet between the Croyle Avenue/Sheridan Lake Road intersection and the proposed access easement must be provided as per the Street Design Criteria Manual. The Layout Plat identifies a 185 foot separation. As such, staff recommends that the Layout Plat be continued to allow the applicant to either obtain an Exception to reduce the separation from 230 feet to 185 feet or to revise the plat document to provide a minimum 230 foot separation between the intersection and the access easement.

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Minor Drainage and Utility Easement: Title 16.12.200 of the Rapid City Municipal Code states that "Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than 20 feet wide total unless otherwise approved by the City Engineer". Generally, the City Engineer has supported an 8 foot wide minor drainage and utility easement being secured along all interior lot lines. Subsequently, a note on this Layout Plat identifies a "Utility and Minor Drainage Easement 8 feet on the interior sides of all lot lines". In addition, the plat document identifies a proposed lot line located between the existing restaurant and the residence. However, an approximate 7 foot separation exists between the two buildings precluding the dedication of an 8 foot wide minor drainage and utility easement along both sides of the lot line. As such, the applicant must submit a request to the City Engineer to allow an alternate easement designation which allows the structures to remain or the structure(s) must be removed in whole or in part to allow the minimum 8 foot wide minor drainage and utility easement along the common lot line.

Staff recommends that the Layout Plat be continued to allow the applicant to address the minor drainage and utility easement issue as identified.

Drainage: The property is located within the Red Rock Drainage Basin Area. Upon submittal of a Preliminary Plat, a drainage plan in compliance with the Red Rock Drainage Basin must be submitted for review and approval. In particular, the drainage plan must include drainage arrows on the site plan. In addition, drainage calculations must be submitted for review and approval demonstrating that adequate area exists between the existing structures to accommodate drainage.

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. In addition, a grading plan must be submitted for review and approval if any subdivision improvements are required.

Water: The property is located within the Colonial Pine Hills Sanitary District service area and currently provides water service to the property. Upon submittal of a Preliminary Plat application, a water system analysis prepared by a Registered Professional Engineer verifying sufficient quantities for domestic and fire flows must be submitted for review and approval. In addition, the location of service lines must be shown and easements must be secured as needed.

Sewer: The property is currently served by on-site septic tanks and drainfields. However, City sewer is currently located approximately 200 feet east of the property within Sheridan Lake Road right-of-way. Chapter 16.16.050.B states that any subdivision located within 500 feet of the Rapid City sewer system or any central sewer system shall be required to hook up to that system. As such, 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

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Subdivision Regulations must be obtained. If a Variance is obtained and individual on-site wastewater systems are utilized, then 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. The applicant should be aware that dry sewer must be provided even if on-site wastewater systems are proposed to be utilized in the interim in accordance with the provisions of Chapter 16.16.050 of the Rapid City Municipal Code. The recently completed Source Water Protection Study recommends the installation of dry sewer mains in accordance with the adopted City Standards rather than approving Variances to waive the requirement to insure connection to a central sewer system once the adjacent properties develop and the dry sewer can be connected to the City's system. In addition, the Rapid City's Master Utility Plan identifies the property within "Tier One" indicating that the property is in the area where public sewer is anticipated to be extended within 20 years.

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 fees must 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. 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 Planning Commission acknowledge the applicant's withdrawal of the Layout Plat.