

STAFF REPORT
April 21, 2011

No. 11PL022 - Layout Plat

ITEM 5

GENERAL INFORMATION:

APPLICANT	Dakota Heartland, Inc.
AGENT	Centerline, Inc.
PROPERTY OWNER	Dakota Heartland, Inc.
REQUEST	No. 11PL022 - Layout Plat
EXISTING LEGAL DESCRIPTION	S1/2 of Government Lot 3 less Big Sky Subdivision and less right-of-way and the S1/2 of Government Lot 4 less Big Sky Business Park, less Lot H1, less Lot H2 and less right-of-way all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Block 5 of Big Sky Business Park
PARCEL ACREAGE	Approximately 10 acres
LOCATION	North of Berniece Street between Neel Street and DeGeest Drive
EXISTING ZONING	General Commercial District (Planned Development Designation) - Office Commercial District (Planned Development Designation) - Medium Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation) - Office Commercial District (Planned Development Designation)
South:	Office Commercial District (Planned Development Designation) - Medium Density Residential District (Planned Development Designation)
East:	Public
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/24/2011
REVIEWED BY	Vicki L. Fisher / Karley Halsted

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RECOMMENDATION:

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

1. Upon submittal of a Preliminary Plat application, construction plans for Neel Street shall be submitted for review and approval showing the street located within a 60 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 shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, construction plans for Degeest Drive shall be submitted for review and approval showing the street located within a 76 foot wide right-of-way and 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 shall be submitted for review and approval;
3. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show Degeest Drive and Neel Street extending through the property in compliance with the adopted Major Street Plan or the applicant shall demonstrate the feasibility of the proposed alternate street locations and insure that the adjacent property owners concur with the proposed change in location or the Major Street Plan shall be revised to align with the proposed street locations as shown on this plat;
4. Upon submittal of a Preliminary Plat application, a Utility Master Plan including private and public utilities shall be submitted for review and approval;
5. 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;
6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and a water system analysis verifying source and adequate quantity for domestic and fire flows 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;
7. 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;
8. Upon submittal of a Preliminary Plat application, a grading plan showing any proposed grading and including cut and fill quantities shall be submitted for review and approval;
9. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In particular, the drainage plan shall include calculations demonstrating that discharge from any improvements will not exceed pre-development flow rates or local detention facilities shall be provided. In addition, the plat document shall also be revised to provide drainage easements as necessary;
10. 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

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- 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;
11. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 12. Prior to submittal of a Final Plat application, all required subdivision improvements shall be completed by the applicant and accepted by the City;
 13. Upon submittal of a Final Plat application, inspection fees shall be paid in compliance with Chapter 16.20.080 of the Rapid City Municipal Code;
 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 15. 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 create an 11 acre lot leaving a non-transferable balance. The lot is to be known as Lot 1, Block 5, Big Sky Business Park.

The property is located north of Berniece Street between Neel Street and DeGeest Drive. Currently, 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 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: The western portion of the property is zoned Office Commercial District with a Planned Development Designation and the eastern portion of the property is zoned Medium Density Residential District with a Planned Development Designation. The applicant has submitted a Master Plan showing the future construction of a 144 unit "townhome style" development with a clubhouse on the proposed lot. The applicant should be aware that prior to issuance of a building permit, an Initial and Final Planned Residential Development must be submitted for review and approval. As a part of the review, the applicant must demonstrate that all land area regulations, landscaping, drainage, utilities, fire access, parking, etc. as per the Rapid City Municipal Code and City Design Standards are being met.

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Major Street Plan: Neel Street and Degeest Drive are classified as collector streets on the Major Street Plan. However, the alignment of the streets as shown on the proposed Layout Plat does not match the alignment of the streets as per the adopted Major Street Plan. In particular, the Major Street Plan identifies Neel Street and Degeest Drive veering to the east to avoid natural drainage areas located on the adjacent property. The proposed plat identifies the streets extending north into these areas. As such, staff recommends that prior to submittal of a Preliminary Plat application, the plat document be revised to show Degeest Drive and Neel Street extending through the property in compliance with the adopted Major Street Plan or the applicant must demonstrate the feasibility of the proposed alternate street locations and insure that the adjacent property owner(s) concur with the proposed change in location or the Major Street Plan must be revised to align with the proposed street locations as shown on this plat.

Neel Street: Neel Street is classified as a collector street with no on-street parking. Upon submittal of a Preliminary Plat application, construction plans for Neel Street must be submitted for review and approval showing the street located within a 60 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 submitted for review and approval.

Degeest Drive: Degeest Drive is classified as a collector street with on-street parking. Upon submittal of a Preliminary Plat application, construction plans for Degeest Drive must be submitted for review and approval showing the street located within a 76 foot wide right-of-way and 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 submitted for review and approval.

Sewer: 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. Staff recommends that upon submittal of a Preliminary Plat application, sewer plans be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained. The plat document must also be revised to provide utility easements as needed.

Water: 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 must be obtained. The water plans must also demonstrate that adequate fire and domestic flows are being provided. The plat document must also be revised to provide utility easements as needed.

Grading/Drainage: Upon submittal of a Preliminary Plat application, a grading plan showing any proposed grading and including cut and fill quantities must be submitted for review and approval. In addition, a drainage plan in compliance with the Drainage Criteria Manual must be submitted for review and approval. In particular, the drainage plan must include calculations demonstrating that discharge from any improvements will not exceed pre-development flow rates or local detention facilities must be provided. In addition, the plat document must also be revised to provide drainage easements as necessary.

Stormwater Management Plan: The City Council recently adopted a Stormwater Quality Manual

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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. As such, staff recommends that upon submittal of a Final Plat application, inspection fees be paid as required.

On August 3, 2009, the City Council directed the City Attorney's Office to "refuse to accept any subdivision surety from Mr. Estes or any entity that he has an ownership interest in pending resolution of the Big Sky litigation". The City Attorney's Office has indicated that the litigation has not been resolved and is currently on appeal to the South Dakota Supreme Court. As such, prior to submittal of a Final Plat application, all required subdivision improvements must be completed by the applicant and accepted by the City to insure that the subdivision improvements comply with City Design Standards.

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. 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.

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