

STAFF REPORT
November 6, 2008

No. 08PL061 - Layout Plat

ITEM 17

GENERAL INFORMATION:

APPLICANT	Speedway Enterprises, LLC
AGENT	Kadrmass, Lee and Jackson
PROPERTY OWNER	Linette Darrow
REQUEST	No. 08PL061 - Layout Plat
EXISTING LEGAL DESCRIPTION	The unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.5 acres
LOCATION	At the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	General Commercial District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	4/25/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Layout Plat be **denied without prejudice.**

GENERAL COMMENTS:

(Update, October 30, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. In addition, the

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ownership of the property has recently changed. As such, staff is recommending that the Layout Plat be denied without prejudice.

(Update, October 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 9, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the November 6, 2008 Planning Commission meeting.

(Update, September 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 25, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 23, 2008 Planning Commission meeting.

(Update, September 15, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 4, 2008 Planning Commission meeting to allow the applicant to submit additional information.

On September 2, 2008, the applicant submitted a revised Traffic Impact Study. Subsequently, on September 4, 2008, the applicant submitted a revised Drainage Plan.

Staff has reviewed the revised Drainage Plan and noted that the report demonstrates that an adequate area exists on the proposed two lots to address the stormwater runoff from the upstream areas of the Racetrack Draw Basin as well as the on-site detention area that will be needed for the proposed platting to proceed. However, this drainage report is not the final design for any of the drainage facilities, including conveyance and detention, which is required upon submittal of a Preliminary Plat application. In particular, complete engineered drainage plans and construction plans must be submitted for review and approval. In addition, upon submittal of a Final Plat application, the drainage improvements must be fully constructed due to the property's location in the bottom of the original Racetrack Draw Basin channel.

Staff has also reviewed the revised Traffic Impact Study and has noted that the following issues must be addressed:

- Details identifying how the trip generation was determined for the 2008 site traffic must be submitted. It appears that there are only 77 trips entering the site and 77 trips exiting the site during the PM Peak Hour. Based on the ITE Trip Generation Manual this would equate to a 1,100 square foot drive-in bank and a 1,100 square foot convenience store with a gas station. These square footages seem to be fairly small. It appears that the anticipated pass-by traffic may have been removed from the trip generation numbers. As such, the Traffic Impact Study must be revised to include the pass-by traffic.
- What will be operating on the remainder of the parcel in 2008 and where will the access in 2008 be for the remainder of the parcel? This is one 35 acre parcel. As such, details must be provided for 2008 on the remainder of the parcel.

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- Details identifying how the trip generation was determined for the 2030 build-out of the site must be submitted for review and approval, In particular, land use assumptions including number of units and square footage must be identified.
- Full build out of the site shows the need for a signal at the southern access to Jolly Lane or the westbound vehicles leaving the site will experience significant delay (LOS F). A signal and/or a LOS F for the westbound vehicles are not acceptable. The site should be master planned to have adequate access for the entire development both in the short term and long term.
- An Exception must be obtained to allow a right in/right out access from S.D. Highway 44, the higher order street. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation.
- Sight distance at the propose approach(s) on Jolly Lane must be verified.

Since lot access and/or configuration of the lots may significantly change if the traffic issues are not addressed, staff is recommending that the Layout Plat be continued to the October 9, 2008 Planning Commission meeting to allow the applicant to address the Traffic Impact Study issues as identified.

(Update, August 22, 2008. All revised and/or added text is shown in bold print.) This item was continued at the August 21, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the September 25, 2008 Planning Commission meeting.

(Update, August 8, 2008. All revised and/or added text is shown in bold print.) This item was continued at the August 7, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the September 4, 2008 Planning Commission meeting.

(Update, July 25, 2008. All revised and/or added text is shown in bold print.) This item was continued at the July 24, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the August 21, 2008 Planning Commission meeting.

(Update, July 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the July 10, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the August 7, 2008 Planning Commission meeting.

(Update, June 27, 2008. All revised and/or added text is shown in bold print.) This item was

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continued at the June 26, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the July 24, 2008 Planning Commission meeting.

(Update, June 13, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 5, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the July 10, 2008 Planning Commission meeting.

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the June 26, 2008 Planning Commission meeting.

The applicant has submitted a Layout Plat to create two commercial lots leaving a 27.67 acre non-transferable unplatted balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV028) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along S.D. Highway 44 and Jolly Lane.

On April 3, 2000, the City Council denied without prejudice Layout Plat #00PL019 to subdivide the subject property into four lots. In particular, the City Council noted that access must be taken from Jolly Lane in lieu of S. D. Highway 44 and that drainage issues must be addressed.

On March 6, 2001, the applicant submitted Layout Plat #01PL018 to again subdivide the property into four lots. The Layout Plat continued to show access from S. D. Highway 44. On May 7, 2001, the City Council denied without prejudice the Layout Plat to allow the applicant to address drainage issues, approach location issues and subdivision lot layout issues.

On June 22, 2006, Layout Plat #06PL059 to subdivide the property into two lots, leaving a non-transferable unplatted balance, was denied without prejudice. Again it was noted that drainage issues and traffic and approach location issues must be addressed prior to City Council approval of a plat to subdivide the property as proposed.

The property is located in the northeast corner of the intersection of S.D. Highway 44 and Jolly Lane. Currently, the Black Hills Speedway is located on the property.

STAFF REVIEW:

Staff has reviewed the Layout Plat and has noted the following considerations:

Transfer of Ownership: As noted above, the Layout Plat identifies two commercial lots being created directly north of S.D. Highway 44, leaving the northern 27.67 acres as an unplatted balance. The applicant should be aware that ownership of the 27.67 acre parcel can not be

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transferred until it has been platted pursuant to South Dakota Codified Law 11-6-40.

Annexation: In May of 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 current City limits of Rapid City are located south of S.D. Highway 44 as it abuts the subject property. As such, staff is recommending that the entire parcel be annexed as a part of the Preliminary Plat review and approval.

Under Section 17.26.020 of the Rapid City Municipal Code, all newly annexed properties are zoned "No Use" until a study of the appropriate zoning for the affected properties is completed. The City's Future Land Use Plan identifies the appropriate land use for the subject property as General Commercial. Prior to issuance of a building permit or within 120 days of the date of annexation, whichever occurs first, the property must be rezoned accordingly.

Site Plan: As previously indicated, the Black Hills Speedway is currently located on the northern portion of the property. As such, staff is recommending that a site plan be submitted for review and approval showing all existing development on the property, including structures, the race track, parking, access points, signage and existing utilities and drainage improvements to insure that the proposed subdivision of the property does not create any land use issues. In particular, the applicant must demonstrate that signage, landscaping and/or the required parking for the Black Hills Speedway is not located on the proposed two lots along S.D. Highway 44. In addition, the location of the existing utilities and drainage improvements must be identified to ensure that easements are secured as needed. Staff is recommending that the Layout Plat be continued to allow the applicant to submit the site plan for review and approval as identified.

Traffic Impact Study: The Layout Plat identifies a shared approach located along S.D. Highway 44 to serve as access to the two proposed lots. During the review of the previous Layout Plat application(s), City and County staff and the South Dakota Department of Transportation staff indicated concerns with existing traffic congestion at the intersection of Jolly Lane and S. D. Highway 44. In addition, the South Dakota Department of Transportation staff indicated that a Variance must be obtained to reduce the spacing requirement between the intersection and the proposed approach. As such, the City denied without prejudice all of the previous Layout Plats to allow the applicant to submit a Traffic Impact Study addressing the traffic concerns, to obtain a Variance from the South Dakota Department of Transportation to allow the approach along S.D. Highway 44 as proposed and to submit a Master Plan showing the potential traffic generated by any future redevelopment of the unplatted balance.

A Traffic Impact Study was submitted for review and approval with this application. Staff has reviewed the study and noted that the following items must be addressed prior to approval of the report:

- A trip generation rate for specialty retail was used for the two commercial lots. However, convenience stores, banks, restaurants, etc. will have trip generation rates five to ten times the trip generation rate of a specialty retail. Unless the use of the property is

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- restricted, the trip generation rate must be adjusted to allow general commercial uses;
- A trip generation rate for medium density use(s) was also used for the northern portion of the property. However, the Future Land Use Plan identifies the appropriate use of the entire property as general commercial. As such, the trip generation rate must be adjusted accordingly;
 - The Traffic Impact Study identifies an approach along Jolly Lane to proposed Lot 1. However, the access point does not provide adequate separation from S.D. Highway 44 to allow vehicles to safely queue, accelerate or decelerate without interference with through traffic. In addition, the Layout Plat must be revised to show the approach along Jolly Lane if it is the intent of the applicant to have an access along this street;
 - The Traffic Impact Study does not identify an internal street connection being provided through the development. However, an internal street connection between the proposed residential and commercial areas should be provided and analyzed in order to provide access between the proposed use(s). In addition, a Master Plan must be provided showing the internal street connection;
 - It does not appear that adequate signal timing has been allocated for the pedestrian crossing at S.D. Highway 44. As such, the signal timing must be verified with the South Dakota Department of Transportation;
 - The Traffic Impact Study states that at full build out, a northbound right turn lane and a signal may be required at the access onto Jolly Lane. This scenario has not been analyzed to determine the feasibility of the access point;
 - An Exception must be obtained to allow a right in/right out access from S.D. Highway 44, the higher order street. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. As a part of the request, physical improvements (not including signs and pavement markings) must be shown to restrict the left in and left out turning movements. In addition, a Variance must be obtained from the South Dakota Department of Transportation to reduce the separation between the proposed shared approach and the intersection of S.D. Highway 44 and Jolly Lane;
 - The historic growth rate for this area must be verified with the South Dakota Department of Transportation; and,
 - The turning movement counts provided by the South Dakota Department of Transportation appear to be wrong. The peak direction in the PM is eastbound not westbound. This should be verified with the South Dakota Department of Transportation staff.

Staff is recommending that the Layout Plat be continued to allow the applicant to address the issues as identified and to submit a revised Traffic Impact Study.

Drainage: The subject property is located within the Racetrack Draw Drainage Basin. In 1999, the Western Pennington Flood Management Commission adopted a policy for new development within the Racetrack Draw and County Heights Drainage Basins. The policy states that "until adequate detention storage is provided in the upstream portions of the two referenced drainage basins all new development shall not increase flows above existing conditions". The previous Layout Plats were denied without prejudice to allow the applicant to address the drainage issue. In particular, the Pennington County Drainage Engineer indicated that plat(s) could not be approved until downstream drainage improvements are constructed as required by the adopted policy of the Western Pennington Flood

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Management Commission. In particular, it is anticipated that approximately \$250,000.00 to \$500,000.00 of drainage improvements are needed to carry flows from this area to Rapid Creek. In addition, drainage easements must be secured as needed for the flows from S.D. Highway 44 to Rapid Creek. It was also noted that the applicant has the option of detaining the flows on-site. Currently, the racetrack located on the unplatted balance has been designed as a detention facility to capture flows upstream of the proposed lots. However, drainage from the proposed lots will not be stored in the racetrack detention facility and, as such, must be detained within the two proposed lots. It is anticipated that a large portion of the proposed lots will be needed to detain the flows. Even if the flows are discharged to Rapid Creek, a large portion of the lots must be identified as Major Drainage Easements in order to carry the flows as needed across the property.

The applicant has submitted a drainage plan with this application stating that "the design discussion is intended to provide conceptual design ideas only and that final design shall be performed to meet the flow conveyance and storage needs and be incorporated into the overall development design of the site(s)". The drainage plan also states that drainage improvements and/or facilities to be located on the northern portion of the property will determine how and where drainage will be conveyed through the two proposed lots. Without a detailed Master Plan of the northern portion of the property and a detailed drainage plan, it is unclear whether there are sufficient building areas on the two lots once the necessary drainage easements are secured. As such, staff is recommending that the Layout Plat be continued to allow the applicant to submit a detailed drainage plan and a detailed Master Plan to show that this is a viable subdivision of the property.

Grading: There is a significant elevation differential between the northern portion of the property and the southern portion of the property. Staff is recommending that upon submittal of a Preliminary Plat, a grading plan be submitted for review and approval.

Utilities: The property is located within the Rapid Valley Sanitary District service area. Currently, a 12 inch sewer line and a six inch water line extend north to south through the property. Upon submittal of a Preliminary Plat application, the applicant must submit documentation from Rapid Valley Sanitary District identifying that sufficient capacity exists to serve the property. In addition, water and sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, water mains and service lines must be submitted as part of the Preliminary Plat application for review and approval as needed or a Variance to the Subdivision Regulations must be obtained. The plat document must also be revised to provide utility easements as needed.

S.D. Highway 44: S.D. Highway 44 is located along the south 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 within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide right-of-way. Currently, the street is located within a 150 foot wide right-of-way and constructed with an approximate 55 foot wide paved surface, water and sewer. Staff is recommending that upon submittal of a Preliminary Plat application, construction plans for the street be submitted for review and approval showing the construction of curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations must be obtained.

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Jolly Lane: Jolly Lane is located along the east lot line of the property and is classified as a collector street on the City's Major Street Plan requiring that it be located within a minimum 76 foot wide right-of-way and constructed with a minimum 36 foot wide right-of-way. Currently, the street is located within an 80 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface, water and sewer. Staff is recommending that upon submittal of a Preliminary Plat application, construction plans for the street be submitted for review and approval showing the construction of curb, gutter, sidewalk, street light conduit and additional pavement or a Variance to the Subdivision Regulations must be obtained. In addition, the applicant must submit construction plans showing that the grade of the street meets the minimum standards of the Street Design Criteria Manual and that sight distances are being met. The proposed approach along Jolly Lane must also be analyzed to insure that the grade, sight distance, alignment with School Drive and separation between the approach and the S.D. Highway intersection meet minimum design standards in order to ensure that safety standards are being met.

Non-Access Easements: Upon submittal of a Preliminary Plat application, the plat document must be revised to show non-access easements along S.D. Highway 44 and Jolly Lane except for approved approach location(s).

Register of Deed's Office: The Register of Deed's Office has indicated that the plat title must be revised to show the name of the subdivision as one word, "Racetrack", since it is shown as one word on previous plats. Staff is recommending that prior to submittal of a Final Plat application, the plat document be revised as identified.

Stormwater Management Plan: The City Council has 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 is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval.

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. 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 addition, 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 the public improvements, a warranty surety be submitted for review and approval as required.

Staff is recommending that the Layout Plat be **denied without prejudice.**