

STAFF REPORT
December 10, 2009

No. 09PL046 - Layout Plat

ITEM 18

GENERAL INFORMATION:

APPLICANT/AGENT	Todd Fenster
PROPERTY OWNER	Fenster & Fenster, Inc.
REQUEST	No. 09PL046 - Layout Plat
EXISTING LEGAL DESCRIPTION	The unplatted parcel located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Block 1 of Expressway Subdivision, located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.25 acres
LOCATION	1200 Elk Vale Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	Office Commercial District (Planned Commercial Development)
East:	Public District
West:	Limited Agriculture District - General Commercial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/31/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

GENERAL COMMENTS:

**(Update, November 25, 2009. All revised and/or added text is shown in bold print.)
This item was continued at the November 19, 2009 Planning Commission meeting to**

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allow the applicant to submit additional information. The applicant has subsequently requested that this item be denied without prejudice. As such, staff recommends that the Layout Plat be denied without prejudice at the applicant's request.

(Update, November 6, 2009. All revised and/or added text is shown in bold print.) This item was continued at the October 8, 2009 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 this item be continued to the December 10, 2009 Planning Commission meeting to allow the applicant additional time to submit the information.

(Update, September 25, 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 additional information. To date, the information has not been submitted for review and approval. The applicant has indicated that it may take a few weeks to submit the information as required. As such, staff recommends that this item be continued to the November 19, 2009 Planning Commission meeting to allow the applicant additional time to submit the information.

(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 additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the October 8, 2009 Planning Commission meeting to allow the application additional time to submit the information.

(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 additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the September 24, 2009 Planning Commission meeting to allow the application additional time to submit the information.

The applicant has submitted a Layout Plat to plat a 6.25 acre unplatted parcel into a 6.25 acre lot to be known as Lot 1, Block 1, Expressway Subdivision.

The property is located approximately 450 feet south of the intersection of Homestead Street and Timmons Boulevard. Currently, a 50 foot by 100 foot storage building is located on the property.

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

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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:

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 for review and approval. Without a Master Plan it is unclear whether access and/or utility corridors must be secured through the proposed lot as a part of this plat. As such, staff recommends that the Layout Plat be continued to allow the applicant to submit a Master Plan as per the City's adopted resolution.

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 into the City of Rapid City 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. The applicant should be aware that upon annexation and prior to issuance of a building permit, the property must be rezoned as identified and an Initial and Final Planned Commercial Development must be submitted for review and approval.

Elk Vale Road: Elk Vale Road is located along the west lot line of the property and 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, Elk Vale Road is located in an approximate 225 foot wide right-of-way and constructed with two north bound 12 foot wide paved lanes and two south bound 12 foot wide paved lanes separated by a median. In addition, a sanitary sewer gravity main and a water transmission main are located along the west side of Elk Vale Road. A water distribution main and sanitary sewer gravity main are also located along the east side of Elk Vale Road.

Upon submittal of a Preliminary Plat application, construction plans showing curb, gutter, sidewalk and street light conduit must be submitted for review and approval or an Exception must be obtained to waive the requirement to provide curb, gutter, sidewalk and street light conduit along Elk Vale Road. It should be noted that the sidewalks will not be required until such time as a building permit is obtained for construction on the site.

Section Line Highway: A section line highway is located along a portion of the west lot line. The western half of the section line highway is located on an adjacent property under different ownership than this property. The section line highway is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and

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constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the section line highway is unimproved. Upon submittal of a Preliminary Plat application, construction plans for the section line highway must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated. The adjacent property owner(s) must also sign the petition to vacate the section line highway. The applicant should be aware that if a street is not needed within the section line highway, the City staff recommends that the section line highway be vacated.

Timmons Boulevard: The Layout Plat identifies Timmons Boulevard extending approximately 450 feet south from the intersection of Homestead Street and Timmons Boulevard to serve as access to the property. Timmons Boulevard is classified as a commercial street requiring that it 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. Currently, a graveled road ranging in width from 12 feet to 16 feet has been constructed within the proposed street alignment to serve as access to a Rapid Valley Sanitary District sewer main extending through the property and within this street alignment. The graveled road is currently located in a 52 foot wide permanent access easement. Upon submittal of a Preliminary Plat application, construction plans for Timmons Boulevard must be submitted for review and approval showing the street located within a minimum 59 foot wide right-of-way and constructed as identified or a Variance must be obtained. If the Master Plan as noted above supports that Timmons Boulevard terminate on the property in lieu of extending through the site, a cul-de-sac bulb will be required at the southern terminus of Timmons Boulevard. The cul-de-sac bulb must be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Water: The property is located within the Rapid Valley Sanitary District service area. Currently, a 12 inch water main owned by Rapid City extends through the northern portion of the property. Upon submittal of a Preliminary Plat application, the applicant must submit water construction plans showing the extension of a Rapid Valley water main to serve the property or a copy of an agreement between the City of Rapid City and the Rapid Valley Sanitary District must be provided allowing the property to be served by the existing Rapid City water main located within the Rapid Valley Sanitary District service boundary. The water plans must be prepared by a Registered Professional Engineer and must demonstrate that adequate fire and domestic flows are being provided. The plat document must also be revised to show existing and proposed utility easements as needed.

Sewer: An 8 inch Rapid Valley Sanitary District sewer main is located along the eastern and southern portions of the property. 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 as needed must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the sewer plans must demonstrate adequate capacity of the wastewater system. The plat document must also be revised to show existing and proposed utility easements as needed.

Drainage: The property is located within the Race Track Drainage Basin. Upon submittal of a

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Preliminary Plat application, a drainage plan in compliance with Drainage Criteria Manual and the Race Track Drainage Basin must 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.

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. 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.

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.

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