

STAFF REPORT
January 26, 2012

No. 11PL075 - Preliminary Plat

ITEM 6

GENERAL INFORMATION:

APPLICANT	Lazy P-6 Land Co., Inc.
AGENT	Lawrence M. Kostaneski, PE for Centerline, Inc.
PROPERTY OWNER	Lazy P-6 Land Co, Inc. - Orvil Davis
REQUEST	No. 11PL075 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Unplatted Government Lot 2 less North 80 Subdivision, less Lot H2 and less right-of-way all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 4 and 5 of North 80 Subdivision
PARCEL ACREAGE	Approximately 14 acres
LOCATION	East of 5th Street lying south of East Stumer Road and on the north side of East Stumer Road west of Shelby Avenue
EXISTING ZONING	Office Commercial District - General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District (Pennington County)
East:	General Agriculture District
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/29/2011
REVIEWED BY	Vicki L. Fisher / Nicole Lecy

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a 12 inch water main in conformance with the City's Utility System Master Plan and sewer or a Variance to the Subdivision

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- Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the proposed non-access easement extending along the entire length of Fifth Street as it abuts the property or an Exception shall be obtained to allow access from the higher order street. If an Exception is not obtained, the existing curb cut shall be removed. If an Exception is obtained, the length of area without a non-access easement shall be limited to only accommodate one lane of one-way traffic;
 3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a minimum 50 foot non-access easement from the corner radius along East Stumer Road and a minimum 85 foot non-access easement from the corner radius along Shelby Avenue as they abut the southeast corner of proposed Lot 4 as per the Street Design Criteria Manual or an Exception shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the proposed non-access easement extended east along East Stumer Road as it abuts the northwest corner of proposed Lot 5 to insure that a potential future driveway to Lot 5 aligns with the existing driveway on the north side of the street as per the Street Design Criteria Manual an Exception shall be obtained;
 5. Prior to Preliminary Plat approval by the City Council, the applicant shall confirm that drainage on Lot 5 complies with the United States Army Corp of Engineers 404 Permit (Permit #2004-30258) and the requirements identified in the associated 2005 Wetland Mitigation Plan. If the drainage does not comply, a drainage report shall be submitted for review and approval for the area. In addition, drainage easements shall be secured as needed;
 6. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 8. Prior to Preliminary Plat approval by the City Council, the second page of the plat document showing the Certificate Titles shall be submitted for review and approval;
 9. Prior to submittal of a Final Plat application, all necessary changes shall be made to the plat document as identified on the red lined drawing;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the "Wetlands" as a "Conservation Easement". In addition, the recording information for the existing "Conservation Easement" shall be identified on the plat document;
 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed Major Drainage Easement being "created this document";
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 14. The approved Preliminary 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.

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GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to create two lots as a part of the North 80 Subdivision. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #11SV023) to waive the requirement to install water and sewer along Catron Boulevard and an Exception request (File #12EX005) to waive the requirement to install curb, gutter, sidewalk and street light conduit along Catron Boulevard as it abuts the property.

The property is located east of Fifth Street south of East Stumer Road and on the north side of East Stumer Road west of Shelby Avenue. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Zoning: Proposed Lot 4 is currently zoned Office Commercial District and proposed Lot 5 is currently zoned General Commercial District with a Planned Development Designation. The applicant should be aware that an Initial and Final Planned Commercial Development must be submitted for review and approval prior to issuance of a building permit for development on proposed Lot 5. 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.

Catron Boulevard: Catron Boulevard 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 paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the City's Utility System Master Plan identifies a 12 inch water main along Catron Boulevard. Currently, Catron Boulevard is located within a varying right-of-way width of 215 feet to 235 feet and constructed with a pavement width of 104 feet at the intersection of Fifth Street transitioning to 68 feet at the eastern edge of the property.

Staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans be submitted for review and approval showing the street constructed with a 12 inch water main in conformance with the City's Utility System Master Plan and sewer or a Variance to the Subdivision Regulations be obtained. Please note that on January 12, 2012, an Exception (File #12EX005) was approved to waive the requirement to construct curb, gutter, sidewalk and street light conduit along Catron Boulevard as it abuts the property.

Access: Fifth Street is located along the west lot line of proposed Lot 5 and East Stumer Road is located along the north lot line of proposed Lot 5. The Major Street Plan classifies Fifth Street as a principal arterial street and East Stumer Road as a collector street. The Street Design Criteria Manual requires that access be taken from the lesser traveled street, or in this case, East Stumer Road. Please note that a curb cut has been constructed along Fifth Street to serve as future access to the property. In addition, the Preliminary Plat identifies a

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non-access easement along Fifth Street with the exception of the existing curb cut. However, based on the requirements of the Street Design Criteria Manual, access must be taken from East Stumer Road or an Exception must be obtained to allow access from the higher traveled street. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the plat document be revised to show the proposed non-access easement extending along the entire length of Fifth Street as it abuts the property or an Exception be obtained to allow access from the higher order street. If an Exception is not obtained, the existing curb cut must be removed. If an Exception is obtained, the length of area without a non-access easement must be limited to only accommodate one lane of one-way traffic.

Drainage: Previously reviewed drawings (0066 Lazy P-6 Wetlands Outflow Channel, Centerline, 2005, City DEV 05-796) indicated that a wetlands outfall was planned to drain the wetland located in the southwest corner of proposed Lot 5 along the south property line and then north to the existing wetland located on the north side of the Lazy P-6 property. To date, the City does not have knowledge of the wetlands outflow channel being constructed. No improvements are being proposed as a part of this Preliminary Plat application. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the applicant confirm that drainage on Lot 5 complies with the United States Army Corp of Engineers 404 Permit (Permit #2004-30258) and the requirements identified in the associated 2005 Wetland Mitigation Plan. If the drainage does not comply, a drainage report must be submitted for review and approval for the area. In addition, drainage easements must be secured as needed.

Stormwater Management Plan: The City Council 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 prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if subdivision improvements are 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 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 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. 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.

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