

STAFF REPORT  
June 22, 2006

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**No. 06PL059 - Layout Plat**

**ITEM 6**

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Speedway Enterprises LLC
REQUEST	<b>No. 06PL059 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the S1/2 SW1/4 NW1/4; and a portion of the NW1/4 SW1/4, North and East of Highway 44, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.433 acres
LOCATION	At the northeast corner of the intersection of East Highway 44 and Jolly Lane
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	General Commercial District - General Commercial District (Pennington County) - Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Commercial District (Pennington County) - Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary district
DATE OF APPLICATION	4/28/2006
REVIEWED BY	Vicki Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Layout Plat be denied without prejudice **with the applicant's concurrence.**

GENERAL COMMENTS:

**(Update, June 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the May 25, 2006 Planning Commission meeting at the applicant's request. On June 14, 2006, County, City and State Staff met with the applicant and his consultant to discuss drainage, access and land use issues. The applicant has indicated that additional information will be submitted to address the issues and, as such, concurs with Staff's recommendation to deny this item without prejudice. Please note that no other part of this Staff Report has been revised.**

The applicant has submitted a Layout Plat to subdivide a 35.417 acre unplatted parcel into

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two lots leaving a non-transferable balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk along S.D. Highway 44, to install curb, gutter, sidewalk, water, and additional pavement along Jolly Lane and to waive sidewalk along Tulip Street. (See companion item #06SV026.)

On April 3, 2000, the City Council denied without prejudice a Layout Plat 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.

On March 6, 2001, the applicant submitted a similar Layout Plat 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 a Layout Plat to allow the applicant to submit a revised Layout Plat to address drainage issues, approach location issues and subdivision lot layout issues.

Currently, the Black Hills Speedway is located on the proposed unplatted balance and the two proposed lots located adjacent to S.D. Highway 44 are void of any structural development.

STAFF REVIEW: Staff has reviewed the Layout Plat and has noted the following concerns and considerations:

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 is located south of S.D. Highway 44 as it abuts the subject property. As such, staff is recommending that the property be annexed accordingly.

Upon platting, the property will be annexed into the City limits of Rapid City. 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 Elk Vale Neighborhood 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.

Access: During the review of the two previous Layout Plat applications, City and County staff as well as the South Dakota Department of Transportation staff have indicated concern with existing traffic congestion at the intersection of Jolly Lane and S. D. Highway 44. The Layout Plat(s) were denied without prejudice to allow the applicant to submit revised plat(s) identifying access from Jolly Lane in lieu of S. D. Highway 44. This Layout Plat again identifies access via S.D. Highway 44. In particular, the Layout Plat identifies Tulip Street extending north from S.D. Highway 44 between the proposed two lots to serve as access to the lots and the unplatted balance. The South Dakota Department of Transportation staff has indicated that a Variance to the spacing requirement between the intersections must be obtained to allow the proposed access. In addition, the South Dakota Department of Transportation has indicated that strong justification must be submitted for review and approval in order to obtain the Variance due to the potential traffic impacts that may create

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hazardous conditions along this portion of S. D. Highway 44 and at the intersection of Jolly Lane and S. D. Highway 44. During the reviews of the previously submitted Layout Plats, City staff noted that a traffic impact study must be submitted for review and approval in order to determine the viability of constructing an approach along S. D. Highway 44 within this area. To date, a traffic impact study has not been submitted.

Staff has also noted that Tulip Street serves as access to the unplatted balance. Currently, the Black Hills Speedway is located on the property. However, a Master Plan has not been submitted for review and approval as required for the unplatted balance. Potential traffic generated by any future redevelopment of the unplatted balance may create additional hazardous traffic concerns along S.D. Highway 44 at this location. As such, staff is recommending that the Layout Plat be denied without prejudice to allow the applicant to address the access issues. In particular, a traffic impact study must be submitted for review and approval addressing the traffic concerns as identified and a Variance must be obtained from the South Dakota Department of Transportation to allow the street connection as proposed. In addition, a Master Plan of the unplatted balance must be submitted for review and approval.

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. To date, these issues have not been resolved. The Pennington County Drainage Engineer has indicated that the plat cannot be approved until downstream drainage improvements are constructed as required by the adopted policy of the Western Pennington Flood 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.

The applicant also 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. Staff is recommending that the plat be denied without prejudice to allow the applicant to address the drainage concerns.

Staff is recommending that the proposed plat be denied without prejudice to allow the applicant to submit a revised Layout Plat to address drainage and access issues.