

STAFF REPORT  
November 4, 2004

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**No. 04PL140 - Layout Plat**

**ITEM 5**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc. for Dr. Marvin Buehner
REQUEST	<b>No. 04PL140 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 3, Block 1, Falcon Crest Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.82 acres
LOCATION	One half mile south of the intersection of Sheridan Lake Road and Countryside Boulevard
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Low Density Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Private water and on-site wastewater
DATE OF APPLICATION	09/24/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

**Based on Planning Commission's direction, staff recommends that the Layout Plat be approved with the following stipulations:**

- 1. A Special Exception is hereby granted to allow 101 dwelling units in lieu of 40 dwelling units with one point of access with the stipulation that a note be placed on the plat stating that the property may not be further subdivided;**
- 2. A Special Exception to the Street Design Criteria Manual to allow a 2,000 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet shall be granted with the stipulation that a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;**
- 3. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**

4. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall address the characteristics of downstream drainage facilities. In addition, adequate facilities for conveyance of increased or modified flows, proper easements for use of the drainage facilities or demonstration of the application of legal reasonable use principles shall be provided. The plat document shall also be revised to provide drainage easements as necessary to convey upstream run-off across the property;
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. If a central sewer system is proposed, the applicant shall identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In particular, the information shall include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;
6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the proposed aquifer and anticipated depth of the well(s) shall be identified. The plat document shall also be revised to show utility easement(s) as needed;
7. Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval;
8. Upon submittal of the Preliminary Plat application, road construction plans for Limelight Lane shall be submitted for review and approval. In particular, Limelight Lane shall be located in a minimum 49 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 obtained;
9. Upon submittal of a Preliminary Plat, road construction plans for the section line highways located along the south and west lot lines shall be submitted for review and approval. In particular, the road construction plans shall show the section line highways 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 obtained or the section line highways shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highways or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
10. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water

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- system shall be obtained;
11. Upon submittal of a Final Plat application, a road maintenance agreement for Limelight Lane shall be submitted for review and approval;
  12. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided;
  13. Upon submittal of a Final Plat application, the plat title shall be revised to read "Section 32" in lieu of "Section 31";
  14. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
  15. 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.

GENERAL COMMENTS:

(Staff Report Update as of October 27, 2004. All revised and/or added text is shown in bold print.) This item was continued at the October 21, 2004 Planning Commission meeting to allow staff to bring forward stipulations of approval. The applicant has submitted a Layout Plat to subdivide approximately 40 acres into three residential lots sized 4.29 acres, 5.0 acres and 30.30 acres, respectively. The property is located at the southern terminus of Limelight Lane and is currently 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:

Limelight Lane: Limelight Lane serves as legal access to the proposed lots and is classified as a lane place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water, sewer and pavement. Staff is recommending that upon submittal of a Preliminary Plat, construction plans must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Limelight Lane extends south from Countryside Boulevard resulting in an approximate 2,000 foot long cul-de-sac. The Street Design Criteria Manual states that in moderate, high or extreme fire hazard areas, cul-de-sacs shall not exceed 500 feet in length. In addition,

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intermediate turnarounds shall be provided every 600 feet. The Fire Department has indicated that the property is located within a moderate to high fire hazard area. As such, the applicant must obtain a Special Exception to allow a cul-de-sac in excess of 500 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual. **At the October 21, 2004 Planning Commission meeting, the applicant's consultant requested the Planning Commission grant the Special Exception to allow a 2,000 foot long cul-de-sac without intermediate turnarounds. Members of the Planning Commission noted that the existing cul-de-sac currently measures 1,850 feet in length. The proposed plat will extend the cul-de-sac an additional 150 feet. As such, the Planning Commission indicated that they would support the Special Exception as requested with the stipulation that a Wild Fire Mitigation Plan be submitted for review and approval and that the plan be implemented.**

Section Line Highway: A section line highway is located along the west lot line and the south lot line of the subject property, respectively. The east half and the south half of the section line highways are located on adjacent properties under different ownership from the subject property. The Subdivision Regulations state that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted". As such, the adjacent property owners must participate in the platting of the east half and the south half of the section line highways or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way. In addition, upon submittal of a Preliminary Plat application, road construction plans for the two section line highways must be submitted for review and approval. In particular, the road construction plans must show the two section line highways 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 obtained. The applicant also has the option of vacating the section line highways; however, the adjacent property owners must sign the vacation petitions. Staff is recommending that the section line highway issue be addressed upon submittal of a Preliminary Plat application.

Geotechnical Report: A geotechnical report including pavement design must be submitted for review and approval. Staff is recommending that upon submittal of a Preliminary Plat, a geotechnical report be submitted for review and approval as identified.

Road Maintenance Agreement: The Pennington County Highway Department staff has indicated that a road maintenance agreement for Limelight Lane must be submitted for review and approval. Staff is recommending that upon Final Plat application, a road maintenance agreement be submitted for review and approval as required by City Ordinance.

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 or a Variance to the Subdivision Regulations shall be obtained. If a central sewer system is proposed, the applicant must identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site

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wastewater systems must be submitted for review and approval. In particular, the information must include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code. A note must also be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided. Staff is recommending that the above referenced information be submitted for review and approval upon submittal of a Preliminary Plat as required by City Ordinance.

Water: 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 shall be obtained. If on-site well(s) and/or a community water source are used, data to confirm that the well(s) have sufficient flows and water quality must be submitted for review and approval. In addition, the water plans must show the existing water system layout, including location and size of mains, reservoir capacity, overflow elevations, well location and capacity. In addition, the applicant must submit documentation that the existing community water district concurs with the proposed expansion of use. Staff is recommending that the above referenced information be submitted for review and approval upon submittal of a Preliminary Plat as required by City Ordinance.

Drainage: As part of the Preliminary Plat application, a drainage plan must be submitted for review and approval. The drainage plan must address the characteristics of downstream drainage facilities. Adequate facilities for conveyance of increased or modified flows, proper easements for use of the drainage facilities or demonstration of the application of legal reasonable use principles must be provided. In addition, drainage easements must be provided as necessary to convey upstream run-off across the property. In addition, a grading plan and an erosion and sediment control plan for all improved areas must be submitted for review and approval. Staff is recommending that upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, be submitted for review and approval and the plat document be revised to provide drainage easements as needed.

Fire Protection: The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s) or a Variance to the Subdivision Regulations must be obtained waiving the requirement to install a central water system. In addition, all proposed streets must be constructed to meet the minimum standards of the Street Design Criteria Manual to insure fire apparatus access. Staff is recommending that construction plans be submitted for review and approval as identified upon Preliminary Plat submittal.

The Fire Department staff has also indicated that the property is located in a moderate to high wild fire hazard area. As such, prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan must be submitted for review and approval. In addition, the Wild Fire Mitigation Plan must be implemented.

Plat Labeling: The Layout Plat identifies the subject property as being in Section 31. However, the property is located in Section 32. As such, staff is recommending that prior to submittal of a Preliminary Plat application, the plat document be revised as identified.

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Special Exception: On August 16, 2000, the City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street". Currently, Countryside Boulevard with the extension of Limelight Lane serves 99 residential lots. Platting the subject property as proposed will result in the cul-de-sac serving as exclusive access to 101 residential lots. As such, the applicant has requested a Special Exception to allow 101 lots with one point of access.

The intent of the amendment to the Street Design Criteria Manual limiting the number of residences with one point of access is to insure safe ingress and egress into these development(s) during times of an emergency. In particular, the Fire Department has indicated that during times of a fire and/or any other catastrophe such as a flood, one point of access to more than forty dwelling units is not adequate to handle emergency vehicle traffic and residential traffic. The Fire Department has also indicated that even though a Wild Fire Hazard Mitigation Plan has been implemented in areas around the subject property, there still remain areas within the subject property that are identified as moderate to high wild fire hazard. As such, staff is recommending that the Special Exception to allow 101 dwelling units with one point of access be denied. In addition, staff is recommending that the Layout Plat be denied without prejudice. Once a second access street is provided to the development, a subsequent Layout Plat may be submitted for review and approval. **At the October 21, 2004 Planning Commission meeting the applicant's consultant requested that the Planning Commission grant the Special Exception to allow 101 dwelling units with one point of access. In particular, the applicant's consultant identified that the property is currently zoned Suburban Residential District. As such, the 40 acre parcel would allow a density of 268 residential lots if a community water and sewer system were provided or 40 residential lots if individual on-site water and wastewater systems were provided. Members of the Planning Commission noted that the Layout Plat to subdivide one parcel into three lots was a minimal increase based on the County's zoning designation of the property. As such, the Planning Commission indicated that they would grant the Special Exception request to allow 101 dwelling units in lieu of 40 dwelling units with one point of access with the stipulation that a note be placed on the plat stating that the property may not be further subdivided.**

**Based on the direction of the Planning Commission and the Planning Commission's indication that they are in support of the two Special Exception requests, staff is recommending that the Layout Plat be approved with the stated stipulations as outlined above.**