

STAFF REPORT
September 9, 2010

No. 10PL052 - Layout Plat

ITEM 8

GENERAL INFORMATION:

APPLICANT	Marty Eisenbraun
AGENT	Britton Engineering and Land Surveying, Inc.
PROPERTY OWNER	Erich and Lana Eisenbraun
REQUEST	No. 10PL052 - Layout Plat
EXISTING LEGAL DESCRIPTION	The unplatted portion of the NW1/4 of the NE1/4 and the SW1/4 of the NE1/4 less the East 54.4 feet located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tracts A and B of Eisenbraun Subdivision, located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 48.197
LOCATION	1/2 mile east of Reservoir Road and 1/4 mile south of Southside Drive
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Planned Unit Development (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and public sewer
DATE OF APPLICATION	7/19/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Layout Plat be **approved with the following stipulations:**

- 1. Prior to submittal of a Preliminary Plat application, proposed Tract A shall be rezoned by Pennington County to allow a 3.2 acre lot or a Variance shall be obtained from the Pennington County Zoning Board of Adjustment to reduce the minimum required lot size in the General Agriculture District from 40 acres to 3.2 acres;**
- 2. Upon submittal of a Preliminary Plat application, construction plans for Mondo Street**

- shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify a temporary turnaround at the end of the street to accommodate emergency vehicles;
3. 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 individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, dry sewer mains shall be provided pursuant to the adopted Source Water Protection Study recommendation. If the applicant proposes to connect to the Prairiefire wastewater system, then a copy of an agreement signed by the owners of the Prairiefire wastewater system shall be submitted for review and approval indicating that the applicant has authorization to connect to their community sewer system;
 4. 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 and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
 5. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
 6. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
 7. Upon submittal of a Preliminary Plat application, 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;
 8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to eliminate the reference to the Public Works Director from the "Certificate of Finance Officer" since this is a Final Plat and not a Minor Plat application;
 9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. Upon submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal, or evidence shall be

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submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1, or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;

11. 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; and,
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

GENERAL COMMENTS:

(Update: August 30, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 26, 2010 Planning Commission meeting to allow the applicant to submit additional information. On August 27, 2010, the applicant submitted a revised plat document eliminating Tract A, a 45 acre lot. In addition, the applicant submitted a Master Plan for the entire property. The lot previously identified as Tract B, a 3.2 acre lot, is now shown as Tract A on the revised plat document.

The applicant has submitted a Layout Plat to replat two parcels into two lots. The subdivision is to be known as "Tract A and Tract B of Eisenbraun Subdivision".

The property is located at the western terminus of Mondo Street and approximately 350 feet south of Southside Drive. Currently, a mobile home, a hay shelter and large piles of rubble are located on proposed Tract A. The applicant has indicated that the mobile home is uninhabitable. Proposed Tract B 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:

Code Violations: As previously indicated, an uninhabitable mobile home and large piles of rubble currently exist on the property. The Pennington County Code Enforcement Officer has indicated that this is an existing violation on the property and must be resolved prior to this item going forward. As such, staff recommends that the Layout Plat be continued to allow the applicant to resolve the code violations with Pennington County.

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(Update: August 30, 2010.) As previously indicated, the applicant has submitted a revised plat document eliminating Tract A from this phase of the development. Please note that the mobile home and rubble are located within the area previously identified as Tract A. In addition, the Pennington County Code Enforcement Officer has indicated that since the property is zoned General Agriculture District, the use of the property is not in violation of Pennington County's Ordinance.

Structural Site Plan: To date, a structural site plan showing the location of the existing development located on the property has not been submitted for review and approval. The site plan must include all structures, driveways and utilities currently located on the property.

Staff recommends that the Layout Plat be continued to allow the applicant to submit a site plan showing all existing development located on the property as required.

(Update: August 30, 2010.) The applicant has submitted a site plan showing the development on the property. Staff has reviewed and approved the site plan.

Plat/Master Plan: Chapter 16.12.030 of the Rapid City Municipal Code states that streets shall be extended as far as the boundary lines of the tract to be subdivided in order to insure normal circulation of traffic within the vicinity. As such, the Layout Plat must be revised to show the extension of Mondo Street to the west lot line of Tract A. In addition, a street connection must be extended through Tract A to the north lot line to provide access to the adjacent properties. The applicant also indicated that the plat document may be revised to eliminate Tract A. If Tract A is eliminated from the Layout Plat, then a Master Plan of this area must be submitted showing future street extensions to insure that utility and access corridors are being provided to the adjacent properties when platting of this area occurs.

Staff recommends that the Layout Plat be continued to allow the applicant to submit a revised Layout Plat showing access through Tract A as required or to submit a revised Layout Plat eliminating Tract A from this plat document and submitting a Master Plan showing the future street connections as identified.

(Update: August 30, 2010.) As previously indicated, the plat document has been revised eliminating Tract A, the 45 acre lot. In addition, the applicant has submitted a revised Master Plan showing the future extension of a street to the north and to the west to insure street connectivity through the area as the property continues to develop.

Zoning: The property is currently zoned General Agriculture District by Pennington County which requires a minimum lot size of 40 acres. The proposed lots are 45 acres for Tract A and 3.2 acres for Tract B. As such, prior to submittal of a Preliminary Plat application, proposed Tract B must be rezoned by Pennington County to allow a 3.2 acre lot or a Variance to reduce the lot size from 40 acres to 3.2 acres in the General Agriculture District must be obtained.

Sewer: Chapter 16.16.050 of the Rapid City Municipal Code states that "sewer collection systems shall be installed in each subdivision within Rapid City and surrounding platting jurisdictions in accordance with City specifications". The property is located within the

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Green Valley Sanitary District's service boundary. However, the applicant has indicated that they are working with the owner of the Prairiefire community wastewater system to extend sewer from the Prairiefire community system to serve proposed Tract B. The applicant has not identified existing or proposed wastewater service to proposed Tract A.

Upon submittal of a Preliminary Plat application, the applicant must submit written documentation from the Green Valley Sanitary District indicating that they concur with the property being served from the Prairiefire Subdivision's sewer system. In addition, the applicant must submit a copy of an agreement from the owners of the Prairiefire wastewater system indicating that the applicant may connect to their community sewer facility. Sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines must also be submitted for review and approval to both Tract A and Tract B or a Variance to the Subdivision Regulations must be obtained. If individual on-site wastewater systems are utilized on either tract, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval.

(Update: August 30, 2010.) Eliminating Tract A from the plat document also eliminated the area of the property located within the Green Valley Sanitary District service area. As such, platting the property as proposed does not require their review and approval.

The Pennington County Planning Department has also indicated that upon submittal of a Final Plat application, a reserve area must be shown or a note must be placed on the plat for an on-site wastewater system 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.

Water: The applicant has indicated that a cistern will be used to provide water service to the property. The Rapid City Fire Department and the Pennington County Fire Coordinator have indicated concern that the cistern will not provide adequate fire flows. As such, they have strongly encouraged the installation of an approved residential fire sprinkler system in each residential structure.

Upon submittal of a Preliminary Plat application, 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 must be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer must be submitted for review and approval. In addition, the water plans must demonstrate that adequate fire and domestic flows are being provided. If adequate fire flows cannot be provided, then the Fire Department staff has strongly encouraged the installation of an approved residential fire sprinkler system in each residential structure.

Mondo Street: Mondo Street is classified as a sub-collector requiring that it be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Upon submittal of a Preliminary Plat application, construction plans for Mondo Street must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be

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obtained. In addition, the construction plans must identify the construction of a temporary turnaround at the end of the street to accommodate emergency vehicles or a Variance to the Subdivision Regulations must be obtained.

North-south Street Connection: As previously indicated, the plat document must be revised to show a street connection from Mondo Street to the north lot line of the property aligning with an existing private access easement located on the adjacent property. The street is classified as a lane place street requiring that it be located within a 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. Upon submittal of a Preliminary Plat application, construction plans for the north-south street must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

(Update: August 30, 2010.) Since the plat document has been revised eliminating the previously proposed 45 acre lot, a north-south street connection is not needed as a part of this phase of the development. The applicant should be aware that any future platting within this area of the property will require that a street connection be provided as identified.

Stormwater Management Plan: The City Council has 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 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.

Grading and Drainage Information: To date, grading and/or drainage information has not been submitted for review and approval. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan must be submitted for review and approval.

Labeling: Upon submittal of a Preliminary Plat application, the plat document must be revised to eliminate the reference to the Public Works Director from the "Certificate of Finance Officer" since this is a Final Plat and not a Minor Plat application.

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 Preliminary Plat application, a cost estimate of the subdivision improvements must be submitted for review and approval. In addition, upon submittal of a Final Plat application, surety must be posted and subdivision inspection fees must 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

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the developer provide an acceptable Warranty Surety for the required public improvements. 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.

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