

STAFF REPORT  
October 21, 2010

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**No. 10PL069 - Preliminary Plat**

**ITEM 10**

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GENERAL INFORMATION:

APPLICANT	Clint Ackerman
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Freeland Meadows, LLC
REQUEST	<b>No. 10PL069 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	A portion of "Government" Lot 4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract A of Prairie Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.861 acres
LOCATION	Northeast of the intersection of Country Road and West Nike Road
EXISTING ZONING	Low Density Residential District (Planned Development Designation) - Medium Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Development Designation)
South:	Medium Density Residential District (Planned Development Designation)
East:	Low Density Residential District (Planned Development Designation)
West:	Low Density Residential District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/9/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

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1. Prior to City Council approval of the Preliminary Plat, construction plans shall be submitted for review and approval showing W. Nike Road constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating an additional five feet of right-of-way along W. Nike Road;
2. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the property to be served from the high pressure water service system in lieu of the low pressure water service system or construction plans shall be submitted for review and approval showing the property served from the low pressure water service system;
3. Prior to Preliminary Plat approval by the City Council, copies of the approved Conditional Letter of Map Revision from the Federal Emergency Management Agency and the approved 404 Permit from the Corp of Engineers shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the City Council, a geotechnical report including pavement design shall be submitted for review and approval if subdivision improvements are required. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
5. 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;
6. Prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan shall be submitted for review and approval if subdivision improvements are required;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. 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,
9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
10. 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.

GENERAL COMMENTS:

(Update: October 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 7, 2010 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently

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**submitted a revised Master Plan, a utility plan and an Exception to allow the property to be served from the high pressure water service system in lieu of the low pressure water service system.**

The applicant has submitted a Preliminary Plat to create an 11.861 acre parcel leaving a non-transferable balance. The proposed lot is to be known as Tract A of Prairie Meadows Subdivision. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #10SV019) to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, sewer and water along West Nike Road as it abuts the property.

On June 6, 2005, the City Council approved a Layout Plat (File #05PL022) to subdivide 146.8 acres into 425 residential lots to be known as "Freeland Meadows Subdivision". In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Country Road and W. Nike Road as they abut the property.

On April 21, 2008, the City Council approved a revised Layout Plat (File #07PL180) to subdivide the 146.8 acres into 273 lots to be known as Lots 1 thru 263 and Tracts A, B, D, E, F, G, H, I, J and K of Prairie Meadows Subdivision. Proposed Tract A as shown on this plat document was previously identified as Lots 1 through 6, a portion of Lots 7 and 8 and Lots 22 through 49 of Prairie Meadows Subdivision.

On April 21, 2008, the City Council approved a Comprehensive Plan Amendment to the Major Street Plan (File #08CA001) to relocate LaCrosse Street as it extends through the property.

The property is located northeast of the intersection of Country Road and West Nike Road. Currently, the property is void of any structural development.

**STAFF REVIEW:**

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

**Master Plan:** The applicant has submitted a copy of the previously approved Layout Plat subdividing the 146.8 acres into 273 lots as the Master Plan for the property. In particular, the Master Plan identifies proposed Tract A subdivided into 46 residential lots in the future. However, the boundary of proposed Tract A does not match the lot configurations as shown on the Master Plan. In particular, the northern portion of Lots 7 and 8 as shown on the Master Plan are excluded from Tract A. It is unclear how this area will be accessed and if a buildable area will exist. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to revise the Master Plan to address these issues.

The Master Plan also identifies the extension of Bengal Drive, Rossco Drive and Pronghorn Drive within Tract A to serve the future 46 lots as shown within this area of the property. Pursuant to Chapter 16 of the Rapid City Municipal Code, all right(s)-of-way must be dedicated as a part of the plat currently being considered. As such, the Preliminary Plat must be revised to include the dedication of right-of-way for Bengal Drive, Rossco Drive and Pronghorn Drive. In addition, construction plans for the streets as they extend through Tract

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A must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. The applicant also has the option of submitting a revised Master Plan eliminating the street connections through Tract A. Staff recommends that the Preliminary Plat be continued to allow the applicant to address these issues as identified.

**(Update: October 12, 2010) The applicant has submitted a revised Master Plan which includes Government Lot 4 and eliminates the eastern 108 acres as shown on the previously submitted Master Plan. The revised Master Plan identifies the future subdivision of Tract A into 46 residential lots. Street and utility corridors are not required through Tract A at this time since Country Road and W. Nike Road about the balance of Government Lot 4 providing access and utility corridors to this area of the property.**

As previously indicated, the Master Plan identifies the future subdivision of Tract A into 46 residential lots. However, 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". The applicant should be aware that prior to the future subdivision of Tract A as shown on the Master Plan, an Exception must be obtained to allow 46 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual or the plat document must be revised to provide a second point of access.

Traffic Impact Study: A stipulation of the previously approved Layout Plat requires that "upon submittal of a Preliminary Plat, a Traffic Impact Study shall be submitted for review and approval to determine the impact the development will have on existing and proposed streets within the area. In addition, the Traffic Impact Study shall identify any required street improvements needed to accommodate the traffic". In particular, it was noted that safety concerns exist with the current design of the intersection of W. Nike Road and Country Road. Depending upon the recommendation of the Traffic Impact Study, this intersection may need to be redesigned as a part of this Preliminary Plat. However, to date, a Traffic Impact Study has not been submitted for review and approval as required. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit a Traffic Impact Study as previously required.

**(Update: October 12, 2010) The applicant has requested that the requirement to provide a Traffic Impact Study be deferred until the future subdivision of Tract A or any other subdivision of the balance of the applicant's 146.8 acres. Since Tract A will not significantly increase traffic along W. Nike Road or Country Road, staff is in agreement to defer the requirement to provide a Traffic Impact Study as a part of this plat to create an 11.861 acre lot. However, the applicant should be aware that any future subdivision of Tract A or the remaining balance of the 146.8 acres will require that a Traffic Impact Study be submitted for review and approval. In addition, street improvements must be provided as per the recommendation of the Traffic Impact Study.**

W. Nike Road: The Preliminary Plat identifies W. Nike Road located along the west lot line of the property. The street is classified on the City's Major Street Plan as a collector street

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requiring that they be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, W. Nike Road is located in a 66 foot wide right-of-way and constructed with a 20 foot wide paved surface. Prior to City Council approval of the Preliminary Plat, construction plans must be submitted for review and approval showing the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised dedicating an additional five feet of right-of-way along W. Nike Road.

Geotechnical Report: A geotechnical report including pavement design must be submitted for review and approval prior to Preliminary Plat approval by the City Council. In addition, the geotechnical report must include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information must be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections must be provided as needed for buried water system metal fixtures.

**(Update: October 12, 2010) Staff recommends that prior to Preliminary Plat approval by the City Council, a geotechnical report including pavement design be submitted for review and approval if subdivision improvements are required. In addition, the geotechnical report must include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information must be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections must be provided as needed for buried water system metal fixtures.**

Water: That portion of the property located below 3,300 feet is the low level pressure water service area. Currently, the low level pressure water system has not been extended into this area. The high level pressure water system is located west of the property. However, due to the elevation of the property, pressure reducing valves must be utilized in order to serve the property from the high pressure water service system. On February 15, 2010 an Exception was granted to allow the North Rapid High Level Service Zone to serve the property. In particular, the Exception was approved with three stipulations: 1) the proposed water system improvements shall include master pressure reducing devices installed in main water distribution system, the use of individual pressure reducing values is not allowed; 2) proposed water system improvements shall be designed to allow connection to future Low Level Water Service Zone; and, 3) the applicant shall provide water system demand, flow and storage data demonstrating the existing High Level Service Zone system has adequate capacity to serve all, or a portion of the proposed subdivision.

To date, water system information has not been provided as required. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit water plans for review and approval prepared by a Registered Professional Engineer showing the extension of water mains to serve Tract A as identified above. In addition, the water plans must include domestic water and fire flow analysis or a Variance to the Subdivision Regulations must be obtained.

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**(Update: October 12, 2010)** The applicant has submitted a utility plan identifying water service to proposed Tract A. In addition, the applicant has submitted an Exception to allow the property to be served from the high pressure water service system in lieu of the low pressure water service system. Staff is currently reviewing the request.

Staff recommends that prior to Preliminary Plat approval by the City Council, the Exception be obtained to allow the property to be served from the high pressure water service system in lieu of the low pressure water service system or construction plans must be submitted for review and approval showing the property served from the low pressure water service system.

Sewer: The plat document identifies the alignment of the existing gravity sewer main and force main extending through the property. However, to date, wastewater system information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines for review and approval. In addition, the sewer plans must include sanitary sewer flow data, layout, and design information or a Variance to the Subdivision Regulations must be obtained.

**(Update: October 12, 2010)** The applicant has submitted a utility plan identifying sewer service to proposed Tract A. Staff has reviewed and approved the utility plan.

Drainage: To date, a drainage plan has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit a drainage plan which includes a drainage analysis and detention as needed. A post-construction water quality plan, including calculations and Best Management Practices, must also be submitted for review and approval.

**(Update: October 12, 2010)** Staff recommends that prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan be submitted for review and approval if subdivision improvements are required.

Floodplain/Wetlands: A portion of the property is located within the 100 year Federally Designated Floodplain. In addition, the northern portion of the property is located in a designated wetland area. The applicant has indicated that a Conditional Letter of Map Revision has been obtained from the Federal Emergency Management Agency and a 404 Permit has been obtained from the Corp of Engineers. Prior to Preliminary Plat approval by the City Council, copies of the approved documents must be submitted for review and approval. In addition, prior to the start of construction, a Floodplain Development Permit must be obtained as needed.

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 prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan

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in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required. In addition, a grading plan must be submitted for review and approval if any subdivision improvements are required.

Zoning: The southwest corner of proposed Tract A is currently zoned Medium Density Residential with a Planned Development Designation. The balance of the property is zoned Low Density Residential with a Planned Development Designation. The applicant should be aware that prior to issuance of a building permit, an Initial and Final Residential Development Plan must be reviewed and approved by the Planning Commission. In addition, any future development of the site must be in compliance with the adopted zoning for the property.

Air Quality: An Air Quality Permit must be obtained prior to any surface disturbance of one acre or more.

Cost Estimate: Prior to Preliminary Plat approval by the City Council, a cost estimate must be submitted for review and approval.

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 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 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.**