

STAFF REPORT
February 10, 2011

No. 11PL002 - Preliminary Plat

ITEM 12

GENERAL INFORMATION:

APPLICANT	Ian and Amanda Vidinha
AGENT	Bryan Vulcan for FourFront Design, Inc.
PROPERTY OWNER	Ian and Amanda Vidinha
REQUEST	No. 11PL002 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of Common Area 1 of Block 1 of Canyon Springs Preserve located in the NE1/4 SW1/4 of Section 23, T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 89 of Canyon Springs Preserve
PARCEL ACREAGE	Approximately 5.11 acres
LOCATION	8885 Nemo Road
EXISTING ZONING	Low Density Residential (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Planned Unit Development (Pennington County)
East:	Planned Unit Development (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Community water system and private on-site wastewater
DATE OF APPLICATION	1/12/2011
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall demonstrate how physical and legal access will be provided to the remaining balances of Common Area 1. In addition, the plat document shall be revised as needed to secure legal access to these areas if warranted. Construction plans shall also be submitted for review and approval if determined that access shall be provided through the proposed lot. Prior to Preliminary Plat approval by the City Council, the proposed drainage easement and the proposed pedestrian easement for two of the remaining balances of Common Area 1 shall be recorded at the Register of Deed's Office. A copy of the recorded documents shall be submitted to the Growth Management Department for

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- review and approval;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for Nemo Road shall be submitted for review and approval. In particular, the road construction plans shall show the street 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 or a Variance to the Subdivision Regulations shall be obtained;
 3. Prior to Preliminary Plat approval by the City Council, 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. In addition, dry sewer mains shall be provided in accordance with Section 16.16.050 of the Rapid City Municipal Code;
 4. Prior to Preliminary Plat approval by the City Council, 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.
 5. Prior to Preliminary Plat approval by the City Council, a miscellaneous document shall be recorded at the Register of Deed's Office securing a minimum ten foot wide utility easement across a portion of the balance of Common Area 1 for the existing water service line extending from Ivory Birch Place to the proposed lot. In addition, a copy of the recorded miscellaneous document shall be submitted to the Growth Management Department for review and approval;
 6. Prior to Preliminary Plat approval by the City Council, drainage information including channel calculations and flow routing information that demonstrates the adequacy of the existing stormwater improvements adjacent to and across this property shall be submitted for review and approval. In addition, drainage easements shall be secured as needed. The plat document shall also be revised to show the areas of periodic inundation. In particular, the areas of floodway as per the Federal Emergency Management Agency Floodplain maps shall be secured within a Major Drainage Easement;
 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. Prior to submittal of a Final Plat application, the plat document shall be revised to include a note stating that an 8 foot wide minor drainage and utility easement is dedicated along all interior lot lines. In addition, the plat document shall be revised to show the subdivision name as "Canyon Springs Preserve" in lieu of "Canyon Springs Reserve";
 9. 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;
 10. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,
 11. 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 a 5.11 acre lot leaving a 10.19 acre non-transferable balance. The subdivision is to be known as "Lot 89 of Block 1 of Canyon Springs Preserve". In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #11SV001) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer, including dry sewer, and to reduce the pavement width along Nemo Road from 36 feet to 24 feet.

On January 18, 2011, the City Council approved a Layout Plat for the property to create a 5.11 acre lot as currently proposed. In addition, on January 4, 2011, the Pennington County Board of Commissioners approved a Rezoning request to change the zoning designation of the 5.11 acres from a Planned Unit Development to Low Density Residential District.

The property is located approximately 300 feet north of the intersection of North Emerald Ridge Road and Nemo Road on the west side of Nemo Road. Currently, a single family residence, a detached garage, a barn, a chicken coop and a pump house are located on proposed Lot 89. The balance of the property is currently void of any structural development.

STAFF REVIEW:

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

Common Area: Platting Lot 89 from the existing "Common Area Lot 1" results in balances of the Common Area Lot located north and south of proposed Lot 89. To date, the applicant has not identified physical and legal access to each of these balances. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, physical and legal access to these areas be demonstrated. In addition, the plat document must be revised as needed to secure legal access to these areas if warranted. Construction plans must also be submitted for review and approval for the construction of streets and/or sidewalks in compliance with the Street Design Criteria Manual if determined that access must be provided through the proposed lot.

The applicant has submitted draft copies of easements securing the balance of the Common Area Lot located south of proposed Lot 89 adjacent to Nemo Road as a drainage easement and securing the balance of the Common Area Lot located between Lots 3 and 4 of Block 1 of Canyon Springs Preserve as a pedestrian easement. To date, the easements have not been recorded at the Register of Deed's Office. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the proposed easements be recorded at the Register of Deed's Office. In addition, a copy of the recorded documents must be submitted to the Growth Management Department for review and approval.

The plat document identifies a ten foot wide utility easement being created within the balance of the Common Area Lot located between Lots 3 and 4 of Block 1 of Canyon Springs Preserve. However, this area is outside of the boundaries of this plat and, as such, the easement cannot be created as a part of this plat. Staff recommends that prior to Preliminary Plat approval by the City Council, a miscellaneous document be recorded at the Register of Deed's Office securing the ten foot wide utility easement. In addition, a copy of the recorded miscellaneous document must be submitted to the Growth Management

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Department for review and approval.

Nemo Road: Nemo Road is located along the east lot line of the property and is classified as a principle arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Nemo Road is located in a 100 foot wide right-of-way with an approximate 24 foot wide paved surface. Staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans for Nemo Road be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Sewer: The applicant has indicated that the existing home is currently served by a "Class I Wastewater Treatment Plant manufactured by Ecological Tanks, Inc.". The applicant has submitted a copy of an On-site Wastewater System Inspection Verification Form identifying that Pennington County has reviewed and approved the wastewater facility. However, 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". This requires that a sewer main be constructed along Nemo Road as it abuts the property.

Staff recommends that prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer main(s) and service line(s) be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. The applicant should be aware that dry sewer must be provided even if on-site wastewater systems are proposed to be utilized in the interim in accordance with the provisions of Chapter 16.16.050 of the Rapid City Municipal Code. The recently completed Source Water Protection Study recommends the installation of dry sewer mains in accordance with the adopted City Standards rather than approving Variances to waive the requirement to insure connection to a central sewer system once the adjacent properties develop and the dry sewer can be connected to the City's system. In addition, the Rapid City's Master Utility Plan identifies the property within "Tier One" indicating that the property is in the area where public sewer is anticipated to be extended within 20 years.

Water: The applicant has indicated that water service is provided to the proposed lot by the Canyon Springs Preserve, LLC public water system. In particular, the applicant has indicated that a one inch water service line is extended to the site. The applicant has also indicated that a fire hydrant is located within 430 feet of the house. Chapter 16.16.040 states that the design and specifications of the water distribution system shall meet Rapid City requirements. As such, staff recommends that prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Drainage/Floodplain: Drainage from Canyon Springs Preserve discharges into the ditch located along the west side of Nemo Road and flows across the proposed lot. The applicant has stated that the major drainage way that services Canyon Springs Preserve is located

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entirely within the Nemo Road right-of-way. However, to date the applicant has not submitted drainage information that includes channel calculations and flow routing information to demonstrate the adequacy of the existing stormwater improvements adjacent to and across this property. As such, staff recommends that prior to Preliminary Plat approval by the City Council, drainage information including channel calculations and flow routing information that demonstrates the adequacy of the existing stormwater improvements adjacent to and across this property be submitted for review and approval. In addition, drainage easements must be secured as needed.

Areas of the property are also located within the 100 year Federally designated floodplain. The applicant has submitted a site plan showing the "approximate floodplain boundary from GIS". However, Chapter 16.20.040 of the Rapid City Municipal Code states that "any portion of the land in or adjacent to the subdivision subject to periodic inundation by storm drainage, overflow or ponding shall be clearly shown and identified on the plat". In addition, the areas of floodway as shown on the Federal Emergency Management Agency Floodplain maps must be secured within a Major Drainage Easement. Staff recommends that prior to Preliminary Plat approval by the City Council, the plat document be revised to show the areas of periodic inundation. In particular, the areas of floodway as per the Federal Emergency Management Agency Floodplain maps must be secured within a Major Drainage Easement.

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.

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