

STAFF REPORT

May 23, 2002

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**No. 02PL037 - Preliminary and Final Plat**

**ITEM 10**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 02PL037 - Preliminary and Final Plat</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison's Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds
PROPOSED LEGAL DESCRIPTION	Lots 1-10 of Block 1, Lots 1-10 and Lots 29 – 37 of Block 2, Lots 1-8 of Block 3, Tract B, and dedicated streets, Auburn Hills, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and Lot 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12 acres
LOCATION	West of Haines Avenue
EXISTING ZONING	Medium Density Residential District (City/General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agricultural District (City)
South:	Low Density Residential II (City)
East:	Medium Density Residential District (City)
West:	Limited Agricultural District/General Agricultural District (County)
PUBLIC UTILITIES	City sewer and water to be extended
DATE OF APPLICATION	03/28/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Preliminary and Final Plat be **approved with the following stipulations.**

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**Engineering Division Recommendations:**

1. Prior to Preliminary Plat approval by the Planning Commission, a revised water plan shall be submitted for review and approval. In addition, construction plans for the 12 inch water line along Haines Avenue shall be submitted for review and approval prior to Final Plat approval by the City Council. The 12 inch water line shall be constructed prior to issuance of a building permit;
2. Prior to Final Plat approval by the City Council, the applicant shall enter into a cost sharing agreement with the City for the 12 inch water line extension along Haines Avenue;
3. Prior to Preliminary Plat approval by the Planning Commission, a revised sewer plan shall be submitted for review and approval. In particular, the sewer plan shall identify the sewer line along Haines Avenue shifted to the east such that it will be centered in a future additional south bound lane. In addition, access for maintenance of the manhole(s) shall be provided;
4. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City allowing the Mall Ridge Lift Station to serve the proposed development. Current and/or future connection fees shall be identified and paid accordingly;
5. Prior to Preliminary Plat approval by the Planning Commission, a revised drainage plan shall be submitted for review and approval identifying all storm water management facilities, including all conveyance elements. Detention facilities shall be located exclusively on the subject property or drainage easements shall be obtained from the adjacent property owner. Any such easements shall be recorded at the Register of Deed's Office prior to Preliminary Plat approval by the City Council;
6. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall demonstrate that no inter basin transfer of drainage flows is occurring or documentation shall be provided identifying the legal right to transfer the drainage;
7. Prior to Preliminary Plat approval by the City Council, an interim drainage and erosion control plan for the proposed phases of development, including borrow or waste sites, shall be submitted for review and approval;
8. Prior to Preliminary Plat approval by the Planning Commission, the construction plans and the phasing plan(s) shall be coordinated and submitted for review and approval;
9. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division;

**Fire Department Recommendation:**

10. The Uniform Fire Code shall be continually met;
11. Prior to Final Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval;

**Pennington County Highway Department Recommendation:**

12. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with Pennington County stating that the applicant shall pay the true cost of the construction for his share of the Haines Avenue improvements and that

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surety shall be posted for the estimated cost with the amount being adjusted as necessary;

**Urban Planning Division Recommendations:**

13. Prior to Final Plat approval by the City Council, the property shall be rezoned to allow the proposed residential development and the Rapid City Comprehensive Plan shall be amended accordingly;
14. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement.
15. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and,
16. Prior to Final Plat approval by the City Council, surety for all subdivision improvements shall be posted and the subdivision inspection fees shall be paid.

**GENERAL COMMENTS:**

**This item was to be heard at the May 9, 2002 Planning Commission meeting. However, due to time constraints, the Planning Commission meeting was continued to May 16, 2002. Subsequently, this item was continued at the May 16, 2002 Planning Commission meeting with the applicant's concurrence to allow the applicant to submit additional information. This Staff Report has been revised as of May 16, 2002. All revised or added text is shown in bold print.** On March 28, 2002, the applicant submitted a Preliminary and Final Plat to create a 187 lot residential development to be known as "Auburn Hills Subdivision". On April 12, 2002 the applicant submitted a Phasing Plan identifying that the property will be platted in five phases. In addition, the applicant revised the original Preliminary and Final Plat request to include only Phase One. (To date, a plat document for Phase One, exclusively, has not been submitted for review and approval.) Phase One proposes to create a 39 lot residential development and to extend a 900 foot long access road west from Haines Avenue to serve as exclusive access to the first phase of the proposed development. The originally submitted Preliminary and Final Plat, creating a 187 lot residential development, will be reviewed as a "Master Plan" for the proposed development.

The applicant has also submitted a Variance to the Subdivision Regulations to allow lots twice as long as they are wide as a companion item to the Preliminary and Final Plat. (See companion item #02SV016.)

The applicant had previously submitted a Layout Plat to create a 389 lot residential development to be known as "Henderson Ranch". The Layout Plat included the subject property and an additional 170 acres located south and west of the property. On March 18, 2002, the City Council acknowledged the applicant's request to withdraw the Layout Plat.

The property is currently void of any structural development. The property is located approximately 1,400 feet north of the intersection of Country Road and Haines Avenue, on the west side of Haines Avenue.

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STAFF REVIEW: Staff has reviewed the Preliminary and Final Plat and has identified the following considerations:

Zoning: A portion of the subject property is located within the incorporated City limits of Rapid City and is currently zoned Medium Density Residential District. The balance of the property is located in Pennington County, outside the incorporated City limits of Rapid City, and is currently zoned General Agriculture District. Upon platting, that portion of the subject property located outside the City limits must be annexed into the City pursuant to adopted City policy. Upon annexation, the property will be zoned No Use District. Prior to Final Plat approval, the property must be rezoned to allow the proposed residential development. A portion of the subject property located along Haines Avenue is identified in the 1980 Rapid City Comprehensive Plan as appropriate for residential use. The balance of the property is identified as appropriate for limited agriculture use. Prior to approval of a Final Plat, that portion of the property to be annexed must be rezoned to allow the proposed residential development and the Rapid City Comprehensive Plan must be amended accordingly.

Lot Configuration: The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet; the lot length shall not be greater than twice the lot width". The proposed Preliminary and Final Plat identifies that one of the lots will have a length twice the distance of the width. In addition, 24 lots located in Phases Two thru Five have a length twice as long as they are wide. As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide. The applicant has indicated that the Subdivision Regulations Variance request is inclusive of all 25 lots. Prior to Final Plat approval of Phase One or any subsequent phases, the Variance to the Subdivision Regulations must be obtained or the plat(s) must be revised to comply with the length to width requirement.

Drainage Plan: The Engineering Division has indicated that the drainage plan must be revised to show the conveyance of drainage in alignment with the proposed lot layout(s) or the plat must be revised shifting the lot lines to accommodate the drainage flows. In addition, **the drainage plan must be revised to resolve issues relative to drainage from the west.** The Engineering Division has also indicated that the drainage plan currently identifies a detention pond to be located along Haines Avenue. A major portion of the drainage pond is located on an adjacent property south of the subject property. To date, drainage easements have not been secured from the adjacent property owner to allow the construction of the drainage pond as proposed. The Engineering Division has indicated that the proposed detention pond must be located exclusively on the subject property or a drainage easement must be obtained from the adjacent property owner as identified prior to Preliminary Plat approval.

**On May 9, 2002, staff met with the applicant to discuss issues relative to the Preliminary and Final Plat. The applicant indicated that the drainage easement(s) will be secured from the adjacent property owner to allow the construction of the drainage pond as proposed or the drainage plan will be revised locating the detention pond exclusively on the subject property. Staff is recommending that the drainage plan be revised as proposed and drainage easements be secured as needed prior to Preliminary Plat approval.**

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Fire Department: The Fire Department has indicated that all street, driveways, cul-de-sacs and grades must be constructed in compliance with the City Street Design Criteria Manual. The Fire Department has also indicated that the proposed fire hydrants must be installed and operational prior to issuance of a building permit and/or any construction on the site using combustible material(s). In addition, the Fire Department has indicated that a Wild Fire Mitigation Plan may be needed in areas of the subject property. Staff is recommending that the applicant work with the Fire Department to design and implement a Wild Fire Mitigation Plan prior to Final Plat approval.

In addition, the Fire Department has indicated that failure to meet any of the above referenced requirements will require that residential fire sprinklers be provided for those residences located in the affected areas.

Water: The Engineering Division has indicated that the subject property is located in the North Rapid High Water Zone. Currently, a 12 inch water line extends north along Haines Avenue, terminating at the **Bengle Drive/ Haines Avenue** intersection. An eight inch water line extends east from the **Bengle Drive/Haines Avenue** intersection looping through the Mall Ridge Subdivision and extends back to Haines Avenue along Viking Drive. The applicant's water plan identifies the extension of a 12 inch water line from Viking Drive, along Haines Avenue, to Auburn Drive located in the subject property. No water line currently exists or is proposed along Haines Avenue between Country Road and Viking Drive. (The City's Master Water Plan identifies a 12 inch water line along all of Haines Avenue within this area.) The Engineering Division has indicated that it appears that the modeling for the design report utilized a 12 inch water line in the calculations in lieu of the existing eight inch line.

The applicant's site plan identifies the extension of the water line through the proposed subdivision to serve each of the proposed phases of development. The Engineering Division has indicated that in order to provide sufficient water for this development and future development within the area, the water plan may need to be revised to show the construction of a 12 inch water line along Haines Avenue extending to the north lot line of the subject property. The Engineering Division has indicated that a revised water plan must be submitted for review and approval justifying whether or not a 12 inch water line must be provided along Haines Avenue as identified, including that portion of Haines Avenue located between Country Road and Viking Drive. **On May 2, 2002 and again on May 9, 2002, staff met with the applicant to discuss the outstanding issues relative to the proposed plat. At both meetings, the applicant indicated that a revised water plan will be submitted providing a 12 inch water line along Haines Avenue. In addition, the Engineering Division indicated that a cost sharing agreement between the applicant and the City will be needed for the proposed water line extension. Staff is recommending that a revised water plan be submitted for review and approval prior to Preliminary Plat approval and that the applicant enter into a cost sharing agreement prior to Final Plat approval.**

Sewer: The sanitary sewer service from the subject property will utilize the Mall Ridge Lift Station. The applicant has indicated that approximately 100 additional homes will be able to

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utilize the lift station before improvements to the facility are necessary. The Engineering Division has indicated that the applicant has not submitted any information justifying the number of additional lots that may be allowed on the lift station before improvements are required. **At the May 9, 2002 meeting with the applicant, the Engineering Division indicated that preliminary information submitted by the applicant demonstrates that the lift station can serve Phase One of the proposed development.** The Engineering Division has also indicated that the applicant must enter into an agreement with the City to allow the Mall Ridge Lift Station to serve the proposed development and connection fees must be paid accordingly prior to Final Plat approval. In addition, the Engineering Division has indicated that modification(s) to the lift station may be necessary before the entire subdivision can be constructed.

The Engineering Division has indicated that the sewer plan shows the sewer lines along Haines Avenue to be located in the bottom of the ditch section, a non-standard location. The Engineering Division has indicated that the sewer plans must be revised locating the sewer lines adjacent to the paved surface of Haines Avenue. At a minimum, the manhole levels must be raised to the height of the shoulder of the road and paved turnouts must be provided to each site. **At the May 2, 2002 meeting with the applicant, the applicant indicated that the sewer lines will be shifted six feet to the east and that the construction of the sewer lines will be coordinated with the Pennington County Highway Department.**

In addition, the Engineering Division has indicated that the proposed sewer line to be located under the existing cattle pass that extends across Haines Avenue is unacceptable without a more detailed design. Failure at this site could impact the entire subdivision. Staff is recommending that a revised sewer plan be submitted for review and approval. **Staff is recommending that a revised sewer plan be submitted for review and approval prior to Preliminary Plat approval. In addition, the sewer plans must be coordinated with the Pennington County Highway Department in order to accommodate the Haines Avenue improvement project.**

Construction Plans vs. Phasing Plan: As previously indicated, construction plans for all five phases of the development were submitted on March 28, 2002. A phasing plan identifying 28 residential lots as Phase One of the development was submitted April 12, 2002. The Engineering Division has indicated that the construction plans do not coordinate with the phasing plan. As such, staff is recommending that the Preliminary and Final Plat for Phase One be continued to the May 9, 2002 Planning Commission meeting to allow the applicant to coordinate the two plans. **At the May 2, 2002 meeting with the applicant, the applicant indicated that the construction plans and phasing plans will be coordinated as identified. Staff is recommending that the revised plans be submitted for review and approval prior to Preliminary Plat approval.**

Haines Avenue: The Pennington County Highway Department has scheduled the reconstruction of a portion of Haines Avenue for the year 2003. The applicant must coordinate road improvements along Haines Avenue with the County. In addition, the applicant must enter into an agreement with the County stating that the applicant shall pay the true cost of the construction for his share of the improvements and that surety will be

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posted for the estimated cost with the amount being adjusted as necessary.

The Pennington County Highway Department has indicated that the drainage plan identifies using Haines Avenue right-of-way to convey storm water run-off. Prior to Preliminary Plat approval, additional drainage information must be submitted for review and approval identifying the impacts that the drainage will have on the right-of-way.

The Pennington County Highway Department has also indicated that the storm drainage pipe shown in the approach located off Amber Drive to Haines Avenue is identified as a 36 inch diameter pipe. The cross pipe shown under Haines Avenue is a 30 inch pipe. As a part of the reconstruction project for Haines Avenue, the cross pipes must be coordinated at the applicant's expense.

The applicant's construction plan identifies that the grading for all five phases will be completed as a part of Phase One. However, only the road construction plans for Phase One will be reviewed and approved by the City. As such, the Pennington County Highway Department has indicated that a construction permit must be obtained for that portion of the property to be graded that is not included in the approved construction plans. The Engineering Division has indicated that surety must be posted for all of the disturbed area to insure that the area is reseeded and that erosion control measures are implemented. **On May 15, 2002, the applicant notified staff that grading for Phase One only is being proposed as a part of this Preliminary and Final Plat request.**

Master Plan: On April 18, 2002, staff met with the applicant to discuss the phasing plan for the proposed development. (The applicant concurs that the originally submitted Preliminary and Final Plat, creating a 187 lot residential development, will be reviewed as a "Master Plan" for the proposed development.)

The Engineering Division has indicated that the Major Street Plan identifies a north/south collector road to be located in the section line highway along the west lot line of the subject property. On April 12, 2002, the applicant submitted topographic information to demonstrate that the collector road location should be shifted to the west, off the subject property. Staff is currently reviewing the topographic information to determine if the terrain supports the relocation of the collector road as proposed by the applicant. The applicant should be aware that variations in the road location(s) as identified on the approved Major Street Plan may require an amendment to the Major Street Plan.

As previously indicated a north/south section line is located along the west lot line. Prior to City Council approval, the section line highway must be improved to City street standards or a Variance to the Subdivision Regulations must be obtained to waive the street improvements or the section line highway must be vacated. The southern portion of the east half of the section line highway is located on an adjacent property under different ownership from the subject property. The Subdivision Regulations states 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". Vacating only that portion of the section line highway located on the subject property will create a half-street. As such, the entire section line highway must be vacated requiring that the adjacent property owner

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sign a vacation of section line highway document. Prior to City Council approval of the Preliminary Plat, the section line highway issue must be addressed as identified.

**Staff believes that the proposed plat complies with all applicable zoning and subdivision regulations assuming compliance with the stated stipulations.**