

STAFF REPORT
March 24, 2005

No. 05PL038 - Layout Plat

ITEM 57

GENERAL INFORMATION:

PETITIONER	Ted McBride for Jonna K. Fitzgerald and Teena Miller
REQUEST	No. 05PL038 - Layout Plat
EXISTING LEGAL DESCRIPTION	SW1/4 of the SW1/4 of Section 32, T2N, R7E, less Lot A, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1-3 of SW1/4 of the SW1/4 of Section 32, T2N, R7E, less Lot A, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.96 Acres
LOCATION	South of Timberland Trail
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Low Density Residential District
East:	Low Density Residential District
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	2/25/2005
REVIEWED BY	Vicki L. Fisher / Dave Johnson

RECOMMENDATION:

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

1. 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;
2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
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 proposed, 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;
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

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- review. If a shared well is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
5. Upon submittal of a Preliminary Plat application, road construction plans for the private access easement as it extends south from Timberland Trail and including that portion located along the north lot line of the subject property shall be submitted for review and approval. In particular, the private access easement shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, the construction plans shall identify the construction of a permanent turnaround at the private access easement with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 6. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway shall be submitted for review and approval. In particular, the section line highway shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
 7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 8. 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 system shall be obtained;
 9. An Exception to allow an easement to serve as access to eleven lots in lieu of four lots as per the Street Design Criteria Manual is denied;
 10. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits;
 11. Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow a 2,790 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 as per the Street Design Criteria Manual;
 12. Prior to submittal of a Final Plat application, a subdivision name shall be submitted to the Register of Deed's Office for review and approval. In addition, the plat document shall be revised to show the approved subdivision name;
 13. Prior to submittal of a Final Plat application, a street name for the private access easement shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved street name;
 14. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
 15. Upon submittal of a Final Plat application, a road maintenance agreement for the private access easement shall be submitted for review and approval; and,
 16. 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.

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General Comments:

The applicant has submitted a Layout Plat to subdivide a 37.29 acre parcel into three lots leaving a 27.35 acre unplatted non-transferable balance. The proposed lots range in size from 3.04 acres to 3.61 acres. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a private access easement and an adjacent section line highway. (See companion item #05SV020.)

The property is located approximately 1,350 feet south of the southern terminus of Timberland Trail 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:

Annexation: In May, 1983, the City Council approved a resolution requiring all properties that are contiguous to Rapid City which are being platted to be annexed into the city limits of Rapid City prior to Preliminary Plat approval. The subject property is contiguous to Rapid City and, as such, must be annexed accordingly.

Zoning: Upon annexation, the property will be zoned No Use District. The Comprehensive Land Use Plan identifies the property as appropriate for forest, limited agriculture or agriculture. As such, staff is recommending that the property be rezoned from No Use District to Park Forest within 120 days or prior to issuance of a building permit, whichever occurs first. Please note that the proposed lots meet the minimum three acre lot size required in the Park Forest District.

Private Access Easement: The Layout Plat identifies a private access easement extending south from Timberline Trail and a section line highway located directly north of the subject property serving as access to the proposed development. The applicant has submitted a copy of a court order which states that the private access easement allows access to three single family residential homes located in the northern section of the subject property. (Please note that the court order also states that access to the southern portion of the subject property shall not be required across these properties.) The private access easement is classified as a lane place street requiring that it 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 and sewer. In addition, a permanent turnaround must be

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constructed at the end of the private access easement with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations must be obtained.

The Street Design Criteria Manual allows an access easement to serve a maximum of four properties. With the three lots as shown on this Layout Plat, the access easement will serve eleven properties. As such, the applicant has requested an Exception to the Street Design Criteria Manual. Section 1.2.5 of the Street Design Criteria Manual states that "...it shall be the responsibility of the user to provide an explanation of the circumstance, the specific exception(s) requested, and the justification(s) for the request". To date, the applicant has not submitted any justification for the Exception. As such, staff is recommending that the Exception allowing an easement to serve as access to eleven lots in lieu of four lots as per the Street Design Criteria Manual be denied.

Section Line Highway: A section line highway is located along the west lot line of the subject property. The west half of the section line highway is located on an adjacent property 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 owner must participate in the platting of the west half of the section line highway 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 section line highway must be submitted for review and approval. In particular, the road construction plans must show the section line highway 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 highway; however, the adjacent property owners must sign the vacation petitions. Please note that the east half of the section line highway is located outside of the City limits requiring that it be vacated by the County Board of Commissioners or annexed into the City and, subsequently, vacated by the City Council. Staff is recommending that the section line highway issue be addressed upon submittal of a Preliminary Plat application.

Cul-De-Sac: The Street Design Criteria Manual states that in high fire hazard areas, a cul-de-sac shall not exceed 500 feet in length. The plat document identifies access to the subject property via a private access easement and a section line highway which function as an approximate 2,790 foot long cul-de-sac. In addition, an intermediate turnaround must be provided along a cul-de-sac at intervals not exceeding 600 feet. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, an Exception be obtained to allow a 2,790 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 as per the Street Design Criteria Manual.

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

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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 an extreme wild fire hazard area. As such, staff is recommending that prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan be submitted for review and approval. In addition, the plan must be implemented.

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 individual on-site wastewater systems are used, 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. 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) are used, data to confirm that the well(s) have sufficient flows and water quality must be submitted for review and approval. 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. In addition, a grading plan and an erosion and sediment control plan for all improved areas must be submitted for review and approval. The plat document must be revised to provide drainage easements as needed. 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 identified.

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