

STAFF REPORT
April 10, 2008

No. 07PL166 - Layout Plat

ITEM 3

GENERAL INFORMATION:

APPLICANT/AGENT	Oliver & Mary Freimark
PROPERTY OWNER	Oliver and Mary Freimark
REQUEST	No. 07PL166 - Layout Plat
EXISTING LEGAL DESCRIPTION	A portion of the NE1/4 SE1/4, Tract D of NW ¼ SE ¼ Section 3, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Spring Creek Estates Subdivision, located in a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 55.26 acres
LOCATION	8686 South Highway 16
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	None
DATE OF APPLICATION	12/12/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth / Vicki L. Fisher

RECOMMENDATION:

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

- 1. Upon submittal of a Preliminary Plat application, a Phasing Plan shall be submitted for review and approval identifying the phasing of any proposed future development and parcel subdivision;**
- 2. Upon submittal of a Preliminary Plat application, a copy of the recorded miscellaneous document creating the access easement shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, construction plans for the access easement shall be submitted for review and approval. In particular, the construction plans shall show the easement located within a minimum 45 foot**

STAFF REPORT
April 10, 2008

No. 07PL166 - Layout Plat

ITEM 3

- wide right-of-way and constructed with a minimum 20 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 the construction of a permanent turnaround at the end of the access easement with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the Planning Commission, an Exception shall be obtained to allow the access easement to serve seven lots in lieu of four lots as per the Street Design Criteria Manual or the easement shall be dedicated as right-of-way;
 5. Prior to Preliminary Plat approval by the Planning Commission, an Exception shall be obtained to allow a 1,350 foot long cul-de-sac with no intermediate turnarounds every 600 feet in lieu of a 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
 6. 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;
 7. 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 demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval. In addition, the plat document shall be revised to provide utility easements as needed;
 8. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval;
 9. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. Prior to approval of a Preliminary Plat application by Planning Commission, the property shall be rezoned to allow the proposed lot size or a lot size Variance shall be obtained from Pennington County;
 12. 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;
 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision

STAFF REPORT
April 10, 2008

No. 07PL166 - Layout Plat

ITEM 3

14. **inspection fees shall be paid; and,
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: March 31, 2008. All revised and/or added text is shown in bold). Staff recommends approval of the Layout Plat with the stated stipulations.

(Update March 7, 2008. All revised and/or added text is shown in bold). On March 4, 2008 the applicant met with staff. Topographical information of the property and surrounding area was submitted. In addition, the applicant and staff discussed several concerns staff had with the proposed Layout Plat. In particular, staff discussed the future subdivision of parcels that surrounded the property. The applicant agreed to submit a revised phasing plan identifying proposed future subdivision of property that abuts this property submitted in this Layout Plat request. Also discussed was the access easement that serves as a legal means of access to the property. The applicant indicated that they may wish to revise the plat document to identify an extension of the access easement in relation to future subdivision of the property. The applicant also indicated that an additional miscellaneous document would be submitted for review and approval that identifies the additional access easement.

In addition, the applicant indicated that a community well is located on the property, although it was not previously identified on the site plan. The applicant agreed to revise the plat document to identify an easement for the community well. Staff also advised the applicant that a Variance to the Subdivision Regulations to waive the requirement to install the necessary subdivision improvements would need to be filed.

As of this writing no additional information has been submitted for review and approval. Staff recommends that this item be continued to the April 10, 2008 Planning Commission meeting to allow the applicant to revise the plat document and submit additional information.

(Update February 25, 2008. All revised text is shown in bold). On February 22, 2008 staff discussed the proposed Layout Plat with the applicant. The applicant indicated that topographical information would be submitted for review and approval. As of this writing this information has not been submitted. Staff recommends that this item be continued to the March 27, 2008 Planning Commission meeting to allow the applicant time to submit additional information.

(Update February 12, 2008. All revised text is shown in bold). On January 30, 2008, the applicant submitted a master plan of the surrounding area that identifies parcel boundaries and the width of the access easement located on the properties. As of this writing, topographical information has not been submitted for review and approval. On February 11, 2008, staff discussed the need for the topographical information on the properties with the applicant and the applicant agreed to submit the information at a later date.

(Update January 29, 2008. All revised text is shown in bold). As of this writing a master plan of the surrounding area that identifies future development and parcel subdivision has not been submitted for review and approval. In addition a Layout Plat identifying the

STAFF REPORT
April 10, 2008

No. 07PL166 - Layout Plat

ITEM 3

boundaries of the entire parcel along with topographical information and the location and width of the access easement has not been submitted for review and approval. Staff recommends that this item be continued to the February 21, 2008 Planning Commission meeting to allow the applicant time to submit additional information.

The applicant has submitted a Layout Plat request to plat a 4.79 acre lot identified as "Lot 1 out of a 55.26"acre parcel. The platting of Lot 1 will result in an unplatted balance of 50.47 acres. The property is located east of U.S. Highway 16, and north of West Spring Creek Road. Currently a single family residence with a detached garage is located on the property. The property is not located within the municipal boundaries of the City of Rapid City; however, the property is located within the City of Rapid City's Three Mile Platting Jurisdiction. The property is currently zoned General Agriculture District by Pennington County.

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 request and noted the following consideration:

LAYOUT PLAT TOPOGRAPHIC INFORMATION:

The applicant has not submitted the Layout Plat and topographic information for the entire 55.26 acre parcel as required by the Subdivision standards. The information submitted does not include all of the structures located on the property or the location and width of the access easement.

The applicant has not identified how access will be provided to the adjacent property. Staff recommends that prior to the Layout Plat approval by Planning Commission that the applicant submits for review and approval a master plan of the surrounding area that identifies future development and parcel subdivision, along with a Layout Plat identifying the boundaries of the entire parcel along with topographical information and the location and width of the access easement.

The applicant has submitted topographic information for the property. In addition, the applicant has identified a preliminary master plan for the site. Staff is recommending that upon submittal of a Preliminary Plat application, a Phasing Plan be submitted for review and approval identifying the phasing of any proposed future development and parcel subdivision.

STAFF REPORT
April 10, 2008

No. 07PL166 - Layout Plat

ITEM 3

LOT SIZE:

The applicant is proposing to create a 4.79 acre lot. Currently the property is zoned General Agriculture District by Pennington County which requires a minimum 40 acre lot size. Upon submittal of a Preliminary Plat the applicant is required to rezone the property to a zoning classification that allows a 4.79 acre lot, or obtain a lot size variance.

ACCESS EASEMENT:

The access easement is classified as a Lane/ Place Street by the Street Design Criteria Manual, which requires a minimum 45 feet of right-of-way, and a minimum of 12 feet per lane pavement width. Upon submittal of a Preliminary Plat application the applicant is required to revise the plat document to identify 45 feet of right-of-way width, or obtain a Variance to the Subdivision Regulations. In addition upon submittal of a Preliminary Plat application the applicant shall submit for review and approval construction plans prepared by a Professional Engineer identifying 12 feet of pavement width per lane along the access easement, or obtain a Variance to the Subdivision Regulations.

The information submitted by the applicant identifies access to proposed Lot 1 being provided by a 35 foot wide access easement. Staff has noted that a copy of the recorded access easement is needed in order to verify maintenance, ownership, and allowed users. Staff recommends that prior to Planning Commission approval that the applicant submit a copy of the recorded access easement for review and approval.

The plat document identifies the access easement as being 1,350 feet in length. As per the Street Design Criteria Manual cul-de-sac lengths should not exceed 1,200 feet in length. Staff has noted that an Exception to the Street Design Criteria Manual is needed prior to approval of a Preliminary Plat application. In addition a turnaround for emergency service vehicles is to be provided at the end of the cul-de-sac, and intermediate turnarounds for emergency service vehicles are to be provided every 600 feet. Upon submittal of Preliminary Plat application the applicant shall revise the plat document to identify a turnaround at the end of the cul-de-sac, as well as an additional turnaround along the access easement that meets the 600 feet maximum spacing requirement, or obtain an Exception to the Street Design Criteria Manual.

Currently the access easement serves access to seven lots. Per the Street Design Criteria Manual an Exception is needed to allow an access easement to provide access to more than four lots. Prior to approval of a Preliminary Plat application the applicant shall obtain an Exception to the Street Design Criteria Manual to allow an access easement that serves more than four lots.

IMPROVEMENTS:

As part of the platting process the applicant is required to install pavement, water, sewer, curb, gutter, street light conduit, and sidewalk along the access easement.

Sewer plans 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

STAFF REPORT
April 10, 2008

No. 07PL166 - Layout Plat

ITEM 3

that the above referenced information be submitted for review and approval upon submittal of a Preliminary Plat as required by City Ordinance.

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) and/or a community water source 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.

As noted pavement, curb, gutter, sidewalk, and street light conduit is required to be installed along the access easement as well. Upon submittal of a Preliminary Plat application the applicant is required to submit for review and approval plans prepared by a Registered Professional Engineer showing the extension of sidewalk, and the installation of curb, gutter and street light conduit along the access easement or obtain a Variance to the Subdivision Regulations.

Stormwater Management Plan: The City Council has recently 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 is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual 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. As such, staff is recommending that upon submittal of a Final Plat application, surety 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. As such, staff is recommending that prior to the City's acceptance of the public improvements, a Warranty Surety be submitted for review and approval as required.

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