

STAFF REPORT  
March 4, 2010

**No. 09PL086 - Layout Plat**

**ITEM 9**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	William B. Colson, Jr. and Mary Colson
REQUEST	<b>No. 09PL086 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20.0 acres
LOCATION	5703 and 5707 Pioneer Circle
EXISTING ZONING	Low Density Residential District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District (Pennington County)
South:	Low Density Residential District (Pennington County)
East:	Low Density Residential District (Pennington County)
West:	Low Density Residential District (Pennington County)
PUBLIC UTILITIES	Community water and private on-site wastewater
DATE OF APPLICATION	12/11/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Layout Plat be continued to the **March 25, 2010** Planning Commission meeting.

GENERAL COMMENTS:

(Update, February 19, 2010. All revised and/or added text is shown in bold print.)  
This item was continued at the February 18, 2010 Planning Commission meeting at the applicant's request. On February 9, 2010, the applicant submitted a copy of a water service agreement signed by the Spring Canyon Water Company securing water service to the existing residences located on proposed Lots 2 and 3. To date, the applicant has not submitted a signed water agreement for proposed Lot 1. The applicant has indicated that they are currently working with the Spring Canyon Water

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**Company to allow on additional service from the existing well. The applicant has also indicated that if another service is not allowed, an alternate water source for Lot 1 will be provided.**

**Staff recommends that this item be continued to the March 25, 2010 Planning Commission meeting to allow the applicant to address the water issue for proposed Lot 1.**

(Update, February 10, 2010. All revised and/or added text is shown in bold print.) This item was continued at the February 4, 2010 Planning Commission meeting to allow the applicant to submit a signed and recorded Covenant Agreement with the Spring Canyon Water Company securing service to the property. On February 9, 2010, the applicant submitted a copy of a water service agreement signed by the Spring Canyon Water Company securing water service to the property. To date, the agreement has not been recorded. The applicant has requested that this item be continued to allow them to record the document and to be considered in conjunction with an associated Variance to the Subdivision Regulations request. As such, staff recommends that this item be continued to the March 4, 2010 Planning Commission meeting.

(Update, January 22, 2010. All revised and/or added text is shown in bold print.) This item was continued to the February 4, 2010 Planning Commission meeting to allow the applicant to obtain an Exception to allow 81 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual or to provide a second point of access to the property. On January 19, 2010, the City Council approved the Exception request to allow 81 dwelling units with one point of access. The associated Variance to the Subdivision Regulations request was also continued to the February 4, 2010 Planning Commission meeting to allow the applicant to submit additional information to support the proposed the Variance request. In particular, street sections and drainage calculations must be provided showing that the existing street improvements adequately control stormwater flows in order to determine if curb and gutter are needed. In addition, the location and design of the existing driveway located in the northwest corner of the property must be provided in order to determine if the easement as shown on the plat for the driveway is sized and located correctly. If individual on-site wastewater systems are to be utilized, 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. In addition, water plans prepared by a Registered Professional Engineer identifying the well information and water flow data for the existing Spring Canyon water system must be submitted for review and approval. The applicant must also submit a signed and recorded Covenant Agreement with the Spring Canyon Water Company securing service to the property.

To date, the information has not been submitted for review and approval. As such, staff recommends that the Layout Plat and the associated Variance to the Subdivision Regulations be continued to the February 18, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues.

(Update, January 8, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 7, 2010 Planning Commission meeting to allow the applicant

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to obtain an Exception to allow 81 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual or to provide a second point of access to the property. As of this writing the Exception has not been obtained. As such, staff recommends that this item be continued to the February 4, 2010 Planning Commission meeting to allow the applicant to obtain the Exception as identified or to provide a second point of access to the property.

The applicant has submitted a Layout Plat to subdivide two lots into three lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #09SV028) to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a varying width of 46.9 feet to 5 feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a varying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement.

The property is located outside the City limits of Rapid City but within the City's three mile platting jurisdiction. In particular, the property is located approximately 500 feet south of the intersection of Pioneer Circle and Clarkson Road on the east side of Pioneer Circle. Currently, a fire hydrant is located on proposed Lot 1, a single family residence, garage and pump house are located on proposed Lot 2 and a single family residence is located on proposed Lot 3.

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 stipulations:

**Exception:** 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". Currently, Clarkson Road serves as exclusive access to 80 dwelling units. As a result of this plat, Clarkson Road will serve as access to 81 dwelling units. As such, the applicant has submitted an Exception request to allow 81 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual. Staff has subsequently denied the Exception request noting that

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the property is located within a high wild fire hazard area. As of this writing, the applicant has not appealed staff's decision to the City Council for their review.

Since the plat document could significantly change if the Exception request is denied, staff recommends that the Layout Plat be continued to allow the applicant to obtain the Exception to allow 81 dwelling units with one point of access in lieu of 40 dwelling units or to provide a second point of access to the property.

Wastewater: 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". The applicant has indicated that the two existing homes are currently served by individual on-site wastewater systems. In addition, the proposed third home site will be served by an individual in-site wastewater system.

The Rapid City's Master Utility Plan identifies the property within "Tier Two", which implies that the area is an anticipated long range development project in lieu of a near term development project which classifies properties identified within "Tier One".

Staff recommends that 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 be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If individual on-site wastewater systems are utilized as proposed, 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.

The Pennington County Planning Department has also indicated that upon submittal of a Final Plat application, a reserve area must be shown or a note must be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided.

Water: The applicant has indicated that the pump house located on proposed Lot 2 is a part of the Spring Canyon Water Company water system and currently serves 27 existing residences and the existing fire hydrant located on proposed Lot 1. In addition, the plat document identifies the pump house is located within an existing access easement that extends south from Pioneer Circle across the eastern portion of proposed Lots 2 and 3.

Staff recommends that upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing water system flow and well information and existing and proposed water main and service line locations be submitted for review and approval. In addition, the plat document must be revised to show the access easement previously secured for the pump house and water lines as a utility and access easement.

The applicant has also submitted a draft copy of a water service agreement with Spring Canyon Water Company to allow the existing water system to serve "Lot 5R in Block 1 of Spring Canyon Estates". The City Attorney's Office has reviewed the agreement and indicated that it must be revised to serve as a Covenant Agreement that runs with the

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property. In addition, the agreement must specify the proposed legal description to clarify the lots to be served by the water system as a result of this plat. Staff recommends that upon submittal of a Preliminary Plat application, a revised water agreement be submitted for review and approval. In addition, prior to submittal of a Final Plat application, the water agreement must be signed and recorded at the Register of Deed's Office and a copy of the recorded document submitted to the Growth Management Department for review and approval.

Pioneer Circle: Pioneer Circle is classified as a sub-collector street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Pioneer Circle is located in a 66 foot wide right-of-way and constructed with an approximate 20 foot wide paved surface.

Upon submittal of a Preliminary Plat application, construction plans must be submitted for review and approval for Pioneer Circle showing the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Access Easement: As previously indicated an access easement extends south from Pioneer Circle across the eastern portion of proposed Lots 2 and 3 to serve as access to the pump house and to provide access to the residence located on proposed Lot 2. The access easement is classified as a lane place street requiring that it be located in a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement has a varying easement width of 20 feet to 40 feet and is constructed with an approximate 10 foot wide graveled surface.

Upon submittal of a Preliminary Plat application, construction plans for the access easement must be submitted for review and approval showing the easement with a minimum width of 49 feet and 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.

Easement for private access and utilities: The Layout Plat identifies an "easement for private access and utilities" located across the northwest corner of proposed Lot 3. It appears that an existing driveway has been constructed within this area of the property to serve as access to the adjacent lot known as Lot 7R, Block 1, Spring Canyon Estates. The easement is classified as a lane place street requiring that it be located in a minimum 49 foot wide easement and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement has a varying easement width of 5 feet to 46.9 feet. The applicant has not shown the driveway on the Layout Plat. Subsequently, it is unclear if the driveway is located within the easement or the existing design and/or width of the driveway.

Upon submittal of a Preliminary Plat application, construction plans for the access easement must be submitted for review and approval showing the easement with a minimum width of 49 feet and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk,

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street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Approaches: Upon submittal of a Preliminary Plat application, the applicant must demonstrate the location of proposed and existing approaches along Pioneer Circle as it abuts the property to insure compliance with the Street Design Criteria Manual. In addition, the plat document must be revised to show a non-access easement along the balance of Pioneer Circle.

Wild Fire Mitigation Plan: The property is located in a high wild fire hazard area. As such, prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan must be submitted for review and approval and the plan must be implemented.

Drainage: Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan must be submitted for review and approval. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. If on-site detention is required, then design calculations and details for the detention must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as needed.

Stormwater Management Plan: The City Council 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 recommends that upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required.

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.

**Staff recommends that the Layout Plat be continued to the March 25, 2010 Planning Commission meeting to allow the applicant to address the water issue for proposed Lot 1.**