

STAFF REPORT
October 7, 2010

No. 10PL041 - Layout Plat

ITEM 8

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Brian Baxter and Tammie Morin
REQUEST	No. 10PL041 - Layout Plat
EXISTING LEGAL DESCRIPTION	An unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.0 acres
LOCATION	7601 Pioneer Circle
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Low Density Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	6/11/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

- 1. 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;**
- 2. Upon submittal of a Preliminary Plat application, 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 must be obtained;**
- 3. Upon submittal of a Preliminary Plat application, construction plans must be**

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- 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;
4. 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;
 5. 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;
 6. 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;
 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 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; and,
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
 10. The approved Layout 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.

GENERAL COMMENTS:

(Update: October 1, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 23, 2010 Planning Commission meeting to allow the applicant to submit additional information. On September 24, 2010 the applicant submitted calculations for the stormwater and ditch/channel demonstrating that the ditches are designed to accommodate drainage. In addition, the applicant submitted water data for the existing well and cistern(s). On September 30, 2010 the applicant submitted soil data prepared by a Professional Engineer to determine if the soils are suitable for on-site wastewater systems.

(Update: September 13, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 9, 2010 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted a revised plat document reconfiguring the common lot line to show the existing drainfield serving Lot 1 located on Lot 1. In addition, the revised plat document identifies the existing shed located on Lot 1 in lieu of straddling the common lot line as previously proposed. The balance of the information needed in order to review the Variance to the Subdivision

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Regulations has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the October 7, 2010 Planning Commission meeting to be heard in conjunction with the associated Variance to the Subdivision Regulations.

(Update: August 30, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 26, 2010 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted a "survey exhibit" showing the existing development currently located on the property. Staff has reviewed the information and noted that the existing shed is located across the proposed common lot line. In addition, it appears that the drainfield serving the residence located on proposed Lot 1 will now be located on proposed Lot 2 as a result of this plat. A portion of Pioneer Circle is also shown to be located outside of the street right-of-way. Prior to Planning Commission approval of the Layout Plat, the applicant must demonstrate how these issues will be addressed. In addition, the information needed in order to review the associated Variance to the Subdivision Regulations has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the September 23, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified above.

(Update: August 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 5, 2010 Planning Commission meeting to allow the applicant to submit additional information in order for staff to adequately review the associated Variance to the Subdivision Regulations request. To date, the information has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the September 9, 2010 Planning Commission meeting to be heard in conjunction with the associated Variance to the Subdivision Regulations request.

(Update: July 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 8, 2010 Planning Commission meeting to allow the applicant to submit additional information in order for staff to adequately review the associated Variance to the Subdivision Regulations request and to allow the City Council to consider an Exception request 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.

On July 19, 2010, the City Council approved the Exception request to allow 81 dwelling units with one point of access. To date, the information to adequately review the associated Variance to the Subdivision Regulations request has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the August 26, 2010 Planning Commission meeting to be heard in conjunction with the associated Variance to the Subdivision Regulations request.

(Update: July 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 8, 2010 Planning Commission meeting to allow the applicant to submit additional information in order for staff to adequately review the associated Variance to the Subdivision Regulations request and to allow the City Council to consider an Exception request 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. The City Council will consider the Exception request at their July 19, 2010 City Council meeting.

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To date, the information to adequately review the associated Variance to the Subdivision Regulations request has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the August 5, 2010 Planning Commission meeting to be heard in conjunction with the associated Variance to the Subdivision Regulations request. In addition, the Layout Plat must be revised to provide a second point of access if the Exception request is denied by City Council.

The applicant has submitted a Layout Plat to subdivide one lot into two lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #10SV014) 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 as it abuts the property.

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 200 feet west of the intersection of Pioneer Circle and Clarkson Road on the north side of Pioneer Circle. Currently, a single family residence is located on proposed Lot 1. Proposed Lot 2 is 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 an 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 the property is located within a high wild fire hazard area.

On June 25, 2010, the applicant submitted a request appealing staff's decision to deny the Exception request. The appeal will be considered at the July 13, 2010 Public Works Committee meeting and the July 19, 2010 City Council meeting. Since the plat document

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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.

(Update: August 30, 2010) The City Council granted an Exception to allow 81 dwelling units with one point of access in lieu of 40 dwelling units.

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 existing single family residence is currently served by an individual on-site wastewater system. In addition, the applicant has indicated that the proposed second home site will be served by an individual on-site wastewater system.

The site plan does not show the location of the existing on-site wastewater system. As such, staff recommends that the septic tank and drainfield be shown on the site plan to insure that it meets all design location requirements and that easements are secured as needed.

(Update: August 30, 2010.) As previously indicated, the applicant has submitted a survey exhibit showing that as a result of the proposed plat, the existing residence will be located on proposed Lot 1 and the drainfield serving the residence will be located on proposed Lot 2. Prior to Planning Commission approval, the applicant must revise the plat document to include the drainfield on the same lot or the drainfield must be secured within a drainfield easement. The plat document must also be revised to insure that a minimum 10 foot setback is being maintained between the drainfield and the proposed lot line.

The Rapid City’s Master Utility Plan identifies the property located within “Tier One” which implies that the area is an anticipated near term development project in lieu of a long range development project. As such, dry sewer must be provided even if on-site wastewater systems are proposed to be utilized in the interim.

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. Due to the close proximity of the property to the creek and the aquifer recharge area, the use of on-site containment or advanced treatment of new and existing on-site wastewater treatment system discharges may be required.

The Pennington County Planning Department has 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.

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(Update: October 1, 2010.) As previously indicated, the applicant has submitted a revised plat document reconfiguring the common lot line to show the existing drainfield serving Lot 1 located on Lot 1. In addition, the applicant has submitted soils data prepared by a Professional Engineer demonstrating that the soils on proposed Lot 2 are suitable for an on-site wastewater system.

Water: The applicant has indicated that a well located on proposed Lot 1 currently serves the existing single family residence. However, the site plan does not show the location of the existing well. The applicant has not indicated whether the existing well will also serve the future development on Lot 2 or if a new well will be drilled. In addition, no water data has been submitted demonstrating that the existing well can provide adequate domestic and fire flows.

Upon submittal of a Preliminary Plat application, 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 must be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer must be submitted for review and approval. In addition, the water plans must demonstrate that adequate fire and domestic flows are being provided.

(Update: October 1, 2010.) As previously indicated, the applicant has submitted water data for the existing well and for the existing cistern currently serving Lot 1 and the proposed cistern to serve proposed Lot 2. The water system will provide domestic flows but does not provide fire flows as required.

Staff recommends that upon submittal of a Preliminary Plat application, 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.

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.

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

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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 Plan 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.

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