

STAFF REPORT
January 6, 2011

No. 10PL075 - Preliminary Plat

ITEM 11

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	LLB Investment Limited Partnership
REQUEST	No. 10PL075 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R and Lot 2 of Heavlin No. 2 Addition
PARCEL ACREAGE	Approximately 22.9 acres
LOCATION	23299 South Airport Road
EXISTING ZONING	General Commercial District - General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	10/8/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by the City Council, the design of the proposed mound system to serve Lot 2 shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources. In addition, a Variance shall be obtained from the South Dakota Department of Environment and Natural Resources for that portion of the drainfield serving Lot 1R that is located on Lot 2;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for South Airport Road shall be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, street light**

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- conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval showing the section line highway located along the east lot line constructed within a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans shall show the street located within a minimum 59 foot wide right-of-way or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
 4. Prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan shall be submitted for review and approval if subdivision improvements are required;
 5. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 7. Prior to submittal of a Final Plat application, the 20 foot wide private access easement located directly north of the north lot line shall be vacated. In addition, the plat document shall be revised to show the vacation of the easement;
 9. Prior to submittal of a Final Plat application, the plat document must be revised to show the "8 foot by 80 foot drainfield" as a "drainfield easement". In addition, the recording information showing the book and page of the vacated east-west section line highway shall be identified on the plat document;
 10. 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,
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 12. The approved Preliminary 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: December 20, 2010. All revised and/or added text is shown in bold print.) This item was continued at the December 9, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. The applicant has, subsequently, submitted a design for the proposed mound system and a revised plat document identifying access to proposed Lot 2. In addition, on December 7, 2010, the Pennington County Board of Adjustment approved a Variance request to reduce the minimum required side yard setback in the General Commercial District from 30 feet to 14.5 feet and 16.5 feet, respectively for two existing structures located on the property.

(Update: November 24, 2010. All revised and/or added text is shown in bold print.) This item was continued at the November 18, 2010 Planning Commission meeting to allow the

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applicant to address the outstanding issues as identified below. On November 5, 2010, the Pennington County Board of Commissioners approved a request to vacate the east-west section line highway as it extends through the property.

On November 16, 2010, the Pennington County Board of Commissioners approved a Rezoning request to change the zoning designation on a portion of the property from General Commercial District to Suburban Residential District. In addition, on November 16, 2010 the Pennington County Board of Adjustment approved a Variance request to reduce the minimum lot size requirement in the General Agriculture District from 40 acres to 19.60 acres. On December 7, 2010, the Pennington County Board of Adjustment will consider a Variance request to reduce the minimum required side yard setback in the General Commercial District for two existing structures located on the property.

On November 15, 2010, the applicant submitted percolation information which stated that the site is "unsuitable for construction of a conventional on-site wastewater treatment system". The applicant has, subsequently, indicated that a mound system will be utilized. To date, the design of the mound system has not been submitted for review and approval. In addition, the design and specifications of the water distribution system has not been submitted for review and approval to demonstrate that adequate domestic and fire flows are being provided. Access to proposed Lot 2 must also be identified to insure that easements, approach permit(s) and/or exceptions are being secured as needed as a part of this plat. Staff recommends that the Preliminary Plat be continued to the January 6, 2011 Planning Commission meeting to allow the applicant to submit the additional information as required.

(Update: November 8, 2010. All revised and/or added text is shown in bold print.) This item was continued at the November 4, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. On November 5, 2010, the Pennington County Board of Commissioners approved a request to vacate the east-west section line highway as it extends through the property.

On November 16, 2010, the Pennington County Board of Commissioners will consider a Rezoning request to change the zoning designation on a portion of the property from General Commercial District to Suburban Residential District. In addition, on November 16, 2010 the Pennington County Board of Adjustment will consider a Variance request to reduce the minimum lot size requirement in the General Agriculture District from 40 acres to 19.60 acres and a Variance request to reduce the minimum required side yard setback in the General Commercial District from 30 feet to 14.5 feet and 16.5 feet, respectively, for two existing structures located on the property.

As of this writing, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems has not been submitted for review and approval. In addition, the design and specifications of the water distribution system has not been submitted for review and approval to demonstrate that adequate domestic and fire flows are being provided. Access to proposed Lot 2 must also be identified to insure that easements, approach permit(s) and/or exceptions are being secured as needed as a part of this plat. Staff recommends that the Preliminary Plat be continued to the December 9, 2010 Planning Commission meeting to allow the applicant to submit the additional information as required.

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The applicant has submitted a Preliminary Plat to plat three properties into two lots. The proposed subdivision is to be known as Lots 1R and Lot 2 of Heavlin No. 2 Addition. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #10SV022) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along South Airport Road, the section line highway and the abutting access easement.

On October 21, 2010 the Planning Commission acknowledged the withdrawal of a Layout Plat (File #10PL054) to plat a portion of the property into two lots, leaving an unplatted balance. The applicant has subsequently submitted this Preliminary Plat to create two lots which incorporates the unplatted balance.

The property is located approximately 100 feet south of the intersection of S.D. Highway 44 and South Airport Road on the west side of South Airport Road. Currently, a single family residence and a shed are located on proposed Lot 1R. In addition, several sheds are currently located on proposed Lot 2.

STAFF REVIEW:

Staff has reviewed the Preliminary Plat and has noted the following considerations:

Zoning: Proposed Lot 1R and the northwest corner of proposed Lot 2 are currently zoned General Commercial District by Pennington County. The balance of Lot 2 is currently zoned General Agriculture District by Pennington County. The Pennington County Planning Department has indicated that the existing single family residence and shed located on proposed Lot 1R are legal non-conforming uses. The applicant has subsequently submitted a Rezoning request to the Pennington County Planning Department to change the zoning designation of proposed Lot 1R from General Commercial District to Suburban Residential District. The request will be considered at the November 5, 2010 County Board of Commissioners meeting. The Pennington County Board of Commissioners will also be considering a Vacation of Section Line Highway request to vacate the section line located along the south lot line of proposed Lot 1R at their November 5, 2010 meeting.

The Pennington County Planning Department has indicated that the southern portion of proposed Lot 2, which is an approximate 20 acre area, is currently zoned General Agriculture District. The General Agriculture District requires a minimum lot size of 40 acres. The Pennington County Planning Department has indicated that the existing General Agriculture District zoning of the property is legal non-conforming as to lot size. Platting the property as proposed will require that a Variance be obtained to reduce the minimum required lot size in the General Agriculture District from 40 acres to approximately 20 acres or the property must be rezoned to comply with the minimum lot size requirement.

Staff is recommending that the Preliminary Plat be continued to allow the applicant to address the land area regulations of the Pennington County Zoning Ordinance with Pennington County.

(Update: November 8, 2010) As previously noted, on November 16, 2010, the Pennington County Board of Commissioners will consider a Rezoning request to change the zoning

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designation on a portion of the property from General Commercial District to Suburban Residential District. In addition, on November 16, 2010 the Pennington County Board of Adjustment will consider a Variance request to reduce the minimum lot size requirement in the General Agriculture District from 40 acres to 19.60 acres.

(Update: November 24, 2010) As previously noted, on November 16, 2010, the Pennington County Board of Commissioners approved a Rezoning request to change the zoning designation on a portion of the property from General Commercial District to Suburban Residential District. In addition, the Pennington County Board of Adjustment approved a Variance request to reduce the minimum lot size requirement in the General Agriculture District from 40 acres to 19.60 acres.

Structural Site Plan: The applicant's site plan showing the proposed lot line between Lot 1R and Lot 2 does not match the proposed lot line as shown on the Preliminary Plat. It appears that platting the property as proposed will result in setback issues between the existing structures and the proposed lot line. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit a revised structural site plan showing the lot line between the two proposed lots as per the proposed Preliminary Plat in order to determine if the minimum required setbacks are being provided. In addition, the applicant must revise the plat as needed to provide the minimum required setback(s) or a Variance from the Pennington County Zoning Board of Adjustment must be obtained or the structure must be removed as needed in order to comply with the requirement.

(Update: November 8, 2010) As previously noted, on November 16, 2010 the Pennington County Board of Adjustment will consider a Variance request to reduce the minimum required side yard setback in the General Commercial District from 30 feet to 14.5 feet and 16.5 feet, respectively, for two existing structures located on the property.

(Update: November 24, 2010) On November 16, 2010 the Pennington County Board of Adjustment continued a Variance request to reduce the minimum required side yard setback in the General Commercial District from 30 feet to 14.5 feet and 16.5 feet, respectively, for two existing structures located on the property to the December 7, 2010 Pennington County Board of Adjustment meeting. More specifically, it was noted at the meeting that a shed was currently being constructed ten feet from the side yard, within the minimum required 30 foot side yard setback, and that a building permit had not been obtained for the shed. As such, the Pennington County Board of Adjustment continued the Variance request to allow the applicant to revise the request to include the reduced setback for the new shed and to meet the notification requirements.

(Update: December 20, 2010) As previously noted, on December 7, 2010, the Pennington County Board of Adjustment approved a Variance request to reduce the minimum required side yard setback in the General Commercial District from 30 feet to 14.5 feet and 16.5 feet, respectively, for two existing structures located on the property.

Sewer: 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

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existing residence is currently served by an individual on-site septic tank and drainfield. To date, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit the information as required.

The applicant has submitted a site plan showing the existing drainfield serving Lot 1R extending across the common lot line between the two proposed lots. The South Dakota Department of Environment and Natural Resources requires that a minimum 10 foot setback be provided between the drainfield and the lot line. As such, prior to Preliminary Plat approval by the City Council, the plat document must be revised to comply with the setback requirement or prior to submittal of a Final Plat application, a Variance must be obtained from the South Dakota Department of Environment and Natural Resources to reduce the setback requirement.

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.

(Update: November 8, 2010) As of this writing, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems has not been submitted for review and approval. Staff recommends that the Preliminary Plat be continued to allow the applicant to submit the additional information as required.

(Update: November 24, 2010) As previously noted, on November 15, 2010, the applicant submitted percolation information which stated that the site is "unsuitable for construction of a conventional on-site wastewater treatment system". The applicant has, subsequently, indicated that a mound system will be utilized. To date, the design of the mound system has not been submitted for review and approval. Staff recommends that the Preliminary Plat be continued to allow the applicant to submit the additional information as required.

(Update: December 20, 2010) The applicant has submitted the design of the mound system to serve proposed Lot 2. Staff has, subsequently, reviewed and approved the design. However, since this is an unconventional on-site wastewater system, the system must be reviewed and approved by the South Dakota Department of Environment and Natural Resources. In addition, a Variance must be obtained from the South Dakota Department of Environment and Natural Resources for that portion of the drainfield serving Lot 1R that is located on Lot 2.

Staff recommends that prior to Preliminary Plat approval by the City Council, the design of the proposed mound system for Lot 2 be reviewed and approved by the South Dakota Department of Environment and Natural Resources. In addition, a Variance must be obtained from the South Dakota Department of Environment and Natural Resources for that portion of the drainfield serving Lot 1R that is located on Lot 2.

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Water: A well located on proposed Lot 1R currently provides water service to the existing residence located on the property. Chapter 16.16.040 states that if a well is to serve more than one lot, a public water system is required. The design and specifications of the distribution system have not been submitted for review and approval. In addition, water data has not been submitted demonstrating that the existing well can provide adequate domestic and fire flows. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit the information as required.

(Update: November 8, 2010) As of this writing, the design and specifications of the water distribution system has not been submitted for review and approval to demonstrate that adequate domestic and fire flows are being provided. Staff recommends that the Preliminary Plat be continued to allow the applicant to submit the additional information as required.

(Update: November 24, 2010) As of this writing, the design and specifications of the water distribution system has not been submitted for review and approval to demonstrate that adequate domestic and fire flows are being provided. Staff recommends that the Preliminary Plat be continued to allow the applicant to submit the additional information as required.

(Update: December 20, 2010) The design and specifications of the water distribution system have been submitted demonstrating that adequate domestic flows are being provided. However, the existing system does not provide minimum fire flows. The Rapid City Fire Department staff and the Pennington County Fire Coordinator have indicated that since this is a replat of two existing lots with no increase in density and since the two lots are currently developed with no new anticipated construction, additional fire flows will not be required at this time. The applicant should be aware that future subdivision and/or development of the property may require that a revised water distribution system be provided in order to provide minimum fire flows.

Access: To date, the applicant has not identified access to proposed Lot 2. S.D. Highway 44 is located north of the property and is separated by a strip of land designated as State Railroad right-of-way. Access from S.D. Highway 44 will require that an Approach Permit be obtained from the South Dakota Department of Transportation. In addition, the applicant must demonstrate that legal access has been granted for that portion of the approach extending across the railroad right-of-way. An Exception must also be obtained to allow access to the property from a higher order street. If access is being taken from South Airport Road, the applicant must identify the location of the approach to insure that it meets separation requirements with the existing approach to Lot 1R and the existing approach to the utility substation site located east of South Airport Road or an Exception must be obtained as needed to reduce the separation requirements.

Staff recommends that the Preliminary Plat be continued to allow the applicant to identify access to proposed Lot 2 and to address the issues as identified. In addition, the Preliminary Plat must be revised to show a non-access easement along South Airport Road as per the Street Design Criteria Manual or Exceptions must be obtained as needed.

(Update: November 8, 2010) As of this writing, access to proposed Lot 2 has not been

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identified to insure that easements, approach permit(s) and/or exceptions are being secured as needed as a part of this plat. Staff recommends that the Preliminary Plat be continued to allow the applicant to submit the additional information as required.

(Update: November 24, 2010) As of this writing, access to proposed Lot 2 has not been identified to insure that easements, approach permit(s) and/or exceptions are being secured as needed as a part of this plat. Staff recommends that the Preliminary Plat be continued to allow the applicant to submit the additional information as required.

(Update: December 20, 2010) The applicant has submitted a revised plat document identifying access to proposed Lot 2 from South Airport Road. The proposed access is in compliance with the Street Design Criteria Manual.

South Airport Road: South Airport Road is located along the east lot line and is classified as a principle arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, South Airport Road is located in a 66 foot wide right-of-way and constructed with an approximate 21 foot wide graveled surface. The Preliminary Plat identifies the proposed dedication of 17 additional feet of right-of-way along South Airport Road as it abuts the property.

Staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans for South Airport Road be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

East-West Section Line Highway: An east-west section line highway is located along the south lot line. The section line highway is classified as a commercial street requiring that it be located within a minimum 59 foot wide dedicated right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, the section line highway is unimproved. As previously noted, the applicant has submitted a Vacation of Section Line Highway request to Pennington County which will be considered at the November 5, 2010 Pennington County Board of Commissioners meeting.

Staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans be submitted for review and approval showing the section line highway constructed as identified. In addition, the construction plans must show the street located within a minimum 59 foot wide right-of-way or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated.

(Update: November 8, 2010.) As previously noted, on November 5, 2010, the Pennington County Board of Commissioners approved a request to vacate the east-west section line highway as it extends through the property.

North-South Section Line Highway: A north-south section line highway is located along the east lot line of the property. The section line highway is classified as a commercial street requiring that it be located within a minimum 59 foot wide dedicated right-of-way and

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constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, the section line highway is unimproved.

Staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans be submitted for review and approval showing the section line highway constructed as identified. In addition, the construction plans must show the street located within a minimum 59 foot wide right-of-way or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated.

20 Foot Wide Private Access Easement: The Preliminary Plat identifies an existing 20 foot wide private access easement located adjacent to the north lot line on the State's Railroad right-of-way property. The South Dakota Department of Transportation has indicated that the private access easement must be vacated in order to eliminate access across the State's Railroad right-of-way. As such, staff recommends that prior to submittal of a Final Plat application, the 20 foot wide private access easement be vacated. In addition, the plat document must be revised to show the vacation of the easement.

Stormwater Management Plan: The City Council has 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 prior to Preliminary Plat approval by the City Council, 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.

Grading and Drainage Information: To date, grading and/or drainage information has not been submitted for review and approval. Staff recommends that prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan must be submitted for review and approval if subdivision improvements are required.

Labeling: Prior to submittal of a Final Plat application, the plat document must be revised to show the "8 foot by 80 foot drainfield" as a "drainfield easement". In addition, the recording information showing the book and page of the vacated section line highway and the 20 foot wide private access easement must be identified on the plat document.

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.

Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements must be submitted for review and approval. In addition, upon submittal of a Final Plat application, surety must be posted and subdivision inspection fees must 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

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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.