

STAFF REPORT
March 10, 2011

No. 10PL028 - Preliminary Plat

ITEM 9

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Yasmeen Dream, LLC
REQUEST	No. 10PL028 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.107 acres
LOCATION	14870 East Highway 44
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	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 water and wastewater
DATE OF APPLICATION	4/30/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Preliminary Plat be **denied**.

GENERAL COMMENTS:

(Update: March 1, 2011. All revised and/or added text is shown in bold print.) This item was continued at the February 10, 2011 Planning Commission meeting to allow the applicant to submit additional information. It was also noted that staff would recommend that the Preliminary Plat be denied at the March 10, 2011 Planning Commission meeting if the information was not submitted by February 21, 2011 since this item has been on the Planning Commission's agenda since May of 2010. Staff met with the applicant on February 28, 2011 to discuss the outstanding issues that must be addressed prior to this item going forward. As of this writing, the

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information has not been submitted. Since the information was not submitted by February 21, 2011, staff recommends that the Preliminary Plat be denied. The applicant may submit a new application once the outstanding issues are addressed and all of the required information is submitted for review and approval.

(Update: January 31, 2011. All revised and/or added text is shown in bold print.) This item was continued at the January 27, 2011 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. On August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the March 10, 2011 Planning Commission meeting to allow the applicant to submit the additional information as required. Please note that this item has been continued several months to allow the applicant to submit the additional information. The applicant should be aware that if the required information is not submitted by February 21, 2011, staff will recommend that the Preliminary Plat be denied at the March 10, 2011 Planning Commission meeting.

(Update: January 14, 2011. All revised and/or added text is shown in bold print.) This item was continued at the January 6, 2011 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. On August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the February 10, 2011 Planning Commission meeting to allow the applicant to submit the additional information as required.

(Update: December 20, 2010. All revised and/or added text is shown in bold print.) This item was continued at the December 6, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. On August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the January 27, 2011 Planning Commission meeting to allow the applicant to submit the additional information as required.

(Update: November 24, 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 August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, 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: October 22, 2010. All revised and/or added text is shown in bold print.) This item

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was continued at the October 21, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. On August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, 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.

(Update: October 11, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 7, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. On August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the November 4, 2010 Planning Commission meeting to allow the applicant to submit the additional information as required.

(Update: September 24, 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 address the outstanding issues as identified below. On August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the October 21, 2010 Planning Commission meeting to allow the applicant to submit the additional information as required.

(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 address the outstanding issues as identified below.

On August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the October 7, 2010 Planning Commission meeting to allow the applicant to submit the additional information as required.

(Update: August 27, 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 address the outstanding issues as identified below.

On August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the September 23, 2010 Planning Commission meeting to allow the applicant to submit the additional information as required.

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(Update: August 13, 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 address the outstanding issues as identified below and to allow the City Council to consider a request to dedicate Airport Road as public right-of-way.

On August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway plats) for Airport Road. To date, the balance of the information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the September 9, 2010 Planning Commission meeting to allow the applicant to submit the additional information as required.

(Update: July 23, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 22, 2010 Planning Commission meeting to allow the applicant to address outstanding issues as identified below. In addition, the Planning Commission forwarded a request to the City Council that they consider whether Airport Road should be dedicated as public right-of-way and/or an access easement to provide access to the property. The Legal and Finance Committee will consider the request at their July 28, 2010 meeting and the City Council will consider the request at their August 2, 2010 meeting.

To date, the balance of the information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the August 26, 2010 Planning Commission meeting. In addition, if the City Council determines it is not in the best interest of the City to grant access to the property from Airport Road, the plat document must be revised to provide alternate access to the property.

(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 address outstanding issues as identified below. To date, the issues have not been addressed. As such, staff recommends that the Preliminary Plat be continued to the August 5, 2010 Planning Commission meeting.

(Update: June 30, 2010. All revised and/or added text is shown in bold print.) This item was continued at the June 10, 2010 Planning Commission meeting at the applicant's request.

(Update: May 29, 2010. All revised and/or added text is shown in bold print.) This item was continued at the May 27, 2010 Planning Commission meeting at the applicant's request. The applicant has subsequently requested that the Preliminary Plat be continued to the June 24, 2010 Planning Commission meeting. As such, staff recommends that the Preliminary Plat be continued to the June 24, 2010 Planning Commission meeting as requested by the applicant.

The applicant has submitted a Preliminary Plat to create two lots leaving an unplatted 259.5 acre unplatted balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #10SV007) to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer

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along Airport Road as they abut the property.

The property is located outside the City limits of Rapid City, adjacent to the Rapid City Municipal Airport. Currently, the proposed lots are void of any structural development.

STAFF REVIEW:

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

Access: An unimproved section line highway extends north from S.D. Highway 44 and abuts the east lot line of the property. Lot "A" is located directly east of the section line highway and is owned by the City of Rapid City. Currently, a private drive known as "Airport Road" has been constructed within Lot A and serves as access to the Rapid City Regional Airport. The Preliminary Plat identifies Airport Road serving as access to the two proposed lots. However, since Airport Road adjacent to this property is not located within a dedicated public right-of-way, the applicant submitted a request to the Airport Board requesting access from the City property. On May 25, 2010, the Airport Board denied the request.

Staff recommends that the Preliminary Plat be continued to allow the applicant to address the access issue. Please note that the proposed lots are a part of an approximate 270 acre parcel which abuts S.D. Highway 44. As such, access to the proposed lots could be provided through the balance of the parcel.

(Update: July 23, 2010.) As previously indicated, the Planning Commission forwarded a request to the City Council that they consider whether Airport Road should be dedicated as public right-of-way and/or an access easement to provide access to the property. The Legal and Finance Committee will consider the request at their July 28, 2010 meeting and the City Council will consider the request at their August 2, 2010 meeting. If the request is denied, then the applicant must revise the plat document to provide alternate access to the property.

(Update: August 13, 2010.) As previously indicated, on August 16, 2010, the City Council considered a request to dedicate Airport Road as public right-of-way and subsequently directed Public Works staff to prepare H Lots (highway lots) for Airport Road.

Section Line Highway: As previously noted, a section line highway is located along the east lot line and 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.

Prior to Preliminary Plat approval by the City Council, construction plans for the section line highway must be submitted for review and approval showing the street 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 or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated.

(Update: July 23, 2010.) Please note that until the access issue to the property is resolved, it is unclear if the Variance to the Subdivision Regulations can be supported to waive the requirement to improve the section line highway.

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Aviation Road: The Preliminary Plat identifies Aviation Road extending east-west through the property along the common lot line located between Lot A and Lot B. Aviation Road is classified as a collector street on the City's Major Street Plan requiring that it be located within a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, the applicant has not submitted construction plans for Aviation Road.

Prior to Preliminary Plat approval by the City Council, construction plans for Aviation Road must be submitted for review and approval showing the street located within a minimum 60 foot wide right-of-way 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.

(Update: July 23, 2010.) To date, construction plans for Aviation Road have not been submitted for review and approval.

(Update: August 13, 2010.) To date, construction plans for Aviation Road have not been submitted for review and approval.

Street Layout: The applicant has indicated that a Comprehensive Plan Amendment to the Major Street Plan will be requested to revise the street layout. Staff met with the applicant on July 1, 2010 and he has indicated that a revised street layout will be submitted.

Staff recommends that the Preliminary Plat be continued to allow staff to meet with the applicant to discuss the street networking issues.

Zoning: The property is currently zoned General Agriculture District by Pennington County. The General Agriculture District requires a minimum lot size of 40 acres. The proposed plat identifies a 4.967 acre lot and a 5.473 acre lot. The applicant has submitted a Rezoning request with Pennington County Planning Department to rezone 27.58 acres from General Agriculture District to General Commercial District. The Rezoning request includes this property. The County Board of Commissioners will consider the request at their July 20, 2010 meeting.

The City's Future Land Use Plan identifies the eastern 330 feet of the two proposed lots as appropriate for General Commercial with a Planned Commercial Development. The western portion of the two lots is identified as appropriate for Office Commercial. Staff recommends that the Preliminary Plat be continued to allow the applicant to obtain a rezoning of the property to a zoning district that allows the proposed lot sizes or to obtain a Variance from the Pennington County Zoning Board of Adjustment to reduce the lot size in the General Agriculture District from 40 acres to 4.967 acres and 5.473 acres, respectively.

(Update: July 23, 2010.) The Pennington County Board of Commissioners will consider the Rezoning request at their August 17, 2010 meeting. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to obtain a rezoning of the property to a zoning district that allows the proposed lot sizes or to obtain a Variance from the Pennington County Zoning Board of Adjustment to reduce the lot size in the General Agriculture District

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from 40 acres to 4.967 acres and 5.473 acres, respectively.

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 individual on-site wastewater systems will be utilized on each lot. To date, the applicant has not submitted the design and location of the proposed on-site wastewater systems. In addition, the location and results of percolation tests demonstrating that the soils are suitable for on-site systems has not been submitted for review and approval.

The Rapid City’s Master Utility Plan identifies the property located within “Tier One” indicating that the property is in an area anticipated to be constructed as a 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 the Preliminary Plat be continued to allow the applicant to submit additional sewer information. In particular, 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 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.

(Update: July 23, 2010.) The applicant has requested that surety be posted for both the design and the construction of the future on-site wastewater system. Since soils within the area support existing on-site wastewater systems, staff supports the request. The applicant should be aware that the surety posted for the sewer system must include dry sewer unless a Variance to the Subdivision Regulations is obtained.

Water: The applicant has indicated that an individual well will be drilled on each of the lots. To date, the applicant has not submitted water data demonstrating that adequate water quantity for domestic and fire flows is being provided.

Staff recommends that the Preliminary Plat be continued to allow the applicant to submit additional water information. In particular, 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: July 23, 2010.) The applicant has requested that surety be posted for both the design and the construction of the water system. The applicant should be aware that any

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future water system must provide adequate fire and domestic flows or the surety will be retained until such time as this requirement is met.

Drainage: A grading plan and a drainage plan must be submitted for review and approval if any subdivision improvements are required. 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.

(Update: July 23, 2010.) To date, a grading plan and a drainage plan have 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.

(Update: August 13, 2010.) To date, a grading plan and a drainage plan have 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.

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 an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if subdivision improvements are required.

(Update: July 23, 2010.) To date, an Erosion and Sediment Control Plan 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.

(Update: August 13, 2010.) To date, an Erosion and Sediment Control Plan 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.

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.

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Staff recommends that the Preliminary Plat be **denied**.