

STAFF REPORT  
November 4, 2010

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**No. 10PL076 - Preliminary Plat**

**ITEM 17**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Brian Baxter and Tammie Morin
REQUEST	<b>No. 10PL076 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	A 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
PARCEL ACREAGE	Approximately 10 acres
LOCATION	7601 Pioneer Circle
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban 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	10/4/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Prior to City Council approval of the Preliminary Plat, 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. In addition, the applicant's site plan shall be revised to clearly delineate the distance between the drainfield and the proposed lot line to insure that a minimum 10 foot setback is being provided or a Variance shall be obtained from the South Dakota Department of Environment and Natural Resources;
2. Prior to City Council approval of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;

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3. Prior to City Council approval of the Preliminary Plat, construction plans shall 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 shall be obtained;
4. 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;
5. 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;
6. Prior to submittal of a Final Plat application, an Operating Permit shall be obtained for the existing septic system located on proposed Lot 1 in accordance with Pennington County's On-site Wastewater Treatment Systems Ordinance;
7. Prior to City Council approval of the Preliminary Plat, 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;
9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
10. 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:**

The applicant has submitted a Preliminary Plat to subdivide one lot into two lots. The proposed development is to be known as Lots 1 and 2 of Baxter Subdivision.

On October 18, 2010, the City Council approved a Layout Plat (File #10PL041) to subdivide the property into two lots as shown on this Preliminary Plat. The City Council also reviewed an associated Variance to the Subdivision Regulations request (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. This item was continued to the November 1, 2010, City Council meeting to allow the applicant to sign a waiver of right to protest any future assessment for the improvements.

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.

**STAFF REVIEW:**

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

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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 a part of the Layout Plat application, the applicant 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 denied the Exception request noting that the property is located within a high wild fire hazard area. On July 10, 2010, the City Council granted the 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. As a part of the Layout Plat application, the applicant submitted soils data prepared by a Professional Engineer demonstrating that the soils on proposed Lot 2 are suitable for an on-site wastewater system.

The applicant has also submitted a site plan identifying the general location of the existing drainfield located on proposed Lot 1. However, the site plan does not demonstrate that a minimum 10 foot setback is being provided from the drainfield and the proposed lot line. As such, prior to City Council approval of the Preliminary Plat application, the site plan must be revised to clearly delineate the distance between the drainfield and the proposed lot line to insure that a minimum 10 foot setback is being provided or a Variance must be obtained from the South Dakota Department of Environment and Natural Resources.

The Rapid City's Master Utility Plan identifies the property located within "Tier One" indicating that the property is in the area where public sewer is anticipated to be extended within 20 years. Based on the requirements of Section 16.16.050, dry sewer must be provided even if on-site wastewater systems are proposed to be utilized in the interim or a Variance to the Subdivision Regulations must be obtained.

Staff recommends that prior to City Council approval of the 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.

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. The Pennington County Planning Department has also indicated that upon submittal of a Final Plat application, an Operating Permit must be obtained for the existing septic system located on proposed Lot 1 in accordance with Pennington County's On-site Wastewater Treatment

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Systems Ordinance.

Water: The applicant has indicated that a well and a cistern located on proposed Lot 1 currently serves the existing single family residence. As a part of the Layout Plat application, the applicant submitted water data for the existing well, the existing cistern and the proposed cistern to serve proposed Lot 2. The water data demonstrated that the water system will provide domestic flows but does not provide fire flows as required.

Staff recommends that prior to City Council approval of the 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.

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.

Prior to City Council approval of the Preliminary Plat, 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.

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

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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.