

STAFF REPORT  
May 10, 2012

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**No. 12PL015 - Preliminary Subdivision Plan**

**ITEM 3**

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GENERAL INFORMATION:

APPLICANT	Cathy Koch - Cathy J. Koch Living Trust
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Cathy J. Koch Living Trust
REQUEST	<b>No. 12PL015 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	The balance of Lot 1 of Lot C of the NW1/4 less right-of-way and less Thompson Tower Subdivision all located in the NW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Bauer Subdivision
PARCEL ACREAGE	Approximately 7.15 acres
LOCATION	3500 Tower Road
EXISTING ZONING	General Agriculture District - General Commercial District
FUTURE LAND USE DESIGNATION	Residential (northern portion) and commercial (southern portion)
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Commercial District
East:	Low Density Residential District (Planned Residential Development)
West:	General Commercial District - Park Forest District
PUBLIC UTILITIES	City water and private on-site wastewater system
DATE OF APPLICATION	4/13/2012
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Prior to submittal of a Development Engineering Plan application, the applicant shall sign

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- a waiver of right to protest any future assessments for the improvements as granted by Exception #12EX059 and 12EX060 or construction plans shall be submitted for review and approval showing the construction of additional pavement, curb, gutter, street light conduit, water and sewer along Tower Road and the existing "Easement for Access and Utilities" and the construction of curb, gutter, street light conduit, water and sewer along U.S. Highway 16 as they abut the property;
2. Prior to submittal of a Development Engineering Plan application, a lot size Variance shall be obtained to allow a 5.19 acre lot with a residence in the General Agriculture District in lieu of a minimum 20 acre lot or proposed Lot 1 shall be rezoned to Park Forest District in compliance with the City's Future Land Use Plan;
  3. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the right-of-way width of Tower Road as it abuts the property. In addition, the plat document shall be revised to show the dedication of additional right-of-way if needed or an Exception shall be obtained to waive the requirement;
  4. Prior to submittal of a Development Engineering Plan application, a Septic Tank Permit shall be obtained for the existing on-site wastewater system located on proposed Lot 1;
  5. Upon submittal of a Development Engineering Plan application, the applicant shall identify the source of water and sewer service to proposed Lot 2. If sewer service is to be extended from U.S. Highway 16, then construction plans shall be submitted demonstrating the feasibility of this design. If an on-site wastewater system is proposed then the location and soils information for the on-site system shall be submitted for review and approval;
  6. Upon submittal of a Development Engineering Plan application, a drainage plan and a grading plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
  7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required;
  8. Upon submittal of a Development Engineering Plan application, a cost estimate of the subdivision improvements shall be submitted for review and approval
  9. Prior to submittal of a Final Plat application, the plat document shall be revised to include the Finance Officer Certificate for Community Planning & Development Services Director. In addition, the Owners Certificate shall be revised to read "Cathy J. Kock Trustee of the Cathy J. Kock Living Trust";
  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; and,
  11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Subdivision Plan application to create two platted lots from a 7.15 acre unplatted balance which is physically separated into two parcels reflective of the proposed lots. The two proposed lots are to be known as Lots 1 and 2 of Bauer Subdivision.

The applicant has also submitted Exception requests (File #12EX059 and 12EX060) to

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waive the requirement to construct additional pavement, curb, gutter, street light conduit, water and sewer along Tower Road and the existing "Easement for Access and Utilities" and to construct curb, gutter, street light conduit, water and sewer along U.S. Highway 16 as they abut the property. Staff has reviewed and approved the Exception request with the stipulation that a waiver of right to protest any future assessments for the improvements be signed by the property owner.

The property is located east and north of the intersection of Skyline Drive and Tower Road. Currently, a single family residence is located on proposed Lot 1 and proposed Lot 2 is void of any structural development.

A Preliminary Subdivision Plan is a tentative plan of a proposed subdivision requiring the installation of public improvements. Approval of a Preliminary Subdivision Plan by the City Council is required before an applicant can proceed with Development Engineering Plans and a Final Plat application for all or part of the area within the Preliminary Subdivision Plan application.

**STAFF REVIEW:** Staff has reviewed the Preliminary Subdivision Plan and has noted the following considerations:

**Exception Request:** As previously noted, the applicant has submitted Exception requests (File #12EX059 and 12EX060) to waive the requirement to construct additional pavement, curb, gutter, street light conduit, water and sewer along Tower Road and the existing "Easement for Access and Utilities" and to construct curb, gutter, street light conduit, water and sewer along U.S. Highway 16 as they abut the property. Staff has reviewed and approved the Exception request with the stipulation that a waiver of right to protest any future assessments for the improvements be signed by the property owner. As of this writing, the waiver of right to protest document has not been signed by the property owner. As such, staff recommends that prior to submittal of a Development Engineering Plan application, the applicant sign the waiver of right to protest any future assessments for the improvements as granted by the Exception request(s) or construction plans be submitted for review and approval showing the construction of additional pavement, curb, gutter, street light conduit, water and sewer along Tower Road and the existing "Easement for Access and Utilities" and the construction of curb, gutter, street light conduit, water and sewer along U.S. Highway 16 as they abut the property.

The applicant should be aware that approval of the sidewalk Exception in regards to subdivision requirements does not remove the requirement for the installation of sidewalk as a part of issuance of a building permit pursuant to Chapter 12 of the Rapid City Municipal Code.

**Zoning:** Currently, proposed Lot 1 is zoned General Agriculture District and proposed Lot 2 is zoned General Commercial District. Proposed Lot 2 meets the land use and area regulations of the General Commercial District. However, a single family residence is located on proposed Lot 1. The General Agriculture District requires a minimum 20 acre lot for a single family residence. The current 7.15 acre parcel is legal non-conforming as to lot size. Platting the property as proposed will reduce the size of the property from 7.15 acres to 5.19 acres creating a non-conforming lot size in the General Agriculture District. As such,

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prior to submittal of a Development Engineering Plan application, a lot size Variance must be obtained to allow a 5.19 acre lot with a residence in the General Agriculture District in lieu of a minimum 20 acre lot or proposed Lot 1 must be rezoned to Park Forest District in compliance with the City's Future Land Use Plan.

Fire Department: The Fire Department has noted that the property is lightly timber covered; however, it lies within a wildland fire area. As such, the Fire Department is strongly encouraging the applicant to develop a Wildland Fuels Mitigation Plan. The applicant may contact the Rapid City Fire Department to arrange for an assessment of the property to determine if any mitigation measures are applicable. This process is part of the survivable space initiative implemented by the Rapid City Fire Department to reduce the impact of wildland fire should one occur.

Utilities: The applicant has indicated that an on-site wastewater system and City water currently serve the residence located on proposed Lot 1. The homeowner has previously been notified by the City that a Septic Tank Permit is needed for the existing on-site wastewater system. To date, the permit has not been obtained. As such, prior to submittal of a Development Engineering Plan application, a Septic Tank Permit must be obtained for the existing on-site wastewater system located on proposed Lot 1.

Staff also recommends that upon submittal of a Development Engineering Plan application, the applicant identify the source of water and sewer service to proposed Lot 2. If sewer service is to be extended from U.S. Highway 16, then construction plans must be submitted demonstrating the feasibility of this design. If an on-site wastewater system is proposed then the location and soils information for the on-site system must be submitted for review and approval.

Drainage/Grading: As part of the Development Engineering Plan application, a grading plan for all improved areas and a drainage plan must be submitted for review and approval if subdivision improvements are required. In particular, the drainage plan must be designed in compliance with the Drainage Criteria Manual. The drainage plan must also 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.

Staff recommends that upon submittal of the Development Engineering Plan application, a drainage and grading plan be submitted for review and approval if subdivision improvements are required. In addition, the plat document must be revised to provide drainage easements as necessary.

Stormwater Management Plan: The City Council has adopted a Stormwater Quality Manual and an Infrastructure Design Criteria Manual which provide criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

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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.