

STAFF REPORT  
June 23, 2016

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**No. 16PL058 - Preliminary Subdivision Plan**

**ITEM 5**

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GENERAL INFORMATION:

APPLICANT	Brian Gossman
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Scott Embree
REQUEST	<b>No. 16PL058 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	Lot 5 of Bison Acres, located in Section 31, T2N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 5A, 5B and 5C of Bison Acres
PARCEL ACREAGE	Approximately 9.27 acres
LOCATION	14825 Morning View Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
FUTURE LAND USE DESIGNATION	Rural Reserve
SURROUNDING ZONING	
North:	General Agricultural District (Pennington County)
South:	General Agricultural District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Agricultural District (Pennington County)
PUBLIC UTILITIES	
DATE OF APPLICATION	May 24, 2016
REVIEWED BY	Vicki L. Fisher / Not Assigned

RECOMMENDATION:

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

1. Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual. In addition, water data must be submitted identifying that sufficient fire flows are being provided to serve the development. As an alternative to providing fire flows, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to

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- ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures upon submittal of a Final Plat application;
2. Upon submittal of a Development Engineering Plan application, the location and well data for the proposed well to serve Lot 5C shall be submitted for review and approval. In addition, easement(s) shall be secured as needed;
  3. Upon submittal of a Development Engineering Plan application, documentation shall be provided demonstrating that proposed Lot 5B has a compliant on-site wastewater treatment system. In addition, soils data shall be provided for proposed Lots 5A and 5C;
  4. Upon submittal of a Development Engineering Plan application, construction plans for 229<sup>th</sup> Street shall be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry sewer and water. In addition, the plat document shall show the dedication of 17 additional feet of right-of-way for 229<sup>th</sup> Street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
  5. Upon submittal of a Development Engineering Plan application, construction plans for Morning View Drive shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
  6. Upon submittal of a Development Engineering Plan application, the existing driveway to proposed Lot 5B shall be secured in a minimum 50 foot wide access easement for that portion located on proposed Lot 5A. In addition, construction plans shall be submitted for review and approval showing that portion of the driveway located within the access easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. Another option is to submit plans showing that the driveway and water service line shall be relocated so that they are entirely located on proposed Lot 5B. In addition, prior to submittal of a Final Plat application, the driveway and water service line shall be relocated as identified or surety posted for the improvement;
  7. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval if subdivision improvements are required. The drainage plan shall address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. In addition, the plat document shall be revised to provide drainage easements as necessary;
  8. 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 and a grading plan shall be submitted for review and approval if subdivision improvements are required;
  9. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All

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- final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;
10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
  11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  12. Prior to submittal of a Final Plat application, the following note shall be placed on the plat: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations";
  13. 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,
  14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

#### GENERAL COMMENTS:

The applicant has submitted a Preliminary Subdivision Plan to subdivide an existing lot into three residential lots. The lots will be sized 3.0 acres, 3.27 acres and 3.0 acres, respectively and are to be known as Lots 5A, 5B and 5C of Bison Acres Subdivision.

The property is located outside of the City limits of Rapid City but within the City's 1 ¼ mile platting jurisdiction of the Rapid City Regional Airport. More particularly, the property is located south of Morning View Drive and north of 229<sup>th</sup> Street. Currently, a single family residence and shed are located on proposed Lot 5B. The balance of the property is currently 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:

Zoning: The property is currently zoned Suburban Residential District by Pennington County. The proposed lots meet the minimum lot size requirement of the Suburban Residential

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District with community and/or on-site utilities as proposed. The City's Future Land Use Plan identifies the appropriate use of the property as Rural Reserve with a minimum 3 acre lot size. With the dedication of 17 additional feet of right-of-way along 229<sup>th</sup> Street, proposed Lot 5C will be less than 3 acres in size. It is suggested that the plat document be revised to ensure that each lot maintain a minimum 3 acre lot size in compliance with the City's Future Land Use Plan.

Airport: The property is located within the 1 ¼ mile platting jurisdiction of the Rapid City Regional Airport. In particular, the property is located within an area around the airport known as Zone 3, the circling traffic pattern area. Zone 3 is subject to moderate levels of noise occurring during individual events as an airplane flies overhead. The Suburban Residential District allows a maximum height of 2 ½ stories or 35 feet in height which does not compromise the conical surface that must be preserved to ensure the operation of the airport. Rapid City, Box Elder and Pennington County will continue to work together to ensure that proposed development does not impact the integrity and operation of the airport.

229<sup>th</sup> Street: The property is located adjacent to 229<sup>th</sup> Street which is classified as a Principal Arterial Street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry sewer and water. Currently, 229<sup>th</sup> Street is located in a 66 foot wide right-of-way and constructed with a 24 foot wide gravel surface. Upon submittal of a Development Engineering Plan application, construction plans showing 229<sup>th</sup> Street improved to Principal Arterial Street design standards, including the dedication of 17 additional feet of right-of-way, must be submitted for review and approval or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Morning View Drive: Morning View Drive is located along the north lot line of the property and is classified as a lane place street requiring that it be located in a minimum 50 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry sewer and water. Currently, Morning View Drive is located in a 66 foot wide right-of-way and constructed with an approximate 22 foot wide paved surface with a community water main from Valley Heights Estates. Upon submittal of a Development Engineering Plan application, construction plans for Morning View Drive must be submitted for review and approval as identified or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Driveway: The applicant's site plan identifies that the existing driveway and water service line to the residence located on proposed Lot 5B will extend across proposed Lot 5A as a result of platting the property. As such, upon submittal of a Development Engineering Plan application, that portion of the driveway located on Lot 5A must be secured within a 50 foot wide access easement. In addition, construction plans must be submitted for review and approval showing the driveway located within the access easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry sewer and water or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application. Another option is to submit plans showing that the driveway and water service line will be

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relocated so that they are entirely located on proposed Lot 5B. Prior to submittal of a Final Plat application, the driveway and water service line must be relocated as identified or surety posted for the improvement.

Drainage: Upon submittal of a Development Engineering Plan application, a drainage plan must be submitted for review and approval if subdivision improvements are required. The drainage plan must address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. In addition, the plat document must be revised to provide drainage easements as necessary.

Water: The applicant has indicated that Valley Heights Estates community water serves the existing residence located on proposed Lot 5B. The applicant has also indicated that Valley Heights Estates community water will serve future development on proposed Lot 5A. While Valley Heights Estates owns and controls the water system, Morning View Water Association administers the collection of fees. As such, the applicant has submitted documentation from Valley Heights Estates and Morning View Water Association identifying concurrence with providing water to proposed Lots 5A and 5B. The applicant has indicated that a private well will be constructed to serve future development on proposed Lot 5C.

Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing the extension of mains and service lines must be submitted for review and approval as per the Infrastructure Design Criteria Manual. In addition, water data must be submitted identifying that sufficient fire flows are being provided to serve the development. As an alternative to providing fire flows, a Covenant Agreement must be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures upon submittal of a Final Plat application. In addition, upon submittal of a Development Engineering Plan application, the location and well data for the proposed well to serve Lot 5C must be submitted for review and approval. In addition, easement(s) must be secured as needed.

Sewer: The existing residence located on proposed Lot 5B is served by an on-site wastewater system consisting of a septic tank and drainfield. Upon submittal of a Development Engineering Plan application, documentation must be provided demonstrating that the existing wastewater system has an approved Wastewater Treatment Permit. In addition, soils data must be provided for proposed Lots 5A and 5C demonstrating that the soils are suitable to support an on-site wastewater system.

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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Development Agreement: Section 1.16.1 of the Infrastructure Development Criteria Manual states that a Development Agreement may be required for construction approval. A Development Agreement is a tool which will provide the City and the developer with an instrument to document the financial and procedural requirements for the development of public improvements. Staff recommends that prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement be entered into with the City for all public improvements if applicable.

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.

Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.