

MINUTES
PIERRE CITY PLANNING COMMISSION MEETING
COMMISSION ROOM
Monday, August 26, 2019 5:15 P.M.

Members present were: Stacy Bartlett, Rick Dockter, Emeline Hoblick, Terry Keller, and Bill Markley

Staff members present: Sharon Pruess and Susan LaFave

Guests present: Jim Thompson

Commissioner Bartlett called the meeting to order at 5:15 p.m. A review of the minutes from the 6/24/19 meeting found no errors. Commissioner Dockter moved, seconded by Commissioner Keller to approve the 6/24/19 minutes. Approval was unanimous.

The first item on the agenda was a **Sketch Plat of Lots 1-36, Block 5, Riverplace Second Addition, W ½ of Section 29-T111N-R79W, City of Pierre, Hughes County, South Dakota. Petitioner – Jim Thompson.**

Sharon Pruess provided a summary of the request. Jim Thompson proposes to develop new lots as Block 5 of Riverplace 2nd Addition. The new lots will be north of the River View Drive cul-de-sacs. Thompson proposes to plat 46 new lots for resale. The lot sizes range from approximately 7,070 sq. ft. to approximately 20,000 sq. ft. The property is currently zoned multiple-family. The Planning Commission recommended approval of previous sketch plat on June 4, 2012. Changes to that 2012 sketch plat include:

1. Reduced the number of lots from 53 to 46
2. Minor change to orientation of westerly cul-de-sac
3. Northwest cul-de-sac changed to a ½ sac
4. Radius on NE road to cul-de-sac changed
5. Shortened road to NE cul-de-sac
6. Added a drainage easement to the NW area per City Engineer

The minimum lot size in multiple family zoning is 6,000 sq. ft. and in one-family residential district A it is 8,500 sq. ft. The developer has been advised that a geotechnical report will be required for the lots. The lots are proposed to be served with city sewer, water, electric and streets. Previously an 850' cul-de-sac street was proposed that exceeds the 600' maximum length by ordinance. The cul-de-sac has been shortened to approximately 400'. Thompson indicates that typical single family residential structures on the lots will be 1,500 sq. ft. with 3-car garages. An early version of the sketch plat had an offset street that has been revised at Commissioner Schultz's request. Previous Action: The City Planning Commission recommended approval of a previous sketch plat on June 4, 2012. Staff Recommendation: The proposed land use fits in with the residential use in the area. The changes to the sketch plat reduce the number of lots and shorten the length of the northeasterly cul-de-sac street to comply with city ordinance. Staff recommends addressing adequate lot size of at least 8,500 square feet with the next stage -preliminary plat.

Commissioner Markley questioned what is the lot size standard. Sharon Pruess advised that residential lot size in new developments is typically running 12,000 + square feet. City ordinance requires a minimum lot size of 8,500 square feet in residential one family A zoning. Jim Thompson said the lots are zoned multi-family. He also stated two of the lots are quite small at around 7,000 square feet. He said the lots were configured by natural boundary. Lots are large enough for a 3 bedroom/3 car garage and do not exceed the city's maximum lot coverage of 30%. Pruess noted that with the next stage, the city would require lot layouts with typical structures shown.

Commission Bartlett questioned if Jim was targeting a market or group? Jim explained he is limited on income within the city. Feels the upper limit of a home is \$375,000 and he is staying within that limit. He said this property is the finest within the City of Pierre with sandy soils and flat lots. Jim added that houses have to stay within the 1,500 to 1,800 square foot size times two. He cited difficulties working with contractors and noted that the city does nothing to assist with providing infrastructure to private lots. Sharon corrected that the city does extend electric service to new developments and Jim conceded that point.

Commissioner Markley made a motion to recommend approval of the sketch plat of Lots 1-46, Block 5, Riverplace Second Addition, and the motion was seconded by Commissioner Hoblick. Approval was unanimous.

The second item on the agenda is the **Final Plat & Plans – Lots 1A-5, Thompson's Homestead Subdivision, Petitioner – Jim Thompson/Riverplace Inc.**

Sharon Pruess provided a summary of the request. The City Planning Commission and the City Commission approved a replat of Thompson's Homestead Subdivision in 2001. Jim Thompson moved a residential structure off of Lots 2A & 2B along the river in 2001 due to geologic instability. The City also had trouble maintaining sewer and water services due to instability in the area. Mr. Thompson replatted the 7 lots into 2 lots, and vacated a portion of Riverside Drive. The City required a geotechnical opinion for any future structures on these lots and in lieu of this requirement the developer added language to the plat as follows:

“The owners are intentionally ignoring the advice of city officials and are willing to assume all risks associated with building in an area known for geological risk subject to high water table, erosion, active landslide movement, and other geological factors that no geotechnical engineer would deem adequate for the intended residential use. The owners and their assignees hold the city harmless for all liability related to use of this property for residential purposes and shall maintain their own roads, utilities, and all other improvements.” (drafted by City Engineer)

Additionally the developer was required to provide an engineered foundation design for the proposed structure(s) based upon the known geological factors. The City abandoned responsibility for the water and sewer lines in the area to be replatted. The plat specified that the 2 new lots were required to remain in common ownership so future problems didn't develop regarding access, utilities, etc. The City Attorney reviewed the plat and

notified the abstract company that an exception should be noted on the title policy regarding the geological risk of the property.

Mr. Thompson is now proposing to replat the area and amend the existing P.U.D. to allow 3 residential structures on Lots 1A, Lot 3 and Lot 4. He is proposing a private street and private sewer and water mains/services to be constructed and maintained by the Property Owner's Association (POA). The proposal requires the property owners to construct their own infrastructure (street, sewer and water, street light) rather than the developer constructing the infrastructure prior to the sale of lots. A geotechnical report has been submitted by Core Engineering out of Chamberlain. The report recommends that the single family residences be built with reinforced concrete crawl spaces founded on drilled pier deep foundations. The report also recommends that the piers and structural slabs be designed by a qualified structural engineer with experience designing drilled piers for structural support. The Planning Commission and City Commission previously approved the plat and P.U.D. in 2001. The Planning Commission recommended approval of the preliminary replat & plans on June 24, 2019. Staff Recommendation: The proposal for private streets and utilities and to require the property owners to construct their own infrastructure improvements requires additional discussion and consideration.

Commissioner Dockter questioned if lot 1B was made part of 1A for a part of the set back. Sharon answered lot 1B is in a different section with no residence. The section line exists but no road would ever be constructed. Commissioner Dockter questioned if it was the same for Lot 2 and Sharon confirmed it was.

Commission Bartlett question if the section line was vacated. Sharon advised when the surveyor prepared the replat the 66' wide section line was not on it. Sharon questioned if surveyor completes a plat with no 66' wide section line shown if that vacates the section line. She said she will check and that the 66' wide section line was likely platted over by the original plat.

Commissioner Markley questioned why the lots will not be city lots/why PUD. Sharon explained the city does not want to be responsible due to challenges with soil instability in the past. She added that she and the City Engineer have agreed to disagree on this proposal. She does not recommend any additional private streets or private utilities or requiring lot purchasers to construct their own infrastructure. The city engineer has agreed to the PUD since it is only 3 lots.

Commissioner Dockter questioned if they would still have other city services. Sharon advised the residents will have city services such as police and fire – yes. Snow removal – no.

Commissioner Markley explained that he lives in an area where the city has allowed private utilities. He noted that the property owners were unaware they had private utilities until a major problem developed. Sharon said this is the reason for the PUD. The PUD is a recorded document between the city, developer, and lot owner and is on file for future homeowners. A restrictive covenant is between the developer and the lot owner and the city has no legal right to enforce private restrictive covenants. Jim Thompson advised the lots are already sold.

Commissioner Bartlett questioned if everything will be built to city specifications. Jim Thompson answered, "Yes it will be". Sharon Pruess advised there will be differences from city

specifications. Instead of a 36' wide paved street with curb and gutter there will be a 20' street with no curb and a ditch. There will be adequate turn around for a fire truck but not the 100' diameter pavement width in a cul-de-sac that city ordinance would require. Jim Thompson advised the city is approving the specifications.

Sharon went on to explain the electric service will be extended by the City from existing transformers. Sewer and water will extend and be put in by property owner. She also advised there are other private streets within the city. She cited Village Drive and private streets within the Regency Commons and Northstar Manufactured Housing Parks.

Commission Markley questioned if a homeowner had a sewer problem. Sharon advised it would be up to the homeowner to pay for needed repairs. Jim Thompson said it was all spelled out in the PUD and POA.

Commissioner Keller questioned if the PUD and POA runs with the land. Sharon advised that both documents specify terms that run with the land.

With no other questions or comments Commissioner Keller made a motion to recommend approval of the replat of Lots 1A-5, Thompson's Homestead Subdivision. Commissioner Dockter seconded the motion. A vote was called and with Commissioner Markley being the only nay vote, the motion carried.

Old/New Business: None

Public Comment Period per SDCL 1-25-1: Jim Thompson thanked staff for the number of hours they have put in on these projects and specifically Sharon and John for their hard work.

Sharon advised the next meeting may be a joint meeting with Hughes County for a replat of a lot on Canning Road.

With no further business Commissioner Dockter moved to adjourn, seconded by Commissioner Hoblick.

Commissioner Bartlett declared the meeting adjourned at 5:50 PM

Minutes by Susan LaFave

