

STAFF REPORT  
October 27, 2005

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**No. 05PL041 - Preliminary Plat**

**ITEM 6**

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GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. Land Surveyors for Wayne Householder
REQUEST	<b>No. 05PL041 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.27 acres
LOCATION	At the intersection of Anderson Road and Dunn Road
EXISTING ZONING	Low Density Residential (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	None
DATE OF APPLICATION	2/25/2005
REVIEWED BY	Todd Tucker / David L. Johnson / Marcia Elkins

RECOMMENDATION:

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

- 1) Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of four additional feet of paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along Anderson Road shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2) Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of four additional feet of paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along Dunn Road shall be submitted**

STAFF REPORT  
October 27, 2005

---

**No. 05PL041 - Preliminary Plat**

**ITEM 6**

---

for review and approval or a Variance to the Subdivision Regulations shall be obtained; and,

- 3) Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid.

**GENERAL COMMENTS: (October 21, 2005 Update) This item was continued at the September 8, 2005 Planning Commission at the applicant's request. The applicant had contacted staff and indicated that his Pennington County rezoning request (to Low Density Residential) was approved on September 13, 2005. The rezoning allows a minimum lot size of three acres. The rezoning became effective on October 19, 2005.**

(September 2, 2005 Update) As of this writing, the revised information has not been received. No new information has been submitted since June 6, 2005. For this reason, staff is recommending that this request be denied without prejudice.

(July 26, 2005 Update) This item was continued at the July 7, 2005 Planning Commission meeting to allow time for the applicant to make the necessary plat revisions and provide the required additional information. As of this writing, the applicant has not submitted the required information.

(June 28, 2005 Update) This item was continued at the June 9, 2005 Planning Commission meeting to allow time for the applicant to make the necessary plat revisions and provide the required additional information. As of this writing, the applicant has not submitted a revised plat or any additional information.

On June 6, 2005 the applicant submitted a revised plat addressing several of the revisions needed on the plat. However, there are still several outstanding items that must be addressed. As such, staff is recommending that this item be continued to the August 4, 2005 Planning Commission meeting to allow time for the applicant to make the necessary plat revisions and to provide the required additional information.

(May 31, 2005 Update) This item was continued at the May 5, 2005 Planning Commission meeting to allow time for the applicant to make the necessary plat revisions and provide the required additional information. As of this writing, the applicant has not submitted a revised plat or any additional information.

(April 25, 2005 Update) This item was continued at the April 21, 2005 Planning Commission meeting to allow time for the applicant to make the necessary plat revisions and provide the required additional information. On April 25, 2005 the applicant indicated that they are in the process of making the necessary revisions and adding the additional required information on the plat. However, as of this writing, the applicant has not submitted a revised plat or any additional information.

(April 11, 2005 Update) This item was continued at the April 7, 2005 Planning Commission

STAFF REPORT  
October 27, 2005

---

**No. 05PL041 - Preliminary Plat**

**ITEM 6**

---

meeting to allow time for the applicant to make the necessary plat revisions and provide the required additional information. As of this writing, the applicant has not submitted a revised plat or any additional information.

On April 6, 2005, staff met with the applicant to discuss the necessary plat revisions and the additional information needed. As of this writing, the applicant has not submitted a revised plat or the additional required information.

(This Staff Report was revised on March 29, 2005. All revised and/or added text is shown in bold text.) This item was continued at the March 24, 2005 Planning Commission meeting to allow time for the applicant to make the necessary plat revisions and provide the required additional information. As of this writing, the applicant has not submitted a revised plat or any additional information.

The subject property is located at the northeast corner of Dunn Road and Anderson Road. The subject property is located outside of the City of Rapid City Limits; however, it is located within the three-mile platting jurisdiction. The applicant has submitted a Preliminary Plat to create a 3.268-acre parcel leaving the remaining land as an unplatted non-transferable balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations (05SV021) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Anderson Road and Dunn Road.

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

**Zoning:** As previously noted the subject property is located outside of Rapid City. The majority of the proposed lot is currently zoned Low Density Residential with the remaining portion being zoned General Agriculture. Prior to Final Plat approval the portions of the subject property currently zoned General Agriculture must be rezoned to Low Density Residential through the Pennington County Commission.

The applicant has indicated that they are proposing to rezone that portion of the subject property currently zoned General Agriculture to Low Density Residential. However, the Pennington County Planning staff has indicated that a formal Rezoning request has not been submitted as of this writing.

**(October 21, 2005 Update) As noted, the Pennington County rezoning of the property to allow a minimum three-acre lot size became effective on October 19, 2005.**

**Anderson Road:** Anderson Road is classified as a proposed collector street requiring that it be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Anderson Road is located in a 76-foot wide right-of-way and is constructed with an approximate 20-foot wide paved surface. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of four additional feet of paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along Anderson Road be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

**No. 05PL041 - Preliminary Plat**

**ITEM 6**

---

**(October 21, 2005 Update)** The applicant has submitted a Subdivision Variance (05SV021) that will be considered in conjunction with this Preliminary Plat. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of four additional feet of paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along Anderson Road shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.

Dunn Road: Dunn Road is classified as a proposed collector street requiring that it be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Dunn Road is located in a 68-foot wide right-of-way and is constructed with an approximate 20-foot wide paved surface. The applicant is requesting that a portion of the Dunn Road right-of-way be vacated leaving a 52 foot wide public right-of-way. Staff noted that the proposed 52 foot wide Dunn Road is not centered on the existing paved portion of Dunn Road, which will not allow for roadside maintenance of Dunn Road. As such, staff recommends that the Dunn Road right-of-way be centered on the existing pavement section. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of four additional feet of paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along Anderson Road be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

**(October 21, 2005 Update)** The applicant has submitted a revised plat identifying the provision of 60 feet of right-of-way along Dunn Road. Additionally, the applicant has submitted a Subdivision Variance (05SV021) to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and pavement to be considered in conjunction with the Preliminary Plat. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of four additional feet of paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along Dunn Road shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.

Required Signatures: As previously noted the applicant is proposing to vacate a portion of the Dunn Road right-of-way as part of this plat. One of the requirements to vacate a portion of a public right-of-way requires that all affected property owners on both sides of the right-of-way must sign the vacation petition indicating approval of the vacation. As of this writing, the property owner on the south side of the Dunn Road right-of-way has not signed the vacation petition. As such, staff recommends that this item be continued to the April 7, 2005 Planning Commission meeting to allow time for the applicant to obtain the necessary signatures on the vacation petition to vacate a portion of the Dunn Road right-of-way.

As of this writing, a vacation petition with required signatures of the adjacent property owners has not been submitted.

Staff noted that the property owner on the south side of Dunn Road has signed the application for the platting request. As such, an additional signature on a vacation petition is not required.

STAFF REPORT  
October 27, 2005

---

No. 05PL041 - Preliminary Plat

ITEM 6

---

**(October 21, 2005 Update)** In addition, the revised plat identifies that the owner of the property to the south will be signing the Final Plat document allowing the vacation of 25 feet of the Dunn Road right-of-way to occur in conjunction with the Final Plat approval.

Drainage: Staff noted that there is a natural drainage way located at the northern portion of the proposed lot, which carries a large portion of Green Valley Estates. As such, prior to Planning Commission approval, a major drainage easement must be created on the proposed plat to accommodate the existing drainage way located on the northern portion of the proposed lot.

The revised plat submitted on June 6, 2005 did not show the necessary major drainage easement required on the plat for the existing drainage way. **(October 21, 2005 Update)** **The revised plat identifies the 50-foot Major Drainage Easement.**

Staff has noted that the required major drainage easement required on the plat must be a minimum of 50 feet in width. As such, a revised plat must be submitted showing a minimum 50-foot wide major drainage easement to accommodate the existing drainage way located on the northern portion of the proposed lot.

Topography Plan: The applicant submitted a topography waiver form with the application; however, the form was not signed by an authorized representative from the City of Rapid City. Staff noted that there are major issues regarding the topography and drainage of the subject property. As such, staff recommends that this item be continued to the April 7, 2005 Planning Commission meeting to allow time for the applicant to submit a detailed drainage plan as required by City ordinance.

As of this writing, the applicant has not submitted the required drainage plan required by City ordinance.

As previously noted, a revised plat must be submitted showing a minimum 50-foot wide major drainage easement to accommodate the existing drainage way located on the northern portion of the proposed lot.

Site Plan: The applicant did not submit a structural site plan with the application. Staff noted that there are existing structures on the subject property that may encroach into the front yard setback. Staff also noted that there may be a drain field or well providing service for the existing structures on the site. As such, staff recommends that this item be continued to the April 7, 2005 Planning Commission meeting to allow time for the applicant to submit the required structural site plan showing the location of all existing structures and any drain fields or wells located on the subject property.

On June 6, 2005, the applicant submitted a revised plat showing the location of all structures on the subject property and the location of the existing well and septic tank. Staff noted that the existing stable on the subject property is located 8.4 feet from the front property line, which does not meet the minimum setback requirements of the Pennington County Zoning Regulations. As such, the existing zoning violation must be addressed through the

STAFF REPORT  
October 27, 2005

---

**No. 05PL041 - Preliminary Plat**

**ITEM 6**

---

Pennington County Zoning Board of Adjustment.

The Pennington County staff has indicated that the existing structures located on the subject property that are not in compliance with the Zoning Ordinance are legal non-conforming structures and may remain without approval of the Pennington County Zoning Board of Adjustment.

Non-Access Restriction: The applicant's submitted plat does not indicate any non-access restrictions on the subject property. Staff noted that a 75-foot wide non-access restriction must be placed along Anderson Road and Dunn Road, as per the Street Design Criteria Manual, as they are both classified as proposed collector streets on the Major Street Plan.

On June 6, 2005, the applicant submitted a revised plat showing the required 75-foot non-access easements along Anderson Road and Dunn Road.

If the required information is not submitted by the August 12, 2005 submittal deadline, staff will recommend that the Preliminary Plat request be denied without prejudice at the September 8, 2005 Planning Commission meeting.

**Staff recommends that the Preliminary Plat be approved with stipulations.**