

STAFF REPORT
August 9, 2007

No. 07PL082 - Preliminary Plat

ITEM 45

GENERAL INFORMATION:

PETITIONER	Homer and Kathy Berger
REQUEST	No. 07PL082 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 16.59 acres
LOCATION	15010 E. Highway 44
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private
DATE OF APPLICATION	6/8/2007
REVIEWED BY	Jonathan Smith / Todd Peckosh

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by the Planning Commission the applicant shall obtain a Lot Size Variance from Pennington County for proposed Lot C.**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for the portion of section line highway that abuts Lot BR shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, pavement, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, road construction plans for S.D. Highway 44 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, pavement, sidewalk, water, sewer, and street light conduit or a Variance to the Subdivision Regulations shall be obtained;**

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4. **Prior to Preliminary Plat approval by the City Council the plat document shall be revised to identify 49 feet of right-of-way along the portion of section line highway that abuts proposed Lot BR, or a Variance to the Subdivision Regulations shall be obtained.**
5. **Upon submittal of a Final Plat the plat document shall be revised to add a note stating that if sufficient fire flows cannot be met that all habitable structures shall be sprinklered.**
6. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; or a Variance to the Subdivision Regulations shall be obtained.**
7. **Upon submittal of the 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.**
- 8.. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.** 7.

GENERAL COMMENTS:

(Update July 31, 2007. All revised text shown in bold) The applicant has submitted a revised plat document identifying proposed Lot BR as a 13.23 acre lot, and proposed Lot C as an 3.26 acre lot. In addition a Variance to the Subdivision Regulations to waive the requirement to dedicate the required right-of-way (#07SV038) along the section line highway has been submitted.

The applicant is proposing to create a 13.3 acre lot identified as Lot BR, and a 3.2 acre lot identified as Lot C from an existing 16.5 acre lot. The current lot that is proposed to be subdivided is Lot B of Tract 1 of H-O Subdivision. The subject property is located northeast of the intersection of Bradsky Road and South Dakota Highway 44. Currently a single family residence is located on proposed Lot BR. Proposed Lot C is void of any structural development; however, the applicant has indicated that a single family residence is proposed to be constructed on Lot C. The subject property is not located within the municipal boundaries of the City of Rapid City; however, the subject property is located within the City of Rapid City's Three Mile Platting Jurisdiction. Current zoning of the subject property is Limited Agricultural District by Pennington County. A Variance to the Subdivision Regulations (#07SV033) to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code has been filed in conjunction with this Preliminary Plat application.

STAFF REVIEW:

The applicant is proposing to subdivide an existing lot into two lots: a 13.3 acre lot identified as Lot BR, and a 3.2 acre lot identified as Lot C. Staff has reviewed the applicant's proposed Preliminary Plat application and noted the following considerations:

SEWER: Sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines must be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for

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review and approval. Staff is recommending that the above referenced information be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.

WATER: 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 shall be obtained. If on-site well(s) and/or a community water source are used, data to confirm that the well(s) have sufficient flows and water quality must be submitted for review and approval. Staff is recommending that the above referenced information be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.

SECTION LINE HIGHWAY:

Staff has noted that the proposed Lot BR will be accessed by way of a section line highway that abuts the eastern boundary. As part of the platting process the applicant is required to dedicate the full right-of-way to construct the section line highway to City of Rapid City standards or obtain a Variance to the Subdivision Regulations. The abutting section line highway is classified as a Lane/ Place Street, requiring a minimum 49 feet of right-of-way, and a minimum pavement width of 24 feet. The applicant is required to submit for review and approval construction plans identifying a minimum 49 feet of right-of-way width, a minimum 24 feet of pavement width, water, sewer, street light conduit, and sidewalk along the section line highway where it abuts proposed Lot BR, or obtain a Variance to the Subdivision Regulations.

Staff has also noted that the applicant is required to dedicate the minimum 49 feet of right-of-way on the plat document where it abuts proposed Lot BR. Prior to Planning Commission approval the applicant is required to revise the plat document to identify the dedication of a minimum 49 feet of right-of-way along the section line highway or obtain a Variance to the Subdivision Regulations.

SOUTH DAKOTA HIGHWAY 44

(Update July 17, 2007 all revised text shown in bold.) Staff has noted that the applicant has submitted an approved approach permit from the South Dakota Department of Transportation for the proposed approach located on Lot C.

The proposed plat identifies Lot BR and Lot C as having frontage along South Dakota Highway 44. South Dakota Highway 44 is classified as a principal arterial street, requiring a minimum 100 feet of right-of-way width, and a minimum pavement width of twelve feet per lane. Staff has noted that South Dakota Highway 44 currently has a 135 foot right-of-way width, and twelve feet of pavement per lane, which meets the minimum requirement for right-of-way and pavement width. As part of the platting process the applicant is required to install curb, gutter, water, sewer, sidewalk, and street light conduit along the portion of South Dakota Highway 44 that abuts proposed Lots BR and C, or obtain a Variance to the Subdivision Regulations. The applicant is required to submit for review and approval construction plans identifying curb, gutter, water, sewer, street light conduit, and sidewalk along proposed Lots BR and C where they abut South Dakota Highway 44, or obtain a Variance to the Subdivision Regulations.

Staff has also noted that the plat document identifies a forty foot wide approach that will serve as access for proposed Lot C. This approach is located 1096 feet from an existing approach that is located west of the proposed approach, and provides access to proposed Lot BR. Staff

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is recommending that prior to Planning Commission approval, the applicant is required to obtain an approved Approach Permit from the South Dakota Department of Transportation.

ZONING:

The applicant has submitted a Lot Size Variance for proposed Lot C through Pennington County. The Lot Size Variance Request is scheduled for public hearing before the Pennington County Planning Commission on August 7, 2007.

Both of the proposed lots are currently zoned Limited Agriculture District by Pennington County. The minimum lot size requirement in a Limited Agriculture District is ten acres. Staff recommends that prior to Planning Commission approval the applicant either rezone proposed Lot C to a zoning classification in which the minimal lot size can be met or that the applicant obtain a Lot Size Variance from Pennington County.

AIRSPACE CLEARANCE:

Staff has noted that the proposed plat is located within close proximity to the Rapid City Regional Airport. An airspace clearance analysis was conducted on the subject property. As noted the applicant has indicated that a single family residence is proposed to be constructed on proposed Lot C. Based on a typical height of 22 feet, structural development on the site will comply with the airspace requirements.

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. As such, staff is recommending that prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required

Staff recommends that this item be approved assuming compliance with the stated stipulations.