

STAFF REPORT
April 24, 2008

No. 08PL042 - Layout Plat

ITEM 49

GENERAL INFORMATION:

APPLICANT	Hewey Clemmons
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Hewey Clemmons
REQUEST	No. 08PL042 - Layout Plat
EXISTING LEGAL DESCRIPTION	<p>A portion of the balance of Lot 3 of the S ½ SW ¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet; thence, N63°41'40"W a distance of 205.00 feet; thence, N84°39'26"W a distance of 270.00 feet; thence, N33°30'20"W a distance of 84.00 feet; thence, N00°00'00"W a distance of 796.70 feet; thence, N57°23'22"W a distance of 117.40 feet; thence, N03°48'46"E a distance of 95.00 feet; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining railroad right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'30", an arc length of 442.52 feet, and a chord bearing and distance of S62°19'40"E 442.42 feet; thence, continuing southeasterly along the southerly edge of the adjoining railroad right-of-way, S64°28'27"E a distance of 72.21 feet more or less, to the point of beginning</p>
PROPOSED LEGAL DESCRIPTION	<p>Lots A, B, C and D of Clemmons Addition, located in the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota</p>
PARCEL ACREAGE	Approximately 13.14 acres

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LOCATION	South of the intersection of Apple Tree Road and S. D. East Highway 44
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Suburban Residential District - Planned Unit Development - Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	3/28/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. Upon submittal of a Preliminary Plat application the applicant shall identify improvements that will be installed at the crossing to protect the vehicles accessing the site across the railroad right-of-way;
2. Upon submittal of a Preliminary Plat application, a drainage and grading plan, shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
3. Upon submittal of the Preliminary Plat, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of the Preliminary Plat, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If individual on-site waste water treatment systems are proposed, the applicant must submit the depth of the soil, type of soil, location and capacity of all septic tanks proposed, location and results of the percolation tests, demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easements shall be submitted as identified or a Variance to the Subdivision Regulations shall be obtained;
6. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
7. Upon submittal of a Final Plat application, surety for any subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required;

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8. Prior to Final Plat approval, the property shall be rezoned to allow the proposed lot sizes or the lots shall be reconfigured to meet the minimum lot size requirements of the Limited Agricultural District;
9. Prior to Final Plat approval a Conditional Use Permit shall be obtained for proposed Lot C from Pennington County to allow an accessory structure without a primary structure or the structure shall be removed; and,
10. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

GENERAL COMMENTS: The applicant has submitted a Layout Plat to subdivide one parcel of land into four lots ranging in size from 3.02 acres to 3.52 acres and leaving the remaining 45 acres of the property as an unplatted balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations. (See companion item #08SV019.)

The property is located southwest of the intersection of South Dakota Highway 44 and Apple Tree Road. The property is currently zoned Limited Agricultural District in Pennington County. Currently, a single-family residence with accessory structures and a care takers residence that was approved through a Conditional Use Permit in Pennington County are located on the property.

On March 17, 2008 City Council denied without prejudice at the applicant's request a Layout Plat (#08PL013) and a Variance to the Subdivision Regulations (#08SV008) for the property.

The Layout Plat is an informal preliminary review of a proposed subdivision to identify any major issues prior to platting. It is intended to provide the subdivider with an informal process where major issues may be identified and general agreements may be reached with Rapid City as to the form of the plat. Comments regarding the Layout Plat are based on the level of detail provided. All specific details of the subdivision may not be addressed as part of the Layout Plat approval but the major concerns and issues are identified based on the information provided. All applicable Subdivision Regulations, Zoning Regulations, Street Design Criteria Manual, and any other applicable regulations will need to be met as part of the Preliminary and Final Plat. Any waiver from the Rapid City Municipal Code or the Street Design Criteria Manual will require a formal variance request or a special exception whichever is applicable.

STAFF REVIEW:

Staff has reviewed the Layout Plat and has noted the following considerations:

Zoning: The property is currently zoned Limited Agricultural District in Pennington County which requires a minimum lot size of ten acres. The applicant should be aware that prior to Final Plat approval, the property must be rezoned to allow the proposed lot sizes or the lots must be reconfigured to meet the minimum lot size requirements of the Limited Agricultural District. In addition, prior to Final Plat approval a Conditional Use Permit will need to be obtained for proposed Lot C from Pennington County to allow an accessory structure without a primary structure or the structure must be removed.

Access: The applicant is proposing to access the proposed lots from the north across the

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existing railroad right-of-way. The applicant has submitted information from the South Dakota Department of Transportation authorizing access for four lots from Highway 44. However, the applicant has not identified what improvements that will be installed at the crossing to protect the vehicles accessing the site across the railroad right-of-way. Staff is recommending that upon submittal of a Preliminary Plat application the applicant must identify what improvements will be installed at the crossing to protect the vehicles accessing the site across the railroad right-of-way.

Drainage: As part of the Preliminary Plat application, a grading plan for all improved areas must be submitted for review and approval. In addition, a drainage plan must be submitted for review and approval. 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 is recommending that upon submittal of a Preliminary Plat application, a drainage and grading plan, must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary.

Water: The applicant has indicated that private wells will be installed for the proposed lots and has submitted information demonstrating sufficient quantity for domestic flows. Staff noted that upon submittal of the Preliminary Plat, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Wastewater Disposal Systems: Staff noted that no information on the sanitary sewer information was submitted with the Layout Plat. As such, upon submittal of the Preliminary Plat, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines must be submitted for review and approval. If individual on-site waste water treatment systems are proposed, the applicant must submit the depth of the soil, type of soil, location and capacity of all septic tanks proposed, location and results of the percolation tests, demonstrating that the soils are suitable for on-site wastewater treatment systems must be submitted for review and approval.

Access Easements: The applicant is proposing an access easement to extend south from South Dakota Highway 44 to proposed Lot D to provide access to the proposed lots and an access easement to the west to provide access to the unplatted balance and access to the County Heights Channel for maintenance. The access easements are classified as lane/place streets requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for the access easements be submitted as identified or a Variance to the Subdivision Regulations must be obtained.

Master Plan: On January 21, 1991, City Council adopted a resolution to establish a policy to request a proposed master plan for surrounding property prior to plat approval. A master

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plan for the entire property was submitted demonstrating that only one additional lot would be developed in the future.

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval.

Inspection Fees and Surety: Chapter 16.20.080 of the Rapid City Municipal Code states that before any Final Plat is approved, an additional fee shall be paid to the City to cover the costs of inspection of the subdivision improvements required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff is recommending that upon submittal of a Final Plat application, surety be posted and subdivision inspection fees be paid as required.

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 addition, 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 believes that this proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.