

STAFF REPORT  
July 10, 2008

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**No. 08PL095 - Preliminary Plat**

**ITEM 53**

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GENERAL INFORMATION:

APPLICANT	Herman and Wanda Jones
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Herman Jones and Jimmie and Phillene Weets
REQUEST	<b>No. 08PL095 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Fort Hayes Subdivision and Lot 4 Revised of Lot 4 located in the NE1/4 SE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 Revised and Lot 2 of Fort Hayes Subdivision, formerly Lot 1 of Fort Hayes Subdivision and Lot 4 Revised of Lot 4 located in the NE1/4 SE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.28 acres
LOCATION	2255 and 2505 Fort Hayes Drive
EXISTING ZONING	Suburban Residential District - Highway Services District (Pennington County)
SURROUNDING ZONING	
North:	Highway Services District (Pennington County)
South:	Highway Services District (Pennington County)
East:	Highway Services District (Pennington County)
West:	Suburban Residential District - Highway Services District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	6/13/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by City Council, the entire parcel shall be annexed into the City of Rapid City limits;
2. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control

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- Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
3. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required;
  4. Prior to Final Plat approval existing structures shall be removed or relocated to comply with Pennington County Zoning Ordinance and The City of Rapid City Municipal Code; and,
  5. 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 Preliminary Plat to reconfigure two lots. The property is currently zoned Highway Services District and Suburban Residential District in Pennington County and is located southwest of the intersection of Fort Hayes Drive and U.S. Highway 16. Currently a commercial development and a single family residence are located on the existing lots. The proposed subdivision will not increase the density of development.

On May 5, 2008, City Council approved a Layout Plat (#08PL043) for the property with the following stipulations:

1. Upon submittal of a Preliminary Plat application, information on the location of the drain field, depth and type of soil, capacity of septic tanks and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, data to confirm that the well(s) have sufficient domestic flows, water quality, and the location of the existing well(s) shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, plans for U.S. Highway 16 shall be submitted shall be submitted for review and approval showing U.S. Highway 16 constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, a non-access easement shall be identified along the eastern lot line, as no access will be allowed onto U.S. Highway 16;
4. Prior to Preliminary Plat approval by the City Council, plans for Fort Hayes Drive shall be submitted for review and approval showing Fort Hayes Drive constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, the applicant shall dedicate an additional 6 feet of right-of-way and submit construction plans for the access easement for review and approval or obtain a Variance to the Subdivision Regulations or Vacate the access easement;
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 shall be posted and subdivision inspection fees be paid as required;
8. Prior to Final Plat approval, portions of the property shall be rezoned to allow the existing development. In addition, prior to Final Plat approval existing structures shall be

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removed or relocated to comply with Pennington County Zoning Ordinance and The City of Rapid City Municipal Code; and,

9. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

On May 5, 2008, City Council approved a Variance to the Subdivision Regulations (#08SV020) to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer and dedicate additional right-of-way as per Chapter 16 of the Rapid City Municipal Code for the property with stipulations along U.S. Highway 16, Fort Hayes Drive, and the private access easement.

**STAFF REVIEW:**

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

**Annexation:** In May of 1983, the City Council approved a resolution requiring all properties that are contiguous to Rapid City which are being platted to be annexed into the city limits of Rapid City prior to Preliminary Plat approval. The current City limits of Rapid City abut the property in the northeast corner and the northwest corner. As such, staff is recommending that the entire parcel be annexed as a part of the Preliminary Plat review and approval.

The applicant had previously discussed annexation of one of the properties with staff and was told that annexation was not possible. However, staff has reviewed the current situation and determined that annexation is viable and would be required pursuant to City policy. For that reason, staff is recommending annexation of the property in conjunction with Preliminary Plat approval.

Under Section 17.26.020 of the Rapid City Municipal Code, all newly annexed properties are zoned "No Use" until a study of the appropriate zoning for the affected properties is completed. The City's Future Land Use Plan identifies the appropriate land use for the property as Light Industrial. Prior to issuance of a building permit or within 120 days of the date of annexation, whichever occurs first, the property must be rezoned accordingly.

**Zoning:** Staff noted that portions of the property were rezoned in Pennington County to allow the existing development. Prior to Final Plat approval existing structures must be removed or relocated to comply with Pennington County Zoning Ordinance and The City of Rapid City Municipal Code.

**Sewer:** The plans indicate existing on-site wastewater treatment systems. The applicant submitted information on the location of the drain field, depth and type of soil, capacity of septic tanks and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems. This information complies with stipulations of approval outlined in the Layout Plat (#08PL043).

**Water:** The application indicates a private water source. The applicant submitted data confirming that the well(s) have sufficient domestic flows and water quality. This information complies with stipulations of approval outlined in the Layout Plat (#08PL043).

**U.S. Highway 16:** U.S. Highway 16 is located along the eastern lot line of the proposed

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subdivision. U.S. Highway 16 is on the State Highway System and is identified as an arterial street on the Major Street Plan requiring a minimum 100 foot of right-of-way. Currently, U.S. Highway 16 is located in a 400 foot wide right-of-way with four paved travel lanes. There is no curb and gutter, street light conduit or sidewalks currently constructed in U.S. Highway 16. On May 5, 2008, City Council approved a Variance to the Subdivision Regulations (#08SV020) to waive the requirements to improve U.S. Highway 16.

Fort Hayes Drive: Fort Hayes Drive is located along the north lot line of the property and is classified as a commercial/industrial street requiring that the street be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, Fort Hayes Drive is located in a minimum 66 foot wide right-of-way with a paved surface. On May 5, 2008, City Council approved a Variance to the Subdivision Regulations (#08SV020) to waive the requirements to improve Fort Hayes Drive.

Private Access Easement: The access easement is located between the two lots and is classified as a commercial/industrial street requiring that the street be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, the access easement is undeveloped with a 53 foot wide right-of-way. On May 5, 2008, City Council approved a Variance to the Subdivision Regulations (#08SV020) to waive the requirements to improve the access easement and waived the requirement to dedicated additional right-of-way.

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 Permit 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.