

STAFF REPORT  
August 7, 2008

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**No. 08PL106 - Preliminary Plat**

**ITEM 16**

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GENERAL INFORMATION:

APPLICANT	Allan L. and Leah J. Dewald
AGENT	Hadcock Construction Inc.
PROPERTY OWNER	Allan L. and Leah J. Dewald
REQUEST	<b>No. 08PL106 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Located in the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4, Section 12, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot B of DeWalds Subdivision, located in the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4, Section 12, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.0 acres
LOCATION	6790 Nameless Cave Road
EXISTING ZONING	General 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 well and septic
DATE OF APPLICATION	7/11/2008
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, a drainage plan shall be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;
2. Prior to Preliminary Plat approval by City Council, 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

STAFF REPORT  
August 7, 2008

---

**No. 08PL106 - Preliminary Plat**

**ITEM 16**

---

- 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;
3. Prior to Preliminary Plat approval by City Council, 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. Prior to Preliminary Plat approval by City Council, road construction plans for the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
  5. Prior to Preliminary Plat approval by City Council, the access easement shall be recorded at the Register of Deeds office as a miscellaneous document. In addition, the applicant shall demonstrate the right to use the existing access easement to serve the proposed lot;
  6. Prior to Preliminary Plat approval by City Council, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 500 feet and to waive the requirement to provide intermediate turnarounds or the street shall be redesigned to comply with the Street Design Criteria Manual;
  7. Prior to Preliminary Plat approval by City Council, the applicant shall obtain an Exception to allow more than four lots to be served by an access easement or the access easement shall be dedicated as public right-of-way to comply with the Street Design Criteria Manual;
  8. Prior to Preliminary Plat approval by City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval. In addition, the Wild Fire Mitigation Plan must be implemented;
  9. Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
  10. 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 be paid as required;
  11. Prior to Final Plat approval, the property shall be rezoned or the lot shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance from Pennington County shall be obtained; and,
  12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

**GENERAL COMMENTS:** The applicant has submitted a Preliminary Plat to subdivide the property creating one 10 acre parcel and leaving the remaining property as an approximately 147 acre unplatted nontransferable balance. In addition the applicant has submitted a Variance to the Subdivision Regulations (#08SV038) for the property.

The property is located north of the terminus of Nameless Cave Road and northeast of Cavern Road. The property is currently zoned General Agricultural District in Pennington County and void of structural development.

On June 2, 2008 City Council approved a Layout Plat for the property with the following

STAFF REPORT  
August 7, 2008

---

**No. 08PL106 - Preliminary Plat**

**ITEM 16**

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stipulations:

1. 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;
2. 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;
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, road construction plans for the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by City Council, the access easement shall be recorded at the Register of Deeds office as a miscellaneous document. In addition, the applicant shall demonstrate the right to use the existing access easement to serve the proposed lot;
6. Prior to Preliminary Plat approval by City Council, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual;
7. Prior to Preliminary Plat approval by City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval. In addition, the Wild Fire Mitigation Plan must be implemented;
8. Upon submittal of the Preliminary Plat, a cost estimate for the subdivision improvements shall be submitted for review and approval;
9. Upon submittal of the Preliminary Plat, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
10. 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 be paid as required;
11. Prior to Final Plat approval, portions of the property shall be rezoned or the lots shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance from Pennington County shall be obtained; and,
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

**STAFF REVIEW:**

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

STAFF REPORT  
August 7, 2008

---

**No. 08PL106 - Preliminary Plat**

**ITEM 16**

---

Zoning: The property is currently zoned General Agricultural District in Pennington County which requires a minimum lot size of forty acres. The applicant should be aware that prior to Final Plat approval, the property must be rezoned to allow the proposed lot size or the lot must be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance from Pennington County must be obtained. The applicant has submitted a Rezoning request with Pennington County and on July 28, 2008 the Pennington County Planning Commission recommended approval of rezoning the property from General Agriculture District to Limited Agriculture District. The first reading of this request will be considered at the August 5, 2008 Pennington County Commission meeting and the second reading is scheduled for the August 19, 2008 Pennington County Commission meeting.

Drainage: Staff noted that a grading plan was submitted for review and approval for the property. However, a drainage plan must be submitted for review and approval. In particular, the drainage plan must be designed in compliance with the Rapid City 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 prior to City Council approval of a Preliminary Plat application, a drainage plan, must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary.

Access Easement: The applicant is proposing an access easement to be extended west from an existing private access easement on the adjacent lot to serve the proposed lot. The access easement is classified as a lane/place street 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 and provide an adequate turn around at the end of the proposed easement for emergency vehicles. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for the access easement shall be submitted as identified or a Variance to the Subdivision Regulations must be obtained. In addition, the access easement will need to be recorded at the Register of Deeds Office as a miscellaneous document prior to City Council approval of the Preliminary Plat and the applicant must submit documentation demonstrating the right to use the existing private access easement to serve the proposed subdivision.

Sewer: The plans indicate an existing on-site wastewater treatment system. The applicant submitted information on depth and type of soil, capacity of septic tanks and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems.

Water: The applicant indicated that a private well will be the water source. Staff noted that data to confirm that the well(s) have sufficient domestic flows and water quality must be submitted for review and approval. This information is necessary to ensure adequate water capacity for the existing owner and future owners and to determine potential health and safety issues for the surrounding community. Staff is recommending that the above referenced information be submitted for review and approval prior to City Council approval of a Preliminary Plat application.

STAFF REPORT  
August 7, 2008

---

**No. 08PL106 - Preliminary Plat**

**ITEM 16**

---

Exceptions: The access easement is a cul-de-sac that extends approximately 7,500 feet from Nameless Cave Road. Staff noted that the applicant must obtain an Exception to allow a cul-de-sac in excess of 500 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual. In addition, five lots are proposed to be served by the existing private access easement with the creation of this lot. The applicant must obtain an Exception to allow more than four lots to be served by an access easement or dedicate the access easement as public right-of-way. As such, staff recommends that prior to City Council approval of the Preliminary Plat the applicant obtain an Exception to allow a cul-de-sac in excess of 500 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual. In addition, staff recommends that prior to City Council approval of the Preliminary Plat the applicant obtain an Exception to allow more than four lots to be served by an access easement or the access easement must be dedicated as public right-of-way to comply with the Street Design Criteria Manual.

Fire Protection: The Fire Department staff has also indicated that the property is located in a moderate to high wild fire hazard area. As such, prior to Preliminary Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval. In addition, the Wild Fire Mitigation Plan must be implemented.

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.