

STAFF REPORT  
September 25, 2008

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**No. 08PL115 - Layout Plat**

**ITEM 44**

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GENERAL INFORMATION:

APPLICANT	Thomas Estes
AGENT	D.C. Scott Surveyors, Inc.
PROPERTY OWNER	Thomas L. Estes
REQUEST	<b>No. 08PL115 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	The unplatted parcel of land lying north of Neck Yoke Road east of Aero Road and south of Lot 1 of Estes Subdivision, located in the W1/2 W1/2 SW1/4, Section 15, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 6 of Estes Subdivision, located in the W1/2 W1/2 SW1/4, Section 15, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.56 acres
LOCATION	Northeast and northwest of the intersection of Neck Yoke Road and Aero Road
EXISTING ZONING	General Agriculture District - Limited Agriculture District
SURROUNDING ZONING	
North:	Limited Agriculture District
South:	General Agriculture District
East:	Low Density Residential District
West:	General Agriculture District - Limited Agriculture District
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	8/7/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the Layout Plat be denied without prejudice.

GENERAL COMMENTS: **(Update: September 11, 2008. All revised and/or added text is shown in bold). This item was continued to the September 25, 2008 Planning Commission meeting at the applicant's request. To date the applicant has not resolved the land use issues with Pennington County or submitted any of the information identified below. As such, staff would recommend that this application**

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**be denied without prejudice.**

The applicant has submitted a Layout Plat to create a 2.56 acre lot from two existing parcels and leaving the remainder of the properties as an unplatted balance. The applicant has also submitted a Variance to the Subdivision Regulations (#08SV044).

The property is located northeast of the intersection of Neck Yoke Road and Aero Road. Currently the proposed lot is void of any structural development.

On July 20, 2002 City Council acknowledged the applicant's withdrawal of a Layout Plat (#02PL062) that included the proposed lot.

**STAFF REVIEW:**

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

**Zoning:** The property is located in Pennington County, outside of the City limits of Rapid City but within the City's three mile platting jurisdiction. The property is currently zoned General Agriculture District and Limited Agriculture District by Pennington County. The proposed plat will result in lot sizes of 2.56 acres. However, the General Agriculture District requires a minimum lot size of forty acres and the Limited Agriculture District requires a minimum lot size of 20 acres. As such, the existing parcel does not have sufficient acreage to support further subdivision.

The Pennington County Planning Department has indicated that all of the surrounding properties are currently zoned General Agriculture District, Limited Agriculture District or Low Density Residential District. Rezoning the property to allow the proposed 2.56 acre lot would result in a spot zoning of the property. The Pennington County Planning Department has indicated that spot zoning is typically not supported in the County. As such, staff is recommending that the Layout Plat be denied without prejudice to allow the applicant to resolve the zoning issue with Pennington County.

**Water:** The applicant has indicated that a private water system will provide water to the proposed lot. However, no information on the water system was submitted with the Layout Plat. As such, 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 must 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 system was submitted with the Layout Plat. As such, staff is recommending that upon submittal of the Preliminary Plat application, 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 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 must be submitted for review and approval.

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Neck Yoke Road: Neck Yoke Road is located along the southern lot line of the property and is classified as a proposed minor arterial on the Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way. The developer is responsible for constructing an arterial street to a collector street standard. Any expansion of the road beyond a collector street standard is considered over sizing and is not the developer's responsibility. Currently, Neck Yoke Road is located in a 66 foot wide right-of-way with an approximate 24 foot wide paved surface with no curb, gutter, water, sewer, street light conduit or sidewalks. The applicant has requested a Variance to the Subdivision Regulations (#08SV044) to waive the requirements to improve Neck Yoke Road in conjunction with this plat request. However, as previously indicated the existing parcel does not have sufficient acreage to support further subdivision. As such, staff is recommending that the Layout Plat be denied without prejudice to allow the applicant to resolve the zoning issue with Pennington County.

Aero Road: Aero Road is located along the western lot line of the property and is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Aero Road is located within a 30 foot wide roadway easement with an approximate 12 foot wide gravel surface with no curb, gutter, water, sewer, street light conduit or sidewalks. The applicant has requested a Variance to the Subdivision Regulations (#08SV044) to waive the requirements to improve Aero Road in conjunction with this plat request. However, as previously indicated the existing parcel does not have sufficient acreage to support further subdivision. As such, staff is recommending that the Layout Plat be denied without prejudice to allow the applicant to resolve the zoning issue with Pennington County.

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 plan for the entire property must be submitted for review and approval prior to Layout Plat approval by the Planning Commission. In particular the master plan shall identify efficient circulation of traffic, adequate access to adjoining properties, proper handling of storm water flows, and extension of public utilities. To date, no master plan has been submitted for the property. As such, staff is recommending that this item be denied without prejudice to allow the applicant to submit the required information.

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, any future platting of the property will require that 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 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, prior to the City's acceptance of any public improvements, a Warranty Surety must be submitted for

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review and approval if subdivision improvements are required as a part of any future platting of the property.

Staff is recommending that the Layout Plat be denied without prejudice to allow the applicant to resolve the zoning issue with Pennington County and to allow the applicant to submit the required information.