

STAFF REPORT  
February 19, 2009

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**No. 08PL137 - Layout Plat**

**ITEM 8**

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GENERAL INFORMATION:

APPLICANT	Linda Weins
AGENT	Britton Engineering & Land Surveying, Inc.
PROPERTY OWNER	Linda Weins
REQUEST	<b>No. 08PL137 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	An unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way all located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 4 of Weins Subdivision, formerly an unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way all located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 14.89 acres
LOCATION	13924 Neck Yoke Road
EXISTING ZONING	Low Density Residential District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District (Pennington County)
South:	General Agriculture District
East:	Limited Agriculture District - General Agriculture District
West:	Limited Agriculture District
PUBLIC UTILITIES	Pine Grove Water System and private sewer system
DATE OF APPLICATION	10/10/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

**Staff recommends that the Layout Plat be denied without prejudice.**

GENERAL COMMENTS: (Update: February 9, 2009. All revised and/or added text is shown in bold). This item was continued to the February 19, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. At the February 5, 2009 Planning

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**Commission meeting staff noted that this item has been continued numerous times with no additional information being submitted and if the required information was not submitted for the February 19, 2009 Planning Commission meeting that this application should be denied without prejudice. Since no additional information has been submitted, staff recommends that this item be denied without prejudice.**

(Update: January 27, 2009. All revised and/or added text is shown in bold). This item was continued to the February 5, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the February 19, 2009 Planning Commission meeting. In addition, since this item has been continued numerous times with no additional information being submitted staff would recommend that if the required information is not submitted for the February 19, 2009 Planning Commission meeting that this be denied without prejudice at the February 19, 2009 Planning Commission meeting.

(Update: January 9, 2009. All revised and/or added text is shown in bold). This item was continued to the January 22, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the February 5, 2009 Planning Commission meeting.

(Update: December 9, 2008. All revised and/or added text is shown in bold). This item was continued to the December 18, 2008 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the January 22, 2009 Planning Commission meeting.

(Update: November 21, 2008. All revised and/or added text is shown in bold). This item was continued to the December 4, 2008 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the December 18, 2008 Planning Commission meeting.

(Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. As of this writing, all of the outstanding issues have not been addressed, as such staff is recommending that this item be continued to the December 4, 2008 Planning Commission meeting.

The applicant has submitted a Layout Plat to create four lots between 3.2 and 4.2 acres in size from a 14.89 parcel. The property is located northwest of the intersection of Neck Yoke Road and Limestone Lane. Currently a single family house and accessory structures are located on the property.

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

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but within the City's three mile platting jurisdiction. The property is currently zoned Low Density Residential District by Pennington County and appears to meet the minimum lot size requirements for the Low Density Residential District in Pennington County.

Easement Designation: Staff noted that non-access easements were not shown on the plat document. Staff is recommending that upon submittal of the Preliminary Plat application, the plat document be revised to show the required non-access easements except at the approved approach locations. In addition, the Pennington County Highway Department noted that one of the approaches should be removed from proposed Lot 3 and that the approaches on proposed Lots 3 and 4 should be aligned across from each other or meet minimum separation requirements for a minor arterial street.

Water: The applicant has indicated that The Pine Grove Water System will provide water to the proposed development. However, no information on the water system was submitted with the Layout Plat. Staff recommends that upon submittal of the Preliminary Plat application, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities are available 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 for review and approval.

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. Staff recommends that upon submittal of the Preliminary Plat application, a revised plat document be submitted demonstrating the required 100 foot wide right-of-way and road construction plans for Neck Yoke Road must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Limestone Lane: Limestone Lane is located along the eastern lot line of the property and is classified as a lane place street requiring that it be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Limestone Lane is located within a 30 foot wide driveway easement with an approximate 12 foot wide gravel surface with no curb, gutter, water, sewer, street light conduit or sidewalks and does not appear to provide legal

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access to proposed Lots 1 and 2 because they are located approximately 15 feet west of the existing easement. As such, staff recommends that this item be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to revise the plat document to demonstrate legal access to proposed Lots 1 and 2.

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