

STAFF REPORT  
March 26, 2009

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**No. 09PL008 - Preliminary Plat**

**ITEM 34**

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GENERAL INFORMATION:

APPLICANT	Angie Charlson
AGENT	Matt Benne
PROPERTY OWNER	Angie Charlson
REQUEST	<b>No. 09PL008 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown in the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.23 acres
LOCATION	4560 Cliff Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and a private shared well
DATE OF APPLICATION	2/26/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be

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- obtained. If the existing private well is utilized, then recent test data confirming well capacity shall be submitted for review and approval. In addition, upon submittal of a Final Plat application, surety shall be posted to insure that the residential structures are provided with fire sprinkler protection as per the National Fire Protection Association Code 13D;
2. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a sewer service line and a water service line to cross another lot or the plat document shall be revised as needed;
  3. Prior to Preliminary Plat approval by the City Council, the drainage report shall be revised to address street drainage along Cliff Drive and the private roadway easement. In addition, the drainage report shall be revised to demonstrate that the proposed 30 foot wide drainage easement extending through the property can accommodate the drainage flows through the property. In addition, the drainage easement shall be adjusted as needed to insure that residential development does not occur within this area;
  4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to include a note identifying the lowest allowed structural elevations to prevent flooding of residences as per the drainage report;
  5. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval if any subdivision improvements are required;
  6. Prior to Preliminary Plat approval by the City Council, construction plans for Cliff Drive shall be submitted for review and approval showing a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to clearly show the dedication of one additional foot of right-of-way along Cliff Drive and the non-access easement along Cliff Drive;
  7. Prior to Preliminary Plat approval by the City Council, construction plans for the 30 foot wide private roadway easement shall be submitted for review and approval showing the easement with a minimum width of 45 feet and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained or an Exception shall be obtained to allow a hammerhead turnaround or a "Y" turnaround as per City Standards to accommodate fire apparatus;
  8. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if any subdivision improvements are required;
  9. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the private well system for review and approval;
  10. Prior to submittal of a Final Plat application, the plat document shall be revised to clarify the location of the non-access easement and the dedication of one additional foot of right-of-way along Cliff Drive;
  11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
  12. Prior to the City's acceptance of the public improvements, a warranty surety shall be

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- submitted for review and approval as required; and,
13. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to subdivide one lot into four lots ranging in size from 0.5198 acres to 1.577 acres. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #09SV007) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet.

On December 1, 2008, the City Council denied without prejudice a Layout Plat (File #08PL139) to subdivide the property into four lots and a Variance to the Subdivision Regulations (File #08SV053) to waive the requirement to improve Cliff Drive, a 30 foot wide private roadway easement and a 40 foot wide access and utility easement as they abut the property. In particular, the two items were denied without prejudice to allow the applicant to address whether sufficient domestic and fire flows could be provided to support the proposed increase in density.

The property is located west of the intersection of Cliff Drive and Fairview Drive. Currently, a single family residence and a shed are located on the western portion of the property.

STAFF REVIEW:

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

Water: A private well located on the property currently serves the existing single family residence. The applicant has indicated that the private well will be used to serve all four lots. The well data submitted by the applicant from 1965 shows that the well pump rate is 25 gallons per minute. The Fire Department has indicated that the minimum fire flows for a single family residence up to 3,600 square feet in size must be 1,000 gallons per minute at 20 pounds per square inch. Minimum fire flows for a single family residence in excess of 3,600 square feet in size must be 1,500 gallons per minute at 20 pounds per square inch. Based on the information submitted by the applicant, the existing well will not provide sufficient fire flows for the four proposed lots.

City water is currently located approximately one-half mile northeast of the property. As such, prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. The Fire Department has supported similar Variance requests when domestic flows are being provided and the applicant agrees to install fire sprinkler protection within all residential

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structures as per the National Fire Protection Association Code 13D. Subsequently, if the existing private well is utilized, then recent test data confirming well capacity must be submitted for review and approval. In addition, upon submittal of a Final Plat application, surety must be posted to insure that the residential structures are provided with fire sprinkler protection as per the National Fire Protection Association Code 13D.

Staff also recommends that prior to submittal of a Final Plat application, the applicant submit proof of the legal entity which will provide the mechanism for maintenance of the private well system for review and approval.

Sewer: A private on-site wastewater system, consisting of a septic tank and drainfield, currently serves the residence located on the property. A City sewer main is located along a portion of Cliff Drive as it abuts the property. In addition, a City sewer main extends through the eastern portion of the property to serve the Miracle Place Subdivision located north of the property. The applicant has submitted construction plans showing the extension of sewer service lines to each of the four lots from the sewer main extending through the site. However, the sewer service line to serve proposed Lot A crosses proposed Lot B. As such, staff recommends that prior to Preliminary Plat approval by the City Council, an Exception be obtained to allow a sewer service line to cross another lot or the plat document must be revised as needed.

Lot Configuration: The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The proposed Layout Plat identifies that three of the lots will have a length twice the distance of the width. On March 9, 2009, the City approved an Exception to allow the three lots with a length twice as long as they are wide.

Cliff Drive: Cliff Drive is located along the east lot line of the property and is classified as a sub-collector street requiring that it be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Cliff Drive is located within a 50 foot wide right-of-way and constructed with an 18 foot to 20 foot paved surface. As noted above, a City sewer main is located in a portion of Cliff Drive as it abuts the property.

Staff recommends that prior to Preliminary Plat approval by the City Council, construction plans for Cliff Drive be submitted for review and approval showing a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

It appears that the plat includes the dedication of one additional foot of right-of-way along Cliff Drive. However, it is unclear if the additional right-of-way runs the length of the property or just along portions of the property. In addition, it is difficult to determine the difference in the designation for the non-access easement versus the additional right-of-way along Cliff Drive. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the plat document be revised to clarify the location of the non-access easement and the dedication of the additional one foot of right-of-way along Cliff Drive.

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30 foot wide Private Roadway Easement: The Preliminary Plat identifies an existing 30 foot wide private roadway easement centered along the south lot line of the property. The easement is classified as a lane place street requiring that it be located within 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. In addition, a permanent turnaround must be provided at the end of the cul-de-sac to provide fire apparatus access. Currently, the 30 foot wide easement has been constructed with an approximate 10 foot wide paved surface.

Staff recommends that prior to Preliminary Plat approval by the City Council, construction plans for the 30 foot wide private roadway easement be submitted for review and approval showing a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the construction plans must identify the construction of a permanent turnaround at the end of the cul-de-sac with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations must be obtained. In lieu of a cul-de-sac bulb, the applicant has the option of obtaining an Exception to allow a hammerhead turnaround or a "Y" turnaround as per City Standards to accommodate fire apparatus.

Drainage Report: The Drainage Report states that "the owners of the proposed lots should be aware that the potential for localized flooding does exist". As such, the drainage report must be revised to demonstrate that the proposed 30 foot wide drainage easement extending through the property can accommodate drainage flows through the property. In addition, the drainage easement must be adjusted as needed to insure that any future residential development on the property does not occur within this area.

Staff recommends that prior to Preliminary Plat approval by the City Council, the drainage report be revised as identified. In addition, the drainage report must be revised to address street drainage along Cliff Drive and the private roadway easement.

Stormwater Management Plan: The City Council 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 recommends that upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required.

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 Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff recommends 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

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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 recommends 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.