

STAFF REPORT  
May 21, 2009

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**No. 09PL004 - Preliminary Plat**

**ITEM 11**

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GENERAL INFORMATION:

APPLICANT	Herbert Jones
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	Herbert C. Jones
REQUEST	<b>No. 09PL004 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 11AR of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.34 acres
LOCATION	5581 Corbin Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/6/2009
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, construction plans for Corbin Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the street shall be located in 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 or a Variance to**

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- the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
  3. 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 shall be paid as required;
  4. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  5. 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: (Update, May 12, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 21, 2009 Planning Commission meeting to allow the applicant to submit the required information. On May 4, 2009 the applicant submitted the required information addressing the Hawthorne Ditch, the minor drainage and utility easement, the water system, the wastewater system and drainage and grading. As such, staff recommends that this be approved with the above stated stipulations.**

(Update, April 29, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 7, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, the required information has not been submitted. As such, staff recommends that this item be continued to the May 21, 2009 Planning Commission meeting.

(Update, April 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 23, 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 May 7, 2009 Planning Commission meeting.

(Update, March 31, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 9, 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 April 23, 2009 Planning Commission meeting.

(Update, March 16, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 26, 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 April 9, 2009 Planning Commission meeting.

Staff noted that on June 7, 1985 the east 20 feet of Lot 11 was created by a separate deed. Pursuant to the provisions of the Pennington County Zoning Ordinance, the applicant has

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submitted a Preliminary Plat to correct the issue and dissolve the existing interior lot line between the Lot 11A of Block 7 and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision. The proposed plat will not result in an increase in density. Currently, an accessory structure is located on the property. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#09SV004).

On February 2, 2009, City Council approved a Layout Plat (#08PL178) for the property with the following 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 application, 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;
3. 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 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of the Preliminary Plat application, construction plans for Corbin Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the street shall be located in 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 or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
6. 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 shall be paid as required;
7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
8. The approved Layout 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.

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

Corbin Drive: Corbin Drive is located along the northern lot line and is classified as a subcollector street requiring that the street be located in 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, a portion of Corbin Drive is located in a 50 foot wide right-of-way and constructed with an approximate 20 foot wide paved surface. As such, staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans for Corbin Drive be submitted with a minimum 27 foot wide paved

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surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the applicant must dedicate an additional one foot of right-of-way for their half of the required 52 foot of right-of-way or a Variance to the Subdivision Regulations must be obtained.

Hawthorne Ditch: Staff noted that a portion of the existing garage appears to be encroaching into the 20 foot easement along the south property line for the Hawthorne Irrigation Ditch. Staff recommends that prior to Planning Commission approval of the Preliminary Plat application that the portion of the garage encroaching into the easement be removed or that portion of the easement must be vacated.

**On May 4, 2009, an easement was recorded at the Pennington County Register of Deeds Office allowing a portion of the structure to occupy the “20 foot easement for irrigation”. As such, staff recommends that the Preliminary Plat application be approved with the above stated stipulations.**

Minor Drainage and Utility Easement: The applicant has requested not to provide a minor drainage and utility easement along the east property line because of the location of the existing garage. However, staff would recommend that prior to Planning Commission approval the applicant must demonstrate that an adequate drainage is provided for the site without the easement along the east property line. In addition, an easement shall be platted along the east property line except at the location of the existing structure.

**On May 4, 2009, the applicant demonstrated that adequate drainage is provided for the site on the west side of the property and the plat document has been revised to demonstrate an easement along the east property line except at the location of the existing structure. As such, staff recommends that the Preliminary Plat application be approved with the above stated stipulations.**

Water System: The applicant indicated that the Rapid Valley Sanitary District provides water service to the existing lot. However, staff noted that location of the existing or proposed water mains and services lines were not identified. Staff recommends that prior to Planning Commission approval 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.

**On May 4, 2009, the applicant submitted a revised site plan demonstrating the location of the existing water mains and services lines to the proposed lot. In addition, the applicant submitted information from Rapid Valley Sanitary District demonstrating that sufficient quantities are available for domestic and fire flows. Staff recommends that the Preliminary Plat application be approved with the above stated stipulations.**

Wastewater System: The applicant indicated that the Rapid Valley Sanitary District provides wastewater service to the existing lot. However, staff noted that location of the existing or proposed wastewater system was not identified. Staff recommends that prior to Planning Commission approval of the Preliminary Plat application, wastewater system plans prepared

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by a Registered Professional Engineer must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

**On May 4, 2009, the applicant submitted a revised site plan demonstrating the location of the existing wastewater mains and services lines to the proposed lot. Staff recommends that the Preliminary Plat application be approved with the above stated stipulations.**

Drainage: As part of the Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas must be submitted for review and approval. In addition, a drainage plan must be submitted for review and approval. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. Staff also noted that the location of water flow throughout the subdivision and the location and size of all culverts and pipes should be shown on the drainage plan. Staff is recommending that prior to Planning Commission approval of the Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, must be submitted for review and approval.

**On May 4, 2009, the applicant submitted information indicating that no grading and drainage improvements are proposed as part of this plat. Staff recommends that the Preliminary Plat application be approved with the above stated stipulations.**

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, warranty surety be submitted for review and approval as required.