

STAFF REPORT  
June 4, 2009

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**No. 09PL016 - Layout Plat**

**ITEM 22**

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GENERAL INFORMATION:

APPLICANT	Gene Quinn
AGENT	Renner & Associates
PROPERTY OWNER	Gene R. Quinn
REQUEST	<b>No. 09PL016 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	Tract A of Government Lot 1 and Tract A of Government Lot 2, located in the W1/2 of the NW1/4, Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 3 of Blake Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 35.23 acres
LOCATION	6620 West Highway 44
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Low Density Residential District - Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site wastewater and private community well
DATE OF APPLICATION	3/27/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

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

1. Prior to Planning Commission approval, the plat document shall be revised to provide access to the properties located north of this site pursuant to Chapter 16.20.030B of the Rapid City Municipal Code. In particular, the Layout Plat shall be revised to show a street extending from S.D. Highway 44 through the site to the north lot line of the property. In addition, the street shall be located within a minimum 45 foot wide right-of-way. Upon submittal of a Preliminary Plat application, construction plans shall be submitted for review and approval showing the street constructed with a minimum 20 foot

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- wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Planning Commission approval of the Layout Plat, the property shall be rezoned from a Planned Unit Development to Limited Agriculture District as proposed or a Major Amendment to the Planned Unit Development shall be reviewed and approved by Pennington County to allow the proposed development;
  3. Upon submittal of a Preliminary Plat application, a grading plan, including cut and fill quantities, for all improved areas shall be submitted for review and approval;
  4. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to include drainage easements as needed;
  5. Upon submittal of a Preliminary Plat application, design plans, with supporting calculations, for the proposed drainage channel as shown on the plat document shall be submitted for review and approval;
  6. Upon submittal of a Preliminary Plat application, construction plans for West S.D. Highway 44 shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to install additional pavement, water and sewer and an Exception shall be obtained to waive the requirement to install sidewalk, street light conduit, sewer and water;
  7. Upon submittal of a Preliminary Plat application, construction plans for Blake Road shall be submitted for review and approval. In particular, the construction plans shall show the street located within 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the proposed turnaround located along the front lot line of Lots 2 and 3 shall be constructed to in compliance with the Street Design Criteria Manual in order to accommodate fire apparatus access;
  8. Upon submittal of a Preliminary Plat application, road construction plans for the section line highways located along the north lot line and the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show the streets within the section line highway(s) located within 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 or a Variance to the Subdivision Regulations shall be obtained or the section line highway(s) shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway(s) or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
  9. Upon submittal of a Preliminary Plat application, the applicant shall demonstrate that a driveway can be constructed in the narrow flagpole configuration of Lot 2 or Lot 2 shall be reconfigured to provide additional area for a driveway;
  10. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site

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- wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, dry sewer shall be provided to allow for the future connection to a community sewer system or a Variance to the Subdivision Regulations shall be obtained;
11. Upon submittal of a Preliminary Plat application, the previously submitted Geotechnical Study which addressed pavement sections and subgrade preparation for proposed street(s) that are not shown on this plat, shall be revised to address the soil suitability for on-site wastewater systems if it is the applicant's intent to submit the Study as a source of information demonstrating soil suitability for on-site wastewater systems. In particular, the boring information shall reflect the proposed location for the on-site wastewater systems to be located on each individual lot in lieu of the street locations and the proposed design of the street(s);
  12. Upon submittal of a Preliminary Plat application, 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 obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. If fire flows can not be provided, then the applicant shall record a Covenant Agreement to insure that all residential structures shall be provided with a fire sprinkler protection as per the National Fire Protection Association Code 13D;
  13. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
  14. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
  15. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
  16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
  17. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along S.D. Highway 44 or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);
  18. Upon submittal of a Preliminary Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
  19. Prior to submittal of a Preliminary Plat application, an Approach Permit shall be obtained from the South Dakota Department of Transportation to allow the approach from Lot 1 onto the S.D. Highway 44;
  20. 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 community water facility for review and approval;
  21. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
  22. Upon submittal of a Final Plat application, surety for any required subdivision

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- improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
23. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  24. 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.

GENERAL COMMENTS:

**(Update, May 22, 2009. All revised and/or added text is shown in bold print.) This item was continued to the June 4, 2009 Planning Commission meeting to allow a Special Planning Commission meeting to be held on the site in order to view the property. However, a quorum of Planning Commission members could not be obtained and the Special Planning Commission meeting was cancelled. On May 21, 2009, the Planning Commission agreed to meet on the property May 28, 2009 at 5:30 p.m. for an informal site visit.**

(Update, April 29, 2009. All revised and/or added text is shown in bold print.) This item was continued at the April 23, 2009 Planning Commission meeting to the May 7, 2009 Planning Commission meeting. In addition, the Planning Commission authorized a Special Planning Commission meeting to be held on the property to determine if a street connection to the adjacent property would be required as a part of this plat. As of this writing, the date for the Special Planning Commission meeting has not been confirmed. If the Special Planning Commission meeting has not occurred before the May 7, 2009 regularly scheduled Planning Commission meeting, staff will request that this item be continued to allow additional time to hold the Special Planning Commission meeting.

The applicant has submitted a Layout Plat to subdivide 35.23 acres into three lots. The lots are shown with a lot size of 10 acres, 10.28 acres and 14.294 acres, respectively. The applicant has indicated that the subdivision is to be known as 'Blake Estates'.

On February 7, 2006, the County Board of Commissioners denied a request to rezone the property from General Agriculture District to Suburban Residential District. On May 23, 2006, the County Board of Commissioners approved a Planned Unit Development request to allow 15 single family residential lots with one common lot on the property.

On August 7, 2006, the City Council approved a Layout Plat (File #06PL081) to subdivide the 35.23 acre parcel into 15 residential lots and one common lot. In addition, the City Council approved in part and denied in part a Variance to the Subdivision Regulations (File #06SV034) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along West S.D. Highway 44, to install curb, gutter, sidewalk and street light conduit along Blake Lane, and, to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement.

On April 4, 2009, the City Council acknowledged the applicant's request to withdraw a Layout Plat (File #09PL001) to subdivide the property into six lots.

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The property is located approximately one-half mile west of the City limits of Rapid City on the north side of West S.D. Highway 44. Currently, the property is void of any structural development.

The Layout Plat is an informal preliminary review of a proposed subdivision to identify any major issues prior to platting. It is intended to provide the subdivider with an informal process where major issues may be identified and general agreements may be reached with Rapid City as to the form of the plat. Comments regarding the Layout Plat are based on the level of detail provided. All specific details of the subdivision may not be addressed as part of the Layout Plat approval but the major concerns and issues are identified based on the information provided. All applicable Subdivision Regulations, Zoning Regulations, Street Design Criteria Manual, and any other applicable regulations will need to be met as part of the Preliminary and Final Plat. Any waiver from the Rapid City Municipal Code or the Street Design Criteria Manual will require a formal variance request or a special exception whichever is applicable.

**STAFF REVIEW:**

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

**Zoning:** As previously indicated, a Planned Unit Development has been approved by Pennington County for the property to allow 15 single family residential lots and one common lot. This Layout Plat results in an alternate lot configuration and an alternate access to the development. The Pennington County Planning Department has indicated that the applicant has submitted a Rezoning request to change the zoning designation of the property from a Planned Unit Development to Limited Agriculture District. The Limited Agriculture District requires a minimum ten acre lot size. The proposed plat identifies three lots with a lot size of 10 acres, 10.82 acres and 14.294 acres, respectively. The proposed lot size(s) meet the minimum lot size requirement of the Limited Agriculture District.

The Pennington County Board of Commissioners will consider the Rezoning request at their April 21, 2009 County Board of Commissioners meeting. Staff recommends that prior to Planning Commission approval of the Layout Plat, the property be rezoned from a Planned Unit Development to Limited Agriculture District as proposed or a Major Amendment to the Planned Unit Development to allow the proposed development be reviewed and approved by Pennington County.

**Access to Adjacent Properties:** Chapter 16.20.030.B of the Rapid City Municipal Code states that "the street pattern shall be in conformity with a plan for the most advantageous development of the entire neighborhood area. Sufficient proposed streets shall be extended as far as the boundary lines of the tract to be subdivided in order to ensure normal circulation of traffic within the vicinity." Currently, Nameless Cave Road serves as exclusive access to several parcels located north of this property. Areas along Nameless Cave Road are currently designated as a high wildfire hazard area. In addition, it is anticipated that several of the larger parcels located along Nameless Cave Road may be further subdivided in the future. As such, during the review of the previous Layout Plat, it was noted that a lane place street must be extended through this property to provide access to the property located north of this site in order to provide a second point of access to the Nameless Cave Road area pursuant to Chapter 16.20.030.B. In addition, the City and County Fire

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Department staff noted that a second point of access was needed through this site to provide fire apparatus access into the area if needed. Subsequently, the previous Layout Plat was revised to show a 45 foot wide access easement extending from Blake Road to the north lot line of the property.

Staff met with the applicant before submission of this Layout Plat and noted that the street connection through the site would be needed as a part of any subdivision of the property pursuant to Chapter 16.20.030B of the Rapid City Municipal Code to provide access to the adjacent properties. However, this Layout Plat was submitted without the street connection to the adjacent property. As such, staff is recommending that prior to Planning Commission approval of the Layout Plat, the plat be revised to provide access to the properties located north of this site pursuant to Chapter 16.20.030B of the Rapid City Municipal Code. In particular, the Layout Plat must be revised to show the street located within a minimum 45 foot wide right-of-way.

Upon submittal of a Preliminary Plat application, construction plans must be submitted for review and approval showing the street constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations must be obtained.

Sewer: The Rapid Canyon Sanitary Sewer District is located approximately ½ mile east of the property. Chapter 16.16.050 of the Rapid City Municipal Code states that any subdivision located within 500 feet of the Rapid City sewer system or any central sewer system shall be required to hook up to that system. Since the property is located more than 500 feet from the Rapid Canyon Sanitary Sewer District, the applicant is not required to hook up to the Rapid Canyon Sanitary Sewer District. However, Chapter 16.16.050 of the Rapid City Municipal Code also requires that a dry sewer be installed. The Rapid City's Master Utility Plan identifies the property within "Tier One" which implies that the area is an anticipated near term development project in lieu of a long range development project. As such, dry sewer must be provided even if on-site wastewater systems are proposed to be utilized in the interim. The applicant also has the option of designing an independent central sanitary sewer system or continuing the previous discussions with Rapid Canyon Sanitary Sewer District to connect to their system.

The property is located over the Madison Aquifer Recharge Area. In the past, the City and the County have required a minimum 10 acre lot size when the property being subdivided is located within the Madison Aquifer Recharge Area. As previously indicated, the Layout Plat identifies a 10 acre lot, a 10.28 acre lot and a 14.294 acre lot. Subsequently, the applicant has indicated that a private on-site wastewater system consisting of a septic tank and drainfield is being proposed to serve each lot. However, in order to utilize on-site wastewater systems on the property, the applicant, must submitted an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems. A copy of a previously submitted Geotechnical Study was submitted but that study addressed pavement sections and subgrade preparation for proposed street(s) that are no longer being proposed on this plat. If it is the applicant's intent to submit the Study as a source of information demonstrating soil suitability for on-site wastewater systems, then it must be revised to include boring information which reflects the proposed location for the on-site wastewater systems to be located on each individual lot.

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Staff recommends that upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In addition, dry sewer must be provided to allow for the future connection to a community sewer system or a Variance to the Subdivision Regulations must be obtained.

Staff also recommends that upon submittal of a Preliminary Plat application, a reserve drainfield area for on-site wastewater treatment be shown on the plat or a note must be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided.

Water: The applicant has indicated that a well will be drilled to serve the proposed lots. In addition, the applicant has indicated that each home will be required to have a cistern and a two gallon per minute restrictor on the incoming water line to the cistern. The applicant has also submitted well data from an existing well located east of this property identifying that domestic flows are being provided at that site.

The applicant should be aware that this property is located within one mile of the City limits requiring that adequate fire flows be provided or, if that is not possible, then to ensure that all residential structures are provided with fire sprinkler protection as per the National Fire Protection Association Code 13D.

Staff recommends that upon submittal of a Preliminary Plat application, 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. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer must be submitted for review and approval. In addition, the water plans must demonstrate that adequate fire and domestic flows are being provided. If fire flows can not be provided, then the applicant must record a Covenant Agreement to insure that all residential structures shall be provided with a fire sprinkler protection as per the National Fire Protection Association Code 13D. Prior to submittal of a Final Plat application, the applicant must submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval.

Drainage: As part of the Preliminary Plat application, a grading plan, including cut and fill quantities, 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. In particular, the drainage facilities must be designed in compliance with the 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.

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The proposed drainage easement as shown on the Layout Plat reflects a change to the existing water course that extends through the site. As such, the proposed design of the new drainage channel and supporting calculations must be submitted for review and approval as a part of the Preliminary Plat application.

Chapter 8.48.020 of the Rapid City Municipal Code states that "All new development, or any redevelopment, which causes an increase in the impervious percentage for that site, with connected impervious area of greater than 15% shall be required to provide stormwater treatment of the runoff generated by the first 0.5 inches of rainfall." Staff recommends that upon submittal of a Preliminary Plat application, provisions for stormwater quality must be submitted for review and approval. In addition, a drainage and grading plan, as well as an erosion and sediment control plan, must be submitted for review and approval. The plat document must also be revised to provide drainage easements as necessary.

West S.D. Highway 44: West S.D. Highway 44 is located along the south lot line of the property and is classified as a principle arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, West S.D. Highway 44 is located in a 150 foot wide right-of-way with an approximate 36 foot wide paved surface. Staff recommends that upon submittal of a Preliminary Plat application, construction plans for West S.D. Highway 44 providing a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained to waive the requirement to install additional pavement, water and sewer and an Exception must be obtained to waive the requirement to install sidewalk, street light conduit, sewer and water.

The Layout Plat identifies access to Lot 1 from West S.D. Highway 44. As such, prior to submittal of a Preliminary Plat application, an Approach Permit must be obtained from the South Dakota Department of Transportation to allow the approach onto the State highway.

Blake Road: The Layout Plat identifies Blake Road extending north from West S.D. Highway 44 along a portion of the east lot line of the property. Blake Road 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, sidewalk, street light conduit, water and sewer. In addition, the proposed turnaround located along the front lot line of Lots 2 and 3 shall be constructed to in compliance with the Street Design Criteria Manual in order to accommodate fire apparatus access. Staff recommends that upon submittal of a Preliminary Plat application, road construction plans be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Section Line Highway: A north-south section line highway and an east-west section line highway are located along the west lot line and the north lot line of the property, respectively. The section line highways are classified as lane place streets requiring that they be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the 66 foot wide section line highway must be dedicated as right-of-way. To date, the section line highways are unimproved. Staff is



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recommending that upon submittal of a Preliminary Plat application, road construction plans must be submitted for review and approval showing the section line highway(s) constructed as identified and the 66 foot wide section line highway dedicated as right-of-way or a Variance to the Subdivision Regulations must be obtained or the section line highway(s) must be vacated. A portion of the section line highways is located on an adjacent property under different ownership from the subject property. The Subdivision Regulations states that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivide, the other half shall be platted. No new half-streets shall be permitted." Vacating only that portion of the section line highway located on the subject property will create a half-street. As such, the entire section line highway must be vacated or a Variance to the Subdivision Regulations must be obtained. If the applicant seeks to vacate a portion of the section line highway(s), the adjacent property owner will need to concur in the request. Prior to City Council approval of the Preliminary Plat, the section line highway issue must be addressed as identified or construction plans for the streets must be submitted for review and approval.

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. Upon submittal of a Final Plat application, surety must 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. 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.

The proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.