

STAFF REPORT  
September 10, 2009

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**No. 09PL024 - Preliminary Plat**

**ITEM 14**

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GENERAL INFORMATION:

APPLICANT	William M. Jobgen
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	William and Dorothy Jobgen
REQUEST	<b>No. 09PL024 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.78 acres
LOCATION	South of Miracle Lane between Carlin Street and Crane 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	Private water and septic system
DATE OF APPLICATION	5/29/2009
REVIEWED BY	Travis Tegethoff / Ted Johnson / Karen Bulman / <b>Vicki L. Fisher</b>

RECOMMENDATION:

Staff recommends that the Preliminary Plat be continued to the **September 24, 2009** Planning Commission meeting.

GENERAL COMMENTS:

**(Update, August 31, 2009. All revised and/or added text is shown in bold print.) This item was continued to the August 27, 2009 Planning Commission meeting to allow the**

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**applicant to submit the required information. On August 31, 2009, staff met with the applicant's consultant to discuss the additional information needed in order to review the Preliminary Plat application. As of this writing the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the September 24, 2009 Planning Commission meeting with the consultant's concurrence.**

(Update, July 29, 2009. All revised and/or added text is shown in bold print.) This item was continued to the August 6, 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 September 10, 2009 Planning Commission meeting.

(Update, July 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 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 August 6, 2009 Planning Commission meeting.

(Update, June 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 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 July 23, 2009 Planning Commission meeting.

On January 5, 2009, City Council approved a Layout Plat 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 Carlin Street 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. Upon submittal of the Preliminary Plat application, construction plans for Crane 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 49 foot wide right-of-

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- 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 right-of-way shall be vacated;
6. Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
  7. 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;
  8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  9. 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.

The applicant has now submitted a Preliminary Plat to create two lots from a 2.78 acre parcel. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#09SV012) to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code. The property is located north of Long View Road between Carlin Street and Crane Drive. Currently a single family house and an accessory structure are located on the property.

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

Miracle Lane: The applicant has proposed Miracle Lane as a road name for the street along the north lot line of the property. However, a Miracle Place and a Miracle Road already exist in Pennington County. As such, staff recommends that prior to Preliminary Plat approval by the City Council, a revised road name must be submitted for review and approval for this portion of the street.

Miracle Lane is located along a portion of 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 Miracle Lane is located in a 66 foot wide right-of-way and constructed with an approximate 20 foot wide paved surface. The northeast portion of Miracle Lane is currently located in a 15 foot wide access easement. The applicant has submitted a Variance to the Subdivision Regulations (#09SV012) to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code. However, the City Council and the Planning Commission have routinely required that the additional right-of-way be dedicated as a part of the review and approval of a plat. In particular, obtaining the right-of-way as required at the time the property is subdivided precludes the taxpayers from having to purchase the right-of-way when it is needed in the future. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional

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right-of-way be denied. In addition, the applicant has not submitted water, sewer, and drainage information for the proposed development for staff to adequately review the variance requests. As such, staff recommends that this item be continued to the **September 24, 2009** Planning Commission meeting to allow the applicant to submit the required information.

Crane Drive: Crane Drive is located along the eastern lot line and is classified as a lane/place requiring that the street 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. Currently, Crane Drive is located in a 50 foot wide right-of-way and constructed with an approximate 20 foot wide paved surface. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for Crane Drive be submitted as identified or a Variance to the Subdivision Regulations must be obtained. The applicant has submitted a Variance to the Subdivision Regulations (#09SV012) to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code. However, the applicant has not submitted water, sewer, and drainage information for the proposed development for staff to adequately review the variance requests. As such, staff recommends that this item be continued to the **September 24, 2009** Planning Commission meeting to allow the applicant to submit the required information.

Water System: Currently, there are no City services provided to the proposed plat. Staff noted that the location of the existing well was shown on the plat document. However, no water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities are available for domestic and fire flows were submitted for review and approval. As such, staff recommends that this item be continued to the **September 24, 2009** Planning Commission meeting to allow the applicant to submit the required information.

Wastewater System: Currently, there are no City services provided to the proposed plat. Staff noted that location of the existing septic system was shown on the plat document. However, no septic system plans prepared by a Registered Professional Engineer were submitted for review and approval. As such, staff recommends that this item be continued to the **September 24, 2009** Planning Commission meeting to allow the applicant to submit the required information.

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 storm water flow throughout the subdivision and the location and size of all culverts and pipes should be shown on the drainage plan. To date, no drainage or grading plan has been submitted for review and approval. As such, staff recommends that this item be continued to the **September 24, 2009** Planning Commission meeting 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

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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.