

STAFF REPORT  
October 22, 2009

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**No. 09PL061 - Layout and Preliminary Plat**

**ITEM 30**

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GENERAL INFORMATION:

APPLICANT	Hewey Clemmons
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Hewey Clemmons
REQUEST	<b>No. 09PL061 - Layout and Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	A portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning
PROPOSED LEGAL DESCRIPTION	Lots A and B of Clemmons Addition, located in the S1/2 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 13.14 acres

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LOCATION	6299 East Highway 44
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Suburban Residential District (Planned Unit Development)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	9/25/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

**RECOMMENDATION:**

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

1. Prior to Preliminary Plat approval by the City Council, road construction plans for the access street extending south from S.D. Highway 44 to the property shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot 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 Preliminary Plat approval by the City Council, a copy of the approved driveway permit from the South Dakota Department of Transportation for the access street shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, 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 a Variance to the Subdivision Regulations is obtained and individual on-site wastewater systems are utilized as proposed, then an on-site 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;
4. 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 obtained. If a Variance to the Subdivision Regulations is approved and a private water system is utilized as proposed, then a note shall be placed on the plat stating that "All new residential structures shall be fire sprinklered". In addition, the plat document shall be revised to show utility easements as needed;
5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
6. 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;
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 and 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 Layout and Preliminary Plat to create two lots leaving an approximate 49 acre balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #09SV020) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to reduce the pavement width from 24 feet to 18 feet and 15 feet, respectively, for the access street extending south from S.D. Highway 44 to serve the property.

On March 17, 2008 City Council denied without prejudice at the applicant's request a Layout Plat (File #08PL013) and a Variance to the Subdivision Regulations (File #08SV008) for the property.

On May 5, 2008, the City Council approved a Layout Plat (File #08PL042) to subdivide the property into four lots. In addition, a Variance to the Subdivision Regulations (File #08SV019) was approved in part and denied in part. The applicant has subsequently revised the proposed plat to create two lots instead of four lots and has submitted this application for review and approval.

The property is located southwest of the intersection of S.D. Highway 44 and Apple Tree Road. The property is currently zoned Low Density Residential District in Pennington County. Currently, a single-family residence and garage are located on proposed Lot B. Proposed Lot A is currently void of any structural development.

**STAFF REVIEW:**

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

**Access:** An access street extends south from S.D. Highway 44 and serves as access to the property. The access street 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. The street is located in State right-of-way and currently constructed with an approximate 40 foot wide graveled surface. The applicant has submitted plans showing the street improved with an 18 foot wide paved surface and with an existing 15 foot wide cattle guard located along the northern lot line of the property.

Staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans for the access street be submitted for review and approval. In particular,

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the road construction plans must show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations must be obtained. In addition, a copy of the approved driveway permit from the South Dakota Department of Transportation for the access street must be submitted for review and approval.

Sewer: The applicant has indicated that the existing residence located on proposed Lot B is served by a septic tank and drainfield. The applicant has indicated that a similar on-site wastewater system will be utilized on proposed Lot A. However, 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 an central sewer system shall be required to hook up to that system, unless in the opinion of the City Engineer, special circumstances warrant the waiving of this requirement. Currently, a 42 inch sewer main is located within the S.D. Highway 44 right-of-way approximately 200 feet from the property. The applicant has not submitted any information demonstrating that a sewer main could not be extended to serve the property. In addition, staff has reviewed this request and has indicated that a sewer main must be installed to serve the property as per Chapter 16.16.050 of the Rapid City Municipal Code.

Staff recommends that prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer main(s) and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If a Variance to the Subdivision Regulations is obtained and individual on-site wastewater systems are utilized as proposed, 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.

Water: A water main currently exists within the S.D. Highway 44 right-of-way and serves the Rapid City Regional Airport. However, the existing water system does not have adequate capacity for additional services without compromising fire flow capacity at the Airport. The applicant has indicated that two wells currently serve this property. In addition, the applicant has submitted water data identifying that domestic flows can be provided; however, the wells do not provide fire flows.

Staff recommends that 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 be obtained. If a Variance to the Subdivision Regulations is approved and a private water system is utilized as proposed, then a note must be placed on the plat stating that "All new residential structures shall be fire sprinklered". In addition, the plat document must be revised to show utility easements as needed.

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 must 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.

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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, staff is recommending that prior to the City's acceptance of any public improvements, a Warranty Surety be submitted for review and approval if subdivision improvements are required.

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