

STAFF REPORT
December 10, 2009

No. 09PL075 - Preliminary Plat

ITEM 24

GENERAL INFORMATION:

APPLICANT	Walter J. Bradsky
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Walter Bradsky
REQUEST	No. 09PL075 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot 5 of Aspen Estates Subdivision, located in Section 12, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 5A and 5B of Aspen Estates Subdivision, Section 12, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.06 acres
LOCATION	7800 Elkhart Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	General Agriculture District - Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	11/13/2009
REVIEWED BY	Ali DeMersseman / Ted Johnson

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, the covenant agreement previously submitted to demonstrate road maintenance for Canterbury Road, Kenosha Road and Elkhart Road shall be reviewed and approved by the City of Rapid City; and,
2. 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

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Council.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to subdivide a 10.06 acre parcel into two lots sized 3.05 acres (Lot 5A) and 7.01 acres (Lot 5B), respectively.

On October 5, 2009, City Council approved a Layout Plat (No. 09PL034) for the property to subdivide the 10.06 acre parcel into two lots. On October 5, 2009, City Council approved a Variance to the Subdivision Regulations (No. 09SV014) to waive the requirement to install curb, gutter, water and sewer along S.D. Highway 44, to waive the requirement to install curb, gutter, street light conduit, water, sewer, to reduce the pavement width from 24 feet to 22 feet and to waive the requirement to dedicate right-of-way along Elkhart Road, Kenosha Road, and Canterbury Road.

The property was originally platted in 1999 as part of the Aspen Estates Subdivision (No. 99PL004).

The property is located approximately 1½ miles west of the City limits of Rapid City on the north side of S.D. Highway 44 and west of Elkhart Road. Currently, a single family residence is located on proposed Lot 5B. Proposed Lot 5A is void of any structural development.

STAFF REVIEW:

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

Zoning/Sewer: The property is currently zoned Limited Agriculture District by Pennington County, requiring a minimum 10 acre lot size. On August 4, 2009, the Pennington County Board of Adjustment approved a Variance to reduce the minimum lot size required in the Limited Agriculture District from 10 acres to 7.01 and 3.05 acres, respectively. As a condition of approval the applicant agreed to install non-conventional wastewater systems for both the existing house on the property and the proposed additional residence. Subsequently, the applicant submitted plans for the non-conventional wastewater systems proposed to be constructed on the property. The wastewater plans have been reviewed and approved by the South Dakota Department of Environment and Natural Resources, the City of Rapid City, and Pennington County.

Note on Plat: The original plat of the property included a note that stated:

“Prior to obtaining a permit or constructing any structure, petitioner, his heirs, assigns or successors in interest agree to install a total wastewater containment system for each lot. Prior to installation of such system, plans stamped by a Registered Professional Engineer shall be submitted for review and approval by the City of Rapid City and Pennington County. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City and County subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified Professional Engineer to demonstrate that the proposed conventional or alternative system meets all state, county, and local regulations.”

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At the submittal of the Layout Plat application this note was absent from the plat document. The plat document submitted with the Preliminary Plat application has been revised to include the previously recorded note.

Covenant Agreement: The applicant has submitted a covenant agreement to demonstrate road maintenance for Canterbury Road, Kenosha Road, and Elkhart Road. The covenant agreement is currently being reviewed by the City Attorney's Office. Prior to Preliminary Plat approval by the City Council, the covenant agreement previously submitted to demonstrate road maintenance for Canterbury Road, Kenosha Road and Elkhart Road shall be reviewed and approved by the City of Rapid City.

Stormwater Management Plan: The City Council recently adopted a Stormwater Quality Manual that provides a set of criteria and technical guidance for erosion and sediment control at construction sites. The applicant was granted Variances to the Subdivision Regulations and no subdivision improvements are required, as such a Stormwater Management Plan is not required.

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