

STAFF REPORT  
April 22, 2010

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**No. 09PL072 - Preliminary Plat**

**ITEM 2**

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GENERAL INFORMATION:

APPLICANT	Royal Nielsen
AGENT	Renner & Associates
PROPERTY OWNER	Royal Nielsen
REQUEST	<b>No. 09PL072 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 15 revised of HillsvieW Subdivision and the south 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Lot 15 Revised of HillsvieW Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.737 acres
LOCATION	Adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive
EXISTING ZONING	No Use District - Light Industrial District (Planned Development Designation) - Low Density Residential District - General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Heavy Industrial District
East:	Low Density Residential District (Planned Development Designation)
West:	General Commercial District - Low Density Residential District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	11/12/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

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1. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing curb and gutter along the south side of S.D. Highway 44 and a sidewalk along both sides of the street or an Exception shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, the design detail for the proposed detention pond shall be revised to address redline comments. The design detail may also be revised to show an open drainage channel extending south from the detention pond in lieu of a drainage pipe if desired by the applicant. In addition, the plat document shall be revised to show drainage easements as needed. If an alternate detention facility design is proposed other than the design specified in the adopted Perrine Drainage Basin Design Plan, then a drainage analysis to amend the adopted Perrine Drainage Basin Design Plan shall be submitted for review and approval demonstrating that an alternate drainage pond design is appropriate for this area. In addition, a revised drainage design detail shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, a phasing plan shall be submitted for review and approval and the construction plans shall be revised accordingly if it is the intent of the applicant to Final Plat the two lots separately;
4. Prior to submittal of a Final Plat application, the storage building shall be removed from proposed Lot 15RA as proposed or surety shall be posted to insure that it is removed as a part of the subdivision improvements for this property;
5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
6. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,
7. 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, April 13, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 8, 2010 Planning Commission meeting to allow the applicant to submit additional information and to address outstanding issues. The applicant has subsequently submitted a drainage design detail, a revised site plan, a grading plan, a cost estimate, an erosion and sediment control plan and an Exception request to waive the requirement to construct curb and gutter along the south side of S.D. Highway 44 and sidewalk along both sides of the street.

(Update, March 30, 2010. All revised and/or added text is shown in bold print.) This item was continued at the March 25, 2010 Planning Commission meeting to allow the applicant to submit additional information and to address outstanding issues. The applicant has subsequently submitted a drainage report for review and approval. The balance of the information as noted below has not been submitted for review and approval. As such, staff recommends that this item be continued to the April 22, 2010 Planning Commission meeting to allow the applicant additional time to address the issues.

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(Update, March 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the March 4, 2010 Planning Commission meeting to allow the applicant to submit additional information and to address outstanding issues. On January 11, 2010, staff met with the applicant and his consultant to go over the issues. The applicant has indicated that the additional information will be submitted for review and approval. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the April 8, 2010 Planning Commission meeting to allow the applicant additional time to address the issues.

(Update, February 19, 2010. All revised and/or added text is shown in bold print.) This item was continued at the February 18, 2010 Planning Commission meeting to allow the applicant to submit additional information and to address outstanding issues. On January 11, 2010, staff met with the applicant and his consultant to go over the issues. The applicant has indicated that the additional information will be submitted for review and approval. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the March 25, 2010 Planning Commission meeting to allow the applicant additional time to address the issues.

(Update, February 5, 2010. All revised and/or added text is shown in bold print.) This item was continued at the February 4, 2010 Planning Commission meeting to allow the applicant to submit additional information and to address outstanding issues. On January 11, 2010, staff met with the applicant and his consultant to go over the issues. The applicant has indicated that the additional information will be submitted for review and approval. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the March 4, 2010 Planning Commission meeting to allow the applicant additional time to address the issues.

(Update, January 22, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 21, 2010 Planning Commission meeting to allow the applicant to submit additional information and to address outstanding issues. On January 11, 2010, staff met with the applicant and his consultant to go over the issues. The applicant has indicated that the additional information will be submitted for review and approval. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the February 18, 2010 Planning Commission meeting to allow the applicant additional time to address the issues.

(Update, January 11, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 7, 2010 Planning Commission meeting to allow the applicant to submit additional information and to address outstanding issues. On January 11, 2010, staff met with the applicant and his consultant to go over the issues. The applicant has indicated that the additional information will be submitted for review and approval.

Staff recommends that this item be continued to the February 4, 2010 Planning Commission meeting to allow the applicant additional time to address the issues.

(Update, December 23, 2009. All revised and/or added text is shown in bold print.) This item was continued at the December 10, 2009 Planning Commission meeting to allow the

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applicant to submit additional information and to address outstanding issues. To date, the applicant has not submitted any additional information. As such, staff recommends that this item be continued to the January 21, 2010 Planning Commission meeting to allow the applicant additional time to address the issues.

The applicant has submitted a Preliminary Plat to replat two properties into two lots to be known as Lots A and B of Lot 15 Revised of Hills View Subdivision.

The property was annexed into the City limits of Rapid City on July 29, 2008. The property has subsequently been Rezoned from No Use District to General Commercial District, Light Industrial District with a Planned Development Designation, Heavy Industrial District with a Planned Development Designation and Low Density Residential District. Currently, a double wide manufactured home, a shop and three storage buildings are located on proposed Lot A of Lot 15 Revised. In addition, a stick built home, a double wide manufactured home, three storage buildings and two chicken coops are located on proposed Lot B of Lot 15 Revised. Piles of scrap material are also located on both lots. The Pennington County Planning Department has submitted a letter indicating that all of the existing structures and uses were legal non-conforming at the time of annexation. The applicant should be aware that any future use of the property or any expansion of the existing uses on the property must comply with the City's Zoning Ordinance.

The property is located between Rockhill Road and Hillside Drive on the north side of East S.D. Highway 44. The applicant has indicated that he is proposing to sell Lot B of Lot 15 Revised to the property owner located directly east of the lot since a portion of the adjacent property owner's industrial business is currently located on the proposed lot.

**STAFF REVIEW:**

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

**Zoning:** As previously indicated the property is currently zoned General Commercial District, Light Industrial District with a Planned Development Designation, Heavy Industrial District with a Planned Development Designation and Low Density Residential District. Any future use of the property or any expansion of the existing uses on the property must comply with the City's Zoning Ordinance. In particular, a Building Permit must be obtained prior to the start of construction. In addition, an Initial and Final Planned Industrial Development must be submitted for review and approval prior to issuance of a building permit within the areas of the property currently zoned Light Industrial District with a Planned Development Designation and Heavy Industrial District with a Planned Development Designation.

**Setbacks:** The applicant's site plan identifies a storage building and a stick built residence located within the minimum 25 foot rear yard setback on Lot B of Lot 15 Revised. In addition, a storage building is located in the minimum 25 foot side yard setback on Lot A of Lot 15 Revised. This area of Lot A of Lot 15 Revised is currently zoned Light Industrial with a Planned Development Designation. In addition, Lot B of Lot 15 Revised is zoned Heavy Industrial with a Planned Development Designation. As such, the applicant must submit an Initial and Final Planned Industrial Development application to reduce the rear yard setback and the side yard setback, respectively, or the structure(s) must be moved or removed in whole or part to provide the minimum setback(s) or the lot line must be reconfigured to

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provide the minimum setback(s).

Staff recommends that the Preliminary Plat be continued to allow the applicant to address the setback issue as identified.

(Update, March 30, 2010.) To date, the applicant has not submitted an Initial and Final Planned Industrial Development application to reduce the rear yard setback and the side yard setback nor have the structure(s) been moved or removed in whole or part to provide the minimum setback(s). The applicant also has the option of reconfiguring the proposed lots to provide the minimum setback requirements.

Staff recommends that the Preliminary Plat be continued to allow the applicant to address the setback issue as identified.

**(Update, April 13, 2010.) On April 7, 2010, the applicant submitted a revised site plan showing the relocation of the common lot line between the two properties. In addition, the site plan notes that the storage building on proposed Lot 15RA will be removed. Once the storage building is removed, all of the remaining structures will meet the minimum setback requirements. Staff recommends that prior to submittal of a Final Plat application, the storage building be removed or surety posted to insure that it is removed as a part of the subdivision improvements for this property.**

Easements: Title 16.12.200 of the Rapid City Municipal Code states that "Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than 20 feet wide total unless otherwise approved by the City Engineer". Generally, the City Engineer has supported an 8 foot wide minor drainage and utility easement being secured along all interior lot lines. Subsequently, a note on this Preliminary Plat identifies a "Utility and Minor Drainage Easement 8 feet on the interior sides of all lot lines". However, the existing storage building located on proposed Lot B of Lot 15 Revised is currently located approximately 3 feet from the proposed lot line between the two lots, within the proposed easement. As such, the applicant must submit a request to the City Engineer to allow an alternate easement designation which allows the storage building to remain or the storage unit must be removed in whole or in part to allow the minimum 8 foot wide minor drainage and utility easement along the adjacent lot line or the revise the lot line.

Staff recommends that the Preliminary Plat be continued to allow the applicant to address the minor drainage and utility easement issue as identified.

(Update, March 30, 2010.) To date, the applicant has not submitted a request to the City Engineer to allow an alternate easement designation which allows the storage building to remain within the proposed easement area nor has the storage unit been removed in whole or in part to allow the minimum 8 foot wide minor drainage and utility easement along the adjacent lot line. The applicant also has the option of reconfiguring the proposed lots to provide the minimum 8 foot wide minor drainage and utility easement as required.

Staff recommends that the Preliminary Plat be continued to allow the applicant to address the minor drainage and utility easement issue as identified.

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**(Update, April 13, 2010.) As previously indicated, on April 7, 2010, the applicant submitted a revised site plan showing the relocation of the common lot line between the two properties. In addition, the site plan notes that the storage building on proposed Lot 15RA will be removed. With the removal of the storage building, no structural encroachments will exist within the 8 foot wide minor drainage and utility easement being dedicated along all interior lot lines as a part of this Preliminary Plat.**

Drainage: The property is located within the Perrine Drainage Basin Plan Area. The Perrine Drainage Basin Plan identifies the construction of a detention pond element on the property. To date, a drainage plan has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit a drainage plan in compliance with the Perrine Drainage Basin Plan Area. In addition, the plat document must be revised to provide drainage easements as needed.

(Update, March 30, 2010.) As previously indicated, the applicant has submitted a drainage report. Staff has subsequently reviewed and approved the report. However, to date, design plans for the proposed detention facility to be located in the northern portion of the property have not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit design plans as required.

**(Update: April 13, 2010.) On April 13, 2010, staff met with the applicant to discuss possible revisions to the drainage facility design detail that has been submitted for review and approval. In particular, it was noted that the applicant is considering constructing an open drainage channel extending south from the detention pond in lieu of a drainage pipe. The applicant also noted that the size of the proposed detention pond may be larger than necessary due to drainage improvements currently in place west of this property. In order to reduce the size of the drainage pond, a drainage analysis to amend the adopted Perrine Drainage Basin Design Plan must be submitted for review and approval demonstrating that an alternate drainage pond design is appropriate for this area. In addition, a revised drainage design detail must be submitted for review and approval.**

**Staff recommends that prior to Preliminary Plat approval by the City Council, a revised design detail be submitted for review and approval as identified or a drainage analysis to amend the adopted Perrine Drainage Basin Design Plan must be submitted for review and approval as identified. In addition, the plat document must be revised to show drainage easements as needed.**

East S.D. Highway 44: East S.D. Highway 44 is located adjacent to the south lot line of the property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface. Currently, the street is located within a 150 foot wide right-of-way and constructed with an approximately 70 foot wide paved surface. In addition, a City water main is located within the right-of-way as well as Rapid Valley Sanitary District water and sewer mains, which currently serves the property since it is located within the Rapid Valley Sanitary District service boundary. To date, curb, gutter, sidewalk and street light conduit have not been constructed along East S. D. Highway 44.

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Staff recommends that prior to Planning Commission approval of the Preliminary Plat, construction plans be submitted for review and approval showing the installation of curb, gutter, sidewalk, and street light conduit along East S.D. Highway 44 or an Exception must be obtained.

(Update, March 30, 2010.) To date, an Exception request to waive the requirement to install curb, gutter, sidewalk and street light conduit along East S. D. Highway 44 has not been submitted for review and approval nor have construction plans been submitted for review and approval showing these improvements.

Staff recommends that the Preliminary Plat be continued to allow the applicant to address this issue.

**(Update, April 13, 2010.) As previously indicated, the applicant has submitted an Exception request to waive the requirement to install curb and gutter along the south side of S.D. Highway 44 and sidewalk along both sides of the street. Staff is currently reviewing the request.**

**Staff recommends that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing curb and gutter along the south side of S.D. Highway 44 and a sidewalk along both sides of the street or an Exception must be obtained.**

Approach: The Preliminary Plat identifies a 40 foot by 40 foot shared approach along the common lot line of Lot A of Lot 15 Revised and Lot B of Lot 15 Revised as they abut East S.D. Highway 44 to serve as access to both lots. However, the approach does not align with the approach across the street nor does it provide the minimum required separation between approach locations as per the Street Design Criteria Manual. As such, staff recommends that prior to Planning Commission approval of the Preliminary Plat, an Exception be obtained to allow the proposed approach or the plat document must be revised relocating the shared approach to comply with the Street Design Criteria Manual.

(Update, March 30, 2010.) The applicant has submitted an Exception request to allow the proposed approach as identified above. Staff has, subsequently, reviewed and approved the request.

Stormwater Management Plan: The City Council recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

(Update, March 30, 2010.) Prior to Preliminary Plat approval by the Planning Commission, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual must be submitted for review and approval for the proposed detention pond

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improvement. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

**(Update, April 13, 2010.) As previously indicated, the applicant has submitted an Erosion and Sediment Control Plan. Staff is currently reviewing the plan. The applicant should be aware that an Erosion and Sediment Control Permit must be obtained prior to the start of any construction.**

Cost Estimate: Prior to Preliminary Plat approval by the City Council, a cost estimate must be submitted for review and approval.

(Update, March 30, 2010.) To date, a cost estimate has not been submitted for review and approval. As such, prior to Preliminary Plat approval by the City Council, a cost estimate must be submitted for review and approval.

**(Update, April 13, 2010.) As previously indicated, the applicant has submitted a cost estimate. Staff is currently reviewing the estimate and will inform the applicant if any changes are needed. If the construction plans are revised, then a revised cost estimate must be submitted for review and approval to reflect these changes.**

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.

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.

Register of Deed's Office: The Register of Deed's Office has suggested that the plat title be revised to read "Lots 15RA and 15RB" in lieu of "Lot A and Lot B of Lot 15 Revised". Since this is a suggestion and not a recommendation, it is at the applicant's discretion to change the plat title as suggested.

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