

STAFF REPORT  
September 23, 2010

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**No. 10PL054 - Layout Plat**

**ITEM 15**

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GENERAL INFORMATION:

APPLICANT/AGENT	Duane Brink
PROPERTY OWNER	Duane Brink
REQUEST	<b>No. 10PL054 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Heavlin Addition No. 2 located in the SE1/4 SE1/4 SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1R and 2 of Heavlin Addition No. 2 located in the SE1/4 SE1/4 SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0092 acres
LOCATION	23299 South Airport Road
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	7/30/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Layout Plat be continued to the **October 7, 2010** Planning Commission meeting.

GENERAL COMMENTS:

**(Update: September 13, 2010. All revised and/or added text is shown in bold print.)**  
**On September 3, 2010, staff met with the applicant's consultant to discuss the outstanding issues that must be addressed in order for the Layout Plat to be approved. This item was subsequently continued at the September 9, 2010 Planning Commission meeting to allow the applicant to submit the additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the October 7, 2010 Planning**

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**Commission meeting.**

(Update: August 30, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 26, 2010 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that the Layout Plat be continued to the September 23, 2010 Planning Commission meeting.

The applicant has submitted a Layout Plat to replat two parcels into two lots and leaving an unplatted non-transferable balance. The subdivision is to be known as "Lot 1R and Lot 2 of Heavlin No. 2 Addition".

The property is located approximately 100 feet south of the intersection of S.D. Highway 44 and South Airport Road on the west side of South Airport Road. Currently, a single family residence and a shed are located on proposed Lot 1R. Lot 2 is currently void of any structural development. A portion of a shed is located on the unplatted balance and extends onto the adjacent property located south of Lot 1R and Lot 2.

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:

**Master Plan:** The plat identifies a 33 foot wide by 440 foot long portion of a section line highway located along the south lot line of the property as an unplatted balance. The limited size of the unplatted balance does not support future development on the property. The applicant currently owns the adjacent 20 acre parcel located south of the section line highway. As such, a Master Plan must be submitted for review and approval which includes the unplatted balance and the 20 acre parcel to insure that adequate lot sizes and access are being secured as a part of this plat. Since the Layout Plat may significantly change as a result of the Master Plan, staff recommends that the Layout Plat be continued to allow the applicant to submit the Master Plan for review and approval as required.

**Zoning:** The property is currently zoned General Commercial District by Pennington County. The existing single family residence and shed located on proposed Lot 1 are legal non-conforming structures. In addition, the residence is located 44 feet from the section line highway located along the south lot line. A minimum 58 foot setback is required from a section line highway. The applicant has submitted a Vacation of Section Line Highway

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request to Pennington County which will be considered at the September 7, 2010 Pennington County Board of Commissioners meeting. Prior to submittal of a Preliminary Plat application, the section line highway must be vacated or a Variance must be obtained from Pennington County to reduce the setback from 58 feet to 11 feet.

Structural Site Plan: The applicant has submitted a structural site plan for existing Lot 1 which shows a single family residence, a shed, a well and a septic tank and drainfield. The drainfield is shown to extend across the south lot line into the adjacent section line highway. The structural site plan does not show the changes to the lot lines proposed as a part of this plat. Since the Layout Plat could be altered to accommodate the encroaching drainfield and to insure setbacks are being provided between the existing structures and the proposed lot lines, staff recommends that the Layout Plat be continued to allow the applicant to submit a revised structural site plan for review and approval.

South Airport Road: South Airport Road is located along the east lot line 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 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, South Airport Road is located in a 66 foot wide right-of-way and constructed with an approximate 21 foot wide graveled surface. Staff recommends that upon submittal of a Preliminary Plat application, road construction plans for South Airport Road be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised to show the dedication of 17 feet of additional right-of-way or a Variance to the Subdivision Regulations must be obtained.

Section Line Highway: An east-west section line highway is located along the south lot line. The section line highway is classified as a commercial street requiring that it be located within a minimum 59 foot wide dedicated right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, the section line highway is unimproved. As previously noted, the applicant has submitted a Vacation of Section Line Highway request to Pennington County which will be considered at the September 7, 2010 Pennington County Board of Commissioners meeting.

Staff recommends 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. In addition, the construction plans must show the street located within a minimum 59 foot wide right-of-way or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated.

10 Foot Wide Private Access Easement: The Layout Plat identifies an existing 10 foot wide private access easement along a portion of the north lot line of the property. The easement is classified as a commercial street requiring that it be located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer.

Staff recommends that upon submittal of a Preliminary Plat, construction plans for the 10 foot wide private access easement be submitted for review and approval as identified or a

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Variance to the Subdivision Regulations must be obtained.

20 Foot Wide Private Access Easement: The Layout Plat identifies an existing 20 foot wide private access easement along the north lot line of the property. The easement is classified as a commercial street requiring that it be located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer.

Staff recommends that upon submittal of a Preliminary Plat, construction plans for the 20 foot wide private access easement be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Access: The Layout Plat identifies a 20 foot wide approach extending south from S.D. Highway 44, across a 100 foot wide railroad right-of-way to serve as legal access to proposed Lot 2. Upon submittal of a Preliminary Plat application, an Approach Permit must be obtained from the South Dakota Department of Transportation to allow the approach from S.D. Highway 44. In addition, the applicant must demonstrate that legal access has been granted for that portion of the approach extending across the railroad right-of-way.

Sewer: Chapter 16.16.050 of the Rapid City Municipal Code states that "sewer collection systems shall be installed in each subdivision within Rapid City and surrounding platting jurisdictions in accordance with City specifications". The applicant has indicated that the existing residence is currently served by an individual on-site septic tank and drainfield.

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.

The Pennington County Planning Department has also indicated that upon submittal of a Final Plat application, a reserve area must be shown or a note must be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided.

Water: A well located on proposed Lot 1R currently provides water service to the existing residence located on the property. Chapter 16.16.040 states that if a well is to serve more than one lot, a public water system is required. The design and specifications of the distribution system have not been submitted for review and approval. In addition, water data has been submitted demonstrating that the existing well can provide adequate domestic and fire flows.

Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains must 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

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that adequate fire and domestic flows are being provided. If adequate fire flows cannot be provided, then the Fire Department staff has strongly encouraged the installation of an approved residential fire sprinkler system in each residential structure.

Stormwater Management Plan: The City Council has adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff recommends that upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required.

Grading and Drainage Information: To date, grading and/or drainage information has not been submitted for review and approval. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan must be submitted for review and approval if subdivision improvements are required.

Labeling: Upon submittal of a Preliminary Plat application, the plat document must be revised to show the State highway as S.D. Highway 44 in lieu of Highway 40 as currently shown.

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 Preliminary Plat application, a cost estimate of the subdivision improvements must be submitted for review and approval. In addition, upon submittal of a Final Plat application, surety must be posted and subdivision inspection fees must 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.

Staff recommends that the Layout Plat be continued to the **October 7, 2010** Planning Commission meeting to allow the applicant to submit the additional information as identified above.