

STAFF REPORT  
November 20, 2008

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**No. 08PL144 - Layout and Preliminary Plat**

**ITEM 26**

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GENERAL INFORMATION:

APPLICANT	Northwestern Engineering
AGENT	FMG, Inc.
PROPERTY OWNER	Northwestern Engineering Co.
REQUEST	<b>No. 08PL144 - Layout and Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Tract A, Lot K and Lot 1 of Tract B all of Meadowwood Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 3 of GFP Subdivision and dedicated Right-of-way for Meadowwood Drive and North 44th Street, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 27.3 acres
LOCATION	At the northern terminus of North 44th Street between City Springs Road and Sturgis Road
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District - General Commercial District - Mining and Extraction District
West:	Low Density Residential District
PUBLIC UTILITIES	Private on-site water and sewer
DATE OF APPLICATION	10/24/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

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, the plat document shall be revised to reconfigure Lot 2 eliminating the unusable reserve strip or a Variance to the Subdivision Regulations shall be obtained to allow an unusable reserve strip;

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2. 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 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 shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension and/or existing water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
4. Prior to Preliminary Plat approval by the City Council, street construction plans for N. 44<sup>th</sup> Street shall be submitted for review and approval. In particular, the street shall be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan relocating N. 44<sup>th</sup> Street as proposed shall be approved or the plat document shall be revised to comply with the adopted plan. In addition, centerline and edge of right-of-way line profiles for the street shall be submitted for review and approval to ensure that it is feasible to construct the street in the proposed location;
6. Prior to Preliminary Plat approval by the City Council, street construction plans for the 40 foot wide right-of-way located along the east lot line of the property shall be submitted for review and approval. In particular, the street shall be located in 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 9.5 additional feet of right-of-way;
7. Prior to Preliminary Plat approval by the City Council, street construction plans for Meadowwood Drive shall be submitted for review and approval. In particular, the street shall 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall show the cul-de-sac bulb located within a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
8. Prior to Preliminary Plat approval by the City Council, street construction plans for the section line highway shall be submitted for review and approval. In particular, the street shall be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 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 section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be

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- obtained to allow half a right-of-way;
9. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
  10. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  11. Prior to Preliminary Plat approval by the City Council, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed. In addition, a Floodplain Development Permit shall be obtained prior to any construction within the 100 year Federally designated Floodplain;
  12. Prior to submittal of a Final Plat application, the plat document shall be revised to exclude the improvement identified as "an existing well" located on proposed Lot 3 from the Major Drainage Easement or the improvement shall be abandoned or surety shall be posted for the abandonment requiring the structure to be removed within two years;
  13. 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;
  14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  15. 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:**

The applicant has submitted a Preliminary Plat to reconfigure three parcels into three platted lots to be known as Lots 1 through 3 of the GFP Subdivision. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV055) to waive the requirement to dedicate right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the Section Line Highway; to reduce the right-of-way width from 100 feet to 80 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water along N. 44th Street; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water along Meadowwood Drive; to reduce the right-of-way width from 59 feet to 40 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water along the existing 40 foot wide right-of-way as it abuts the east lot line of the property; and, to allow an unusable reserve strip. The applicant has also submitted a Comprehensive Plan Amendment to the Major Street Plan (File #08CA041) to relocate N. 44<sup>th</sup> Street, a minor arterial street, as it extends through the property.

The property is located at the northern terminus of N. 44th Street between City Springs Road and Sturgis Road. Currently, a single family residence is located on proposed Lot 1. In addition, a well and well house are located on proposed Lot 3.

**STAFF REVIEW:**

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

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Lot 2: The Layout and Preliminary Plat shows Lot 2 as a .868 acre lot with a 20 foot wide flagpole extending along N. 44<sup>th</sup> Street. However, the 20 foot wide flagpole area of the lot does not provide a building envelope, creating an unusable reserve strip between Lot 1 and N. 44<sup>th</sup> Street. Chapter 16.12.040 of the Rapid City Municipal Code states that an unusable reserve strip controlling access to streets is prohibited. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to reconfigure Lot 2 eliminating the unusable reserve strip or a Variance to the Subdivision Regulations must be obtained to allow the unusable reserve strip.

N. 44<sup>th</sup> Street: The Layout and Preliminary Plat identifies N 44<sup>th</sup> Street extending through the property, connecting with Knutson Lane. The street is identified as a minor 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, curb, gutter, sidewalk, street light conduit, water and sewer. The Layout and Preliminary Plat shows the proposed dedication of an 80 foot wide right-of-way for the street. In addition, an approximate 10 foot wide graveled road is currently constructed within a portion of the proposed right-of-way. Staff recommends that prior to Preliminary Plat approval by the City Council, street construction plans for N. 44<sup>th</sup> Street be submitted for review and approval showing the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

The Layout and Preliminary Plat identifies N. 44<sup>th</sup> Street located approximately 225 feet north of the location shown on the City's adopted Major Street Plan. As such, staff recommends that prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan be obtained to relocate the street as proposed or the plat document must be revised to show the street in the approved location. In addition, centerline and edge of right-of-way line profiles for the street must be submitted for review and approval to ensure that it is feasible to construct the street in the proposed location.

Existing 40 foot wide right-of-way: The Preliminary Plat identifies an existing 40 foot wide right-of-way located along the east lot line of the property. The street is classified as an industrial 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. Currently, the right-of-way is unimproved. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, street construction plans for the 40 foot wide right-of-way located along the east lot line of the property be submitted for review and approval. In particular, the street must be located in 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 or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised to show the dedication of 9.5 additional feet of right-of-way.

Meadowwood Drive: The Layout and Preliminary Plat identifies Meadowwood Drive extending into the northern portion of the property as a cul-de-sac street. The 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

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conduit, water and sewer. In addition, the construction plans must show the cul-de-sac bulb located within a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface. The Layout and Preliminary Plat identifies the street with a 49 foot wide right-of-way and with a 105 foot diameter right-of-way cul-de-sac bulb. Currently, an approximate 10 foot wide graveled driveway is constructed in a portion of the proposed right-of-way and serves as access to the single family residence located on proposed Lot 1.

Staff recommends that prior to Preliminary Plat approval by the City Council, street construction plans for Meadowwood Drive be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. The construction plans must show the street 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. In addition, the construction plans must show the cul-de-sac bulb located within a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations must be obtained.

Section Line Highway: A north-south section line highway is located along the west lot line of the property. The section line highway is classified as a lane place street requiring that it be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer. To date, the section line highway is unimproved. Staff is recommending that prior to Preliminary Plat approval by the City Council, street construction plans be submitted for review and approval showing the section line highway constructed as identified or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated. In addition, the plat document must be revised to show the dedication of the minimum required 45 foot wide right-of-way. The adjacent property owner(s) must sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations must be obtained to allow half a right-of-way.

Water: The applicant has indicated that the existing single family residence located on proposed Lot 1 is being served by a private on-site well. To date, the applicant has not submitted a water analysis verifying that the well can provide adequate water quantity for domestic and fire flows. In addition, the applicant has not identified a water source to serve proposed Lots 2 and 3. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension and/or existing water mains 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 that adequate fire and domestic flows are being provided. The plat document must also be revised to provide utility easements as needed.

Well House: The plans submitted by the applicant indicate that a well and well house are currently located on proposed Lot 3 within the proposed "Major Drainage Easement". The applicant has indicated that they intend to abandon the improvement and remove the structure. Staff is recommending that prior to submittal of a Final Plat application, the facility be abandoned as proposed or surety be posted for the abandonment requiring that the improvement be removed within two years or the plat document must be revised to exclude

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the improvement from the Major Drainage Easement.

Sewer: The applicant has indicated that a private on-site wastewater system currently serves the existing single family residence located on proposed Lot 1. To date, the applicant has not identifying the location and capacity of the existing on-site septic tank and drainfield. In addition, the applicant has not identified a sewer service for proposed Lots 2 and 3. As such, staff is recommending that 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 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.

Grading/Drainage/Floodplain: If any subdivision improvements are required, a grading and drainage plan must be submitted for review and approval. Staff is recommending that the grading and drainage plan be submitted for review and approval prior to Preliminary Plat approval by the City Council if needed.

The southern portion of the property is located within the 100 year Federally designated Floodplain. The plat document identifies this area as a "Major Drainage Easement". The applicant should be aware that a Floodplain Development Permit must be obtained prior to any construction within the 100 year Federally designated Floodplain.

Stormwater Management Plan: The City Council has recently 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 is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required.

Air Quality Permit: Even though an Air Quality Permit is not needed as a part of the review and approval of a Preliminary Plat application, the applicant should be aware that the permit is needed prior to any surface disturbance of one acre or more.

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 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 recommends

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that prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

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