

STAFF REPORT  
January 22, 2009

---

**No. 08PL177 - Layout Plat**

**ITEM 56**

---

GENERAL INFORMATION:

APPLICANT	Shane Geidel
AGENT	Renner & Associates
PROPERTY OWNER	Shane Geidel
REQUEST	<b>No. 08PL177 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Jundt Subdivision, located in the W1/2 of the NW1/4, Section 33, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1A,1B, and 1C of Jundt Subdivision, located in the W1/2 of the NW1/4, Section 33, T1N, R9E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	23410 Bradsky Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	12/3/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Layout Plat be denied without prejudice.

GENERAL COMMENTS: The applicant has submitted a Layout Plat to create three lots ranging in size from approximately 10.1 acres to approximately 19.8 acres from an existing 40 acre parcel. The applicant has also submitted a Variance to the Subdivision Regulations (#08SV058).

The property is located south of East Highway 44 on the east side of Bradsky Road. Currently a single family residence and accessory structures are located on the property.

STAFF REPORT  
January 22, 2009

---

**No. 08PL177 - Layout Plat**

**ITEM 56**

---

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:

Zoning: The property is located in Pennington County, outside of the City limits of Rapid City but a majority of the property is within the City's three mile platting jurisdiction. However, a small portion of the property is located within the platting jurisdiction of Pennington County and will have to be reviewed and approved through the Pennington County's platting process. The property is currently zoned General Agriculture District by Pennington County. The proposed plat will result in lot sizes of approximately 10.1 acres to approximately 19.8 acres. However, the General Agriculture District requires a minimum lot size of forty acres. As such, the existing parcel does not have sufficient acreage to support further subdivision.

The Pennington County Planning Department has indicated that all of the surrounding properties are currently zoned General Agriculture District. Rezoning the property to allow the proposed 10.1 to 19.8 acre lots would result in a spot zoning of the property. The Pennington County Planning Department has indicated that spot zoning is typically not supported in the County. As such, staff is recommending that the Layout Plat be denied without prejudice to allow the applicant to resolve the zoning issue with Pennington County.

Forty Dwelling Units: Currently, Bradsky Road serves as exclusive access to approximately 80 residential lots. The proposed layout will result in two additional lots with one exclusive point of access. On August 16, 2000, the City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. As such, staff is recommending that prior to submittal of a Preliminary Plat application the applicant provide a second means of access to the development or obtain an exception to allow only one point of access to more than 40 dwelling units.

Water: The applicant has indicated that a private water system will provide water to the proposed lot. However, no information on the water system was submitted with the Layout Plat. As such, upon submittal of the Preliminary Plat, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

STAFF REPORT  
January 22, 2009

---

**No. 08PL177 - Layout Plat**

**ITEM 56**

---

Wastewater Disposal Systems: Staff noted that no information on the sanitary sewer system was submitted with the Layout Plat. As such, staff is recommending that upon submittal of the Preliminary Plat application, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If individual on-site waste water treatment systems are proposed, the applicant must submit the depth of the soil, type of soil, location and capacity of all septic tanks proposed, location and results of the percolation tests, demonstrating that the soils are suitable for on-site wastewater treatment systems must be submitted for review and approval.

Bradsky Road: Bradsky Road is located along the western lot line of the property and is classified as a proposed minor arterial on the Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way. The developer is responsible for constructing an arterial street to a collector street standard. Any expansion of the road beyond a collector street standard is considered over sizing and is not the developer's responsibility. Currently, Bradsky Road is located in a 66 foot wide right-of-way with an approximate 24 foot wide paved surface with no curb, gutter, water, sewer, street light conduit or sidewalks. The applicant has requested a Variance to the Subdivision Regulations (#08SV058) to waive the requirements to improve Bradsky Road in conjunction with this plat request. However, as previously indicated the existing parcel does not have sufficient acreage to support further subdivision. As such, staff is recommending that the Layout Plat be denied without prejudice to allow the applicant to resolve the zoning issue with Pennington County.

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. As such, any future platting of the property will require that 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, 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 is recommending that the Layout Plat be denied without prejudice to allow the applicant to resolve the zoning issue with Pennington County and to allow the applicant to submit the required information.