

STAFF REPORT
March 21, 2019

No. 19PL014 - Preliminary Subdivision Plan

ITEM 6

GENERAL INFORMATION:

APPLICANT	Patrick Foley
AGENT	Ron Davis - Davis Engineering, Inc.
PROPERTY OWNER	Patrick Foley
REQUEST	No. 19PL014 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	The SW1/4 of the NW1/4 of the SW1/4 of Section 4, T1S, R8E, BHM; Lot 2 of the NE1/4 of the SE1/4, Lot AB of the NE1/4 of the SE1/4 of Section 5, T1S, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lot B of Robbers Roost Addition (One limited agricultural lot)
PARCEL ACREAGE	Approximately 13.6 acres
LOCATION	3 miles south of City landfill on east side of Hwy 79
EXISTING ZONING	Limited Agricultural District (Pennington County)
FUTURE LAND USE DESIGNATION	Agriculture
SURROUNDING ZONING	
North:	Limited Agricultural District (Pennington County)
South:	Limited Agricultural District (Pennington County)
East:	Limited Agricultural District (Pennington County)
West:	Limited Agricultural District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	February 22, 2019
REVIEWED BY	Vicki L. Fisher / Dan Kools

RECOMMENDATION:

Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Upon submittal of a Development Engineering Plan application, construction plans for S. D. Highway 79 shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, street light conduit, sewer and water mains or an Exception shall be obtained. If an Exception is obtained, a copy of the

STAFF REPORT
March 21, 2019

No. 19PL014 - Preliminary Subdivision Plan

ITEM 6

- approved Exception shall be submitted with the Development Engineering Plan application;
2. Prior to submittal of a Final Plat application, the unplatted balance shall be rezoned to allow a 2.09 acre parcel or a lot size Variance shall be obtained from Pennington County;
 3. Prior to submittal of a Final Plat application, the applicant shall work with the Pennington County Planning Department to address the junk and junk vehicles located on the property;
 4. Prior to submittal of a Final Plat application, the applicant shall work with the Pennington County Planning Department to secure building permits for the “mobile minis” and a 720 square foot detached garage located on the property;
 5. Prior to submittal of a Final Plat application, the applicant shall submit documentation confirming that the approach and driveway constructed within the S.D. Highway 79 right-of-way has been approved by the South Dakota Department of Transportation or the driveway shall be removed;
 6. 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; and,
 7. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Subdivision Plan to combine four properties into one lot leaving a non-transferable balance. The lot will be sized 13.85 acres and is to be known as Lot B, Robbers Roost Addition.

The property is located approximately three miles south of the City landfill, on the east side of S. D. Highway 79. Currently, a single family residence, a detached garage and several small mobile units are located on the property. The Pennington County Planning Department has also indicated that there is a significant amount of junk and junk vehicles located on the property.

A Preliminary Subdivision Plan is a tentative plan of a proposed subdivision requiring the installation of public improvements. Approval of a Preliminary Subdivision Plan by the City Council is required before an applicant can proceed with Development Engineering Plans and a Final Plat application for all or part of the area within the Preliminary Subdivision Plan application.

STAFF REVIEW:

Staff has reviewed the Preliminary Subdivision Plan and has noted the following considerations:

Zoning: The property is currently zoned Limited Agriculture District by Pennington County which requires a minimum 10 acre lot size. The proposed 13.6 acre lot meets the lot size requirement. However, the proposed plat creates a 2.09 acre non-transferable balance located north of the proposed lot. The Pennington County Planning Department has indicated that the 2.09 acre parcel must be rezoned to an appropriate Zoning District to allow the smaller parcel or a lot size Variance must be obtained from Pennington County

STAFF REPORT
March 21, 2019

No. 19PL014 - Preliminary Subdivision Plan

ITEM 6

prior to submittal of a Final Plat application.

Code Violations: The Pennington County Planning Department has indicated that there is a significant amount of junk and junk vehicles located on the property in violation of their Ordinance. Prior to submittal of a Final Plat application, this issue must be resolved with Pennington County.

The Pennington County Planning Department has also indicated that no building permits were obtained for the “mobile minis” or the 720 square foot detached garage located on the property. Prior to submittal of a Final Plat application, this issue must be resolved with Pennington County.

The Pennington County Planning Department has also indicated that they are not aware of any approval for the approach and driveway extending from the north lot line within the S.D. Highway 79 right-of-way. Prior to submittal of a Final Plat application, the applicant must submit documentation confirming that the approach and driveway constructed within the S.D. Highway 79 right-of-way has been approved by the South Dakota Department of Transportation or the approach and driveway must be removed.

S.D. Highway 79: S.D. Highway 79 is located along the west lot line of the property and is classified as a principal arterial street on the City’s Major Street Plan. A principal arterial street must 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, sewer and dual water mains. S.D. Highway 79 is located within a 300 foot wide right-of-way and constructed as a divided highway with two north bound lanes and two south bound lanes. Upon submittal of a Development Engineering Plan application, construction plans for S.D. Highway 79 must be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, streetlight conduit, sewer and water mains or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.