

STAFF REPORT  
January 5, 2023

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**No. 22PL144 - Preliminary Subdivision Plan**

**ITEM 7**

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GENERAL INFORMATION:

APPLICANT	Carey Kassube
AGENT	PLS Interstate Engineering, Inc.
PROPERTY OWNER	Dark Canyon Rentals, LLC
REQUEST	<b>No. 22PL144 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	Lot 1 and 2 of Lot J and Lot J of Parcel No. 2 of Canyon Park, located in the SE1/4 of the NE1/4 of Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lot 1A and 2A of Lot J in Parcel No. 2 of Canyon Park
PARCEL ACREAGE	Approximately 2.70 acres
LOCATION	5900 West Highway 44
EXISTING ZONING	Suburban Residential District (Pennington County)
FUTURE LAND USE DESIGNATION	Forest Conservation
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Flood Hazard District
East:	Flood Hazard District
West:	Low Density Residential District I
PUBLIC UTILITIES	
DATE OF APPLICATION	December 9, 2022
REVIEWED BY	Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

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

1. Prior to submittal of a Development Engineering Plan application, a Variance shall be obtained from City Council waiving the requirement to construction sidewalk along SD West Highway 44 and the private access and utility easement or upon submittal of a Development Engineering Plan, construction plans showing sidewalk along the two streets shall be submitted for review and approval. If the Variance is obtained and no other subdivision improvements are required, then documentation showing that the Variance has

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- been obtained shall be submitted with the Final Plat application;
2. Upon submittal of a Development Engineering Plan application, a utility plan clearly showing the location of water and sanitary sewer service lines for each lot shall be submitted for review and approval. If all subdivision improvements are waived and a Development Engineering Plan application is not required, then the documentation shall be submitted with the Final Plat application;
  3. Upon submittal of a Development Engineering Plan application, written concurrence from Rapid Canyon Sanitary District for the sanitary sewer system design shall be submitted. If all subdivision improvements are waived and a Development Engineering Plan application is not required; then the documentation shall be submitted with the Final Plat application;
  4. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;
  5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements if any are required;
  6. Prior to submittal of a Final Plat application, the property shall be annexed into the City limits of Rapid City;
  7. Upon annexation of the subject property and prior to submittal of a Final Plat application, a Variance from the City's Zoning Board of Adjustment shall be obtained to reduce the minimum lot size requirement of the Park Forest District from 3 acres to 1.24 acres and 1.46 acres, respectively. In addition, a Variance shall be obtained for any setback encroachments along the common lot line between the two proposed lots pursuant to the Park Forest District or the lot layout shall be reconfigured to show compliance. If the Variances are obtained, then prior to submittal of a Final Plat application, the property shall be rezoned from No Use District to Park Forest District;
  8. Prior to submittal of a Final Plat application, the plat document shall identify an easement for the shared well and the service line from the well to proposed Lot 2A. In addition, upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the shared well;
  9. Prior to submittal of a Final Plat application, the plat document shall be revised removing setback line notations;
  10. Prior to submittal of a Final Plat application, an Approach Permit shall be obtained from the South Dakota Department of Transportation and from the Pennington County Highway Department;
  11. 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,
  12. 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 replat three lots into two lots. The lots will be sized 1.21 acres and 1.46 acres, respectively, and will be known as Lots 1A and 2A of Lot J of Parcel No. 2 of Canyon Park.

The property is located in the northeast corner of the intersection of Nameless Cave Road and SD West Highway 44. Currently, a single family residence, 3 storage pole barns, a large

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shop and a carport are located on proposed Lot 1A. In addition, a single family residence, a storage/garage building and two carports are located on proposed Lot 2A.

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:

**Annexation/Zoning:** The property is located outside of the City limits but contiguous to the existing City limit boundary of Rapid City. Chapter 16.04.090.B of the Rapid City Municipal Code states that whenever property within the subdivision which the owner desires to have platted into tracts, lots, or blocks is contiguous to Rapid City, the property shall be annexed to Rapid City. As such, prior to submittal of a Final Plat application, the property must be annexed as identified.

Upon annexation, the property will be zoned No Use District. The City's Future Land Use Plan identifies the appropriate use of the subject property as Park Conservation which supports rezoning the property from No Use District to Park Forest District. However, the Park Forest District requires a minimum lot size of 3 acres and the total acreage for both lots is 2.70 acres. As such, upon annexation, and prior to submittal of a Rezone application, a Variance from the Zoning Board of Adjustment must be obtained to reduce the minimum lot size requirement in the Park Forest District from 3 acres to 1.24 acres and 1.56 acres, respectively.

The Park Forest District requires minimum setbacks for residential and accessory structures. Several of the setbacks for the existing development on the property are currently legal non-conforming in Pennington County. Upon annexation, these setbacks will remain legal non-conforming. However, setbacks must be met along the proposed common lot line between the two lots since this is a changing condition as a result of the proposed plat. As such, upon annexation and prior to submittal of a Rezone application, a Variance from the Zoning Board of Adjustment must be obtained for any setback encroachments along the common lot line between the two proposed lots or the lot layout must be reconfigured to show compliance.

If the two Variances as identified above are obtained, then prior to submittal of a Final Plat application, the property must be rezoned from No Use District to Park Forest District.

**S.D. West Highway 44:** S.D. West Highway 44 is located along the south lot line of the property and is classified as a principal 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, sidewalk, street light conduit, sewer and water. Currently, S.D. West Highway 44 is located in a 140-foot wide right-of-way and constructed with an approximate 45-foot wide paved surface. An Exception has administratively been granted waiving the outstanding improvements with the exception of sidewalk as only City

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Council has the authority to waive sidewalk improvements. Prior to submittal of a Development Engineering Plan application, a Variance must be obtained from City Council waiving the requirement to construction sidewalk as noted or upon submittal of a Development Engineering Plan, construction plans showing sidewalk along the S.D. West Highway 44 must be submitted for review and approval.

Access and Utility Easement: The applicant's preliminary plat identifies an access and utility easement extending from Nameless Cave Road, across proposed Lot 2A to serve as access to proposed Lot 1A. The easement is classified as a lane place street requiring that it be located in a minimum 50-foot wide easement and constructed a minimum 24-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement is constructed with an approximate 12-foot wide paved surface. Since the easement serves as a driveway to proposed Lot 1A, an Exception has administratively been granted waiving the outstanding improvements with the exception of sidewalk as only City Council has the authority to waive sidewalk improvements. Prior to submittal of a Development Engineering Plan application, a Variance must be obtained from City Council waiving the requirement to construction sidewalk as noted or upon submittal of a Development Engineering Plan, construction plans showing sidewalk along the easement must be submitted for review and approval.

Water: A well located on proposed Lot 1A currently serves the two lots. Prior to submittal of a Final Plat application, the plat document must show an easement for the shared well and the service line from the well to proposed Lot 2A. In addition, upon submittal of a Final Plat application, an agreement must be submitted for recording securing ownership and maintenance of the shared well.

Sewer: Rapid Canyon Sanitary District provides sewer service to the existing development on the subject property. Upon submittal of a Development Engineering Plan application, written concurrence from Rapid Canyon Sanitary District for the sanitary sewer system design for the reconfigured lots must be submitted. In addition, a utility plan clearly showing the location of water and sanitary sewer service lines for each lot must be submitted for review and approval. If all subdivision improvements are waived and a Development Engineering Plan application is not required; then the documentation must be submitted with the Final Plat application.

Stormwater Management Plan: The City Council has adopted a Stormwater Quality Manual and an Infrastructure Design Criteria Manual which provide criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual be submitted for review and approval as required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

Development Agreement: Section 1.16.1 of the Infrastructure Development Criteria Manual states that a Development Agreement may be required for construction approval. A Development Agreement is a tool which will provide the City and the developer with an instrument to document the financial and procedural requirements for the development of public improvements. Staff recommends that prior to approval of the Development Engineering Plan application, a Development Agreement must be entered into with the City

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for all public improvements.

Approach Permit: The Pennington County Highway Department has indicated that access to the subject property is from a county road within South Dakota Department of Transportation right-of-way. As such, prior to submittal of a Final Plat application, an Approach Permit must be obtained from the South Dakota Department of Transportation and from the Pennington County Highway Department.

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

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