

STAFF REPORT
October 9, 2008

No. 08PL133 - Preliminary Plat

ITEM 27

GENERAL INFORMATION:

APPLICANT	Robert Schmitz for U Lazy Two, LLC
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Robert Schmitz for U Lazy Two, LLC
REQUEST	No. 08PL133 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of U Lazy Two Ranch Estates Subdivision, located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 160.14 acres
LOCATION	8970 Nemo Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Low Density Residential District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	9/12/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, road construction plans for Nemo

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- Road shall be submitted for review and approval. In particular, the road construction plans shall show the street 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;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located between proposed Lots 1 and 2 shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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;
 3. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located along the east lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 obtained to allow half a right-of-way;
 4. 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;
 5. 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;
 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 7. 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;
 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 9. 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 plat three unplatted parcels of property into two platted lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV050) to waive the requirement to install curb, gutter, street light conduit, water, sewer and additional pavement along Nemo Road, to install curb, gutter, street light conduit, water, sewer and pavement along the existing section line highways and to waive the requirement to dedicate the section line highways as right-of-way. The proposed development is to be known as Lots 1 and 2 of U Lazy Two Ranch Estates.

On May 5, 2008, the City Council approved a Layout Plat (File #08PL044) of the property to

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create two lots leaving a 40 acre unplatted balance. This Preliminary Plat includes the same property but incorporates the 40 acre unplatted parcel into proposed Lot 1, resulting in two lots with no unplatted balance.

On May 5, 2008, the City Council also approved a Variance to the Subdivision Regulations (File #08SV021) to install curb, gutter, street light conduit, water, sewer and additional pavement along Nemo Road, to install curb, gutter, street light conduit, water and sewer and pavement along the existing section line highways, to install curb, gutter, street light conduit, water, sewer and pavement along a proposed 50 foot wide private access and utility easement and to waive the requirement to dedicate the section line highways as right-of-way. The Variance to the Subdivision Regulations was approved in conjunction with the Layout Plat. Since this Preliminary Plat has been revised to include an additional 40 acres, the applicant has submitted a new Variance to the Subdivision Regulations request to waive the requirement to improve Nemo Road and the section line highways as they abut the property. Please note that the Preliminary Plat no longer shows a private access and utility easement on the property.

The property is located north and east of the intersection of Schmitz Trail and Nemo Road. Currently, a single family residence and accessory structures are located on proposed Lot 2. The balance of the property is void of any structural development.

STAFF REVIEW:

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

Nemo Road: Nemo Road is located along the west lot line of the subject property 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, Nemo Road is located in a 66 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface. The Preliminary Plat identifies the dedication of 17 additional feet of right-of-way along Nemo Road as it abuts the property. Staff is recommending that upon submittal of a Preliminary Plat application, road construction plans for Nemo 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.

Section Line Highway: A north-south section line highway is located along the east lot line and an east-west section line highway is located between proposed Lots 1 and 2. The section line highways are classified as lane place streets requiring that they be constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, the 66 foot wide section line highway must be dedicated as right-of-way. To date, the section line highways are unimproved. Staff is recommending 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 and the 66 foot wide section line highway dedicated as right-of-way or a Variance to the Subdivision Regulations must be obtained or the section line highway(s) must be vacated. The east half of the north-south section line highway is located on an adjacent property under different ownership from the subject property. The Subdivision Regulations states that "...where there exists a

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dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted". Vacating only that portion of the section line highway located on the subject property will create a half-street. As such, the entire section line highway must be vacated or a Variance to the Subdivision Regulations must be obtained. If the applicant seeks to vacate a portion of the section line highway(s), the adjacent property owner will need to concur in the request. Prior to City Council approval of the Preliminary Plat, the section line highway issue must be addressed as identified or construction plans for the streets must be submitted for review and approval.

Access: The Subdivision Regulations requires that access be provided through a proposed development to adjacent properties to ensure normal circulation of traffic within the vicinity at the time of subdivision if needed. As such, staff has reviewed existing access through this area to determine if a street should be provided to any of the adjacent properties through the applicant's property.

Access to the southern property isn't reasonably feasible through this site due to the terrain separation between the parcels. The existing section line highway(s) currently provide access to the properties located east of this property. The section line highways provide as reasonable an access as any that could be provided through this development. The property to the north currently is accessed via Palmer Road and a previously recorded access easement. As such, staff has determined that no street connections must be provided to the adjacent properties as a part of this plat.

Grading and Drainage Plan: 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.

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.

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 is

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

Plat Labeling: The Register of Deed's Office has requested that the word "Subdivision" be removed from the plat title; however, this is not a requirement. Staff recommends that the applicant work with the Register of Deed's to revise the plat document if and as needed.

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

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