

STAFF REPORT
May 6, 2010

No. 10PL025 - Layout Plat

ITEM 12

GENERAL INFORMATION:

APPLICANT	Jim and Delana Nelson
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	Jim and Delana Nelson
REQUEST	No. 10PL025 - Layout Plat
EXISTING LEGAL DESCRIPTION	The NW1/4 SW1/4 SW1/4 and the N1/2 N1/2 SW1/4 SW1/4 SW1/4 lying east of Nemo Road, the NE1/4 SW1/4 SW1/4 and the N1/2 N1/2 SE1/4 SW1/4 SW1/4 of Section 25, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Nelson Subdivision, located in the SW1/4 SW1/4, Section 25, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 23.0 acres
LOCATION	13545 and 13555 Bittersweet Road
EXISTING ZONING	Limited 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:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private well and on-site wastewater system
DATE OF APPLICATION	4/9/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Prior to submittal of a Preliminary Plat application, the property shall be rezoned by Pennington County from Limited Agriculture District to Low Density Residential District or a Variance to reduce the lot size from 10 acres to 4.99 acres in the Limited Agriculture District shall be obtained or the plat document shall be revised to provide a minimum 10 acre lot size;

STAFF REPORT
May 6, 2010

No. 10PL025 - Layout Plat

ITEM 12

2. Upon submittal of a Preliminary Plat application, road construction plans for Nemo Road shall be submitted for review and approval. In particular, the road construction plans shall show the street 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 10 feet of additional right-of-way or a Variance to the Subdivision Regulations shall be obtained;
3. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway located within a dedicated 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. If the applicant proposes to vacate the section line highway, then all of the adjoining property owner(s) shall sign the petition to vacate the section line highway;
4. Upon submittal of a Preliminary Plat application, road construction plans for the proposed 66 foot wide access easement shall be submitted for review and approval. In particular, the road construction plans shall 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. If visitor parking is provided at the rate of one paved parking stall per dwelling located within 300 feet of each residence and the street is posted with no parking signs, then the street may 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, a turnaround shall be provided at the end of the street with a minimum 110 foot wide diameter easement or right-of-way and constructed with a minimum 96 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 submittal of a Preliminary Plat application, an Exception shall be obtained to allow the proposed 66 foot wide access easement as a 1,400 foot long cul-de-sac street without an intermediate turnaround in lieu of a maximum 500 foot long cul-de-sac street with an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
6. Upon submittal of a Preliminary Plat application, road construction plans for Bittersweet Road shall be submitted for review and approval. In particular, the road construction plans shall 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 or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show a collector street extending through the northeast corner of the property as per the Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained to eliminate and/or relocate the street. In addition, upon submittal of a Preliminary Plat application, construction plans for the collector street shall be submitted for review and approval showing the street located within a minimum 60 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

STAFF REPORT
May 6, 2010

No. 10PL025 - Layout Plat

ITEM 12

- Regulations shall be obtained;
8. Upon submittal of a Preliminary Plat application, 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. In addition, dry sewer mains shall be provided pursuant to the adopted Source Water Protection Study recommendation;
 9. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of 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;
 10. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
 11. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
 12. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Nemo Road;
 13. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Nemo Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);
 14. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show a different name for the subdivision since Nelson Subdivision already exists;
 15. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
 16. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 17. Upon submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal, or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1, or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;
 18. Upon submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance and ownership of the well;
 19. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision

STAFF REPORT
May 6, 2010

No. 10PL025 - Layout Plat

ITEM 12

- inspection fees shall be paid; and,
20. 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 Layout Plat to plat two properties into two lots creating an 18.06 acre lot and a 4.99 acre lot. The subdivision is to be known as "Lots 1 and 2 of Nelson Subdivision".

The property is located east of the intersection of Red Deer Road and Nemo Road. Currently, a single family residence with a detached garage is located on proposed Lot 1. In addition, a mobile home with an attached garage and a shed are located on proposed Lot 2.

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 stipulations:

Zoning: The property is currently zoned Limited Agriculture District by Pennington County which requires a minimum ten acre lot size. The City's Future Land Use Plan identifies the appropriate use of the property as Park Forest, which requires a minimum three acre lot size.

As previously indicated, the Layout Plat identifies an 18.06 acre lot and a 4.99 acre lot. As such, prior to submittal of a Preliminary Plat application, the property must be rezoned by Pennington County from Limited Agriculture District to Low Density Residential District or a Variance to reduce the lot size from 10 acres to 4.99 acres in the Limited Agriculture District must be obtained or the plat document must be revised to allow a minimum 10 acre lot size.

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 an 80 foot wide right-of-way with an approximate 24 foot wide paved surface. 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. In

STAFF REPORT
May 6, 2010

No. 10PL025 - Layout Plat

ITEM 12

addition, the plat document must be revised to show the dedication of 10 feet of additional right-of-way 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. The section line highway is classified as a lane place street requiring that it be located within a minimum 45 foot wide dedicated right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, the section line highway is unimproved. Staff recommends 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. In addition, the construction plans must show the street located within a minimum 45 foot wide right-of-way or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated. The west 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 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 to allow platting half a right-of-way. If the applicant seeks to vacate the section line highway, all of the adjoining property owners must sign the vacation petition. In addition, the Vacation of Section Line Highway will be considered by the Pennington County Board of Commissioners since the property is located outside of the City limits of Rapid City.

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.

66 Foot Wide Easement: The Layout Plat identifies the dedication of a 66 foot wide easement extending east from Nemo Road to serve as access to the two residences located on the property and to a third residence located south of the property. Currently, an approximate 16 foot wide graveled road is located within the proposed easement. The easement is classified as a lane place street requiring that it be located within 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. If visitor parking is provided at the rate of one paved parking stall per dwelling located within 300 feet of the residence and the street is posted with no parking signs, then the street may 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 or a Variance to the Subdivision Regulations must be obtained. In addition, a turnaround must be provided at the end of the street with a minimum 110 foot wide diameter easement or right-of-way and constructed with a minimum 96 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Staff recommends that upon submittal of a Preliminary Plat, construction plans for the 66 foot wide easement be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

STAFF REPORT
May 6, 2010

No. 10PL025 - Layout Plat

ITEM 12

Exception: The Street Design Criteria Manual states that in moderate, high or extreme fire hazard areas, a cul-de-sac street shall not exceed 500 feet. In addition, intermediate turnarounds must be provided every 600 feet. The 66 foot wide easement extends into the property a distance of approximately 1,400 feet with no turnarounds. In addition, the property is located within a high fire hazard area. As such, prior to submittal of a Preliminary Plat application, an Exception must be obtained to allow the proposed 66 foot wide access easement as a 1,400 foot long cul-de-sac street without an intermediate turnaround in lieu of a maximum 500 foot long cul-de-sac street with an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document must be revised accordingly. In addition, prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan must be submitted for review and approval and the plan must be implemented.

Bittersweet Road: The Layout Plat identifies Bittersweet Road extending though the northeast corner of the property. Bittersweet Road 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 conduit, water and sewer. Staff recommends that upon submittal of a Preliminary Plat application, road construction plans for Bittersweet Road be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Collector Street: The City's adopted Major Street Plan identifies a collector street extending through the northeast corner of the property. The Layout Plat does not show the collector street. As such, upon submittal of a Preliminary Plat application, the plat document must be revised to show the collector street as per the City's Major Street Plan Prior or a Comprehensive Plan Amendment to the Major Street Plan must be obtained to eliminate and/or relocate the street. In addition, upon submittal of a Preliminary Plat application, construction plans for the collector street must be submitted for review and approval showing the street located within a minimum 60 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 must be obtained.

Sewer: Chapter 16.16.050 of the Rapid City Municipal Code states that "sewer collection systems shall be installed in each subdivision within Rapid City and surrounding platting jurisdictions in accordance with City specifications". The applicant has indicated that the two existing homes are currently served by individual on-site wastewater systems.

Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines must 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. The applicant should be aware that dry sewer must be provided even if on-site wastewater systems are proposed to be utilized in the interim in accordance with the provisions of Chapter 16.16.050 of the Rapid City Municipal Code. The recently completed Source Water Protection Study recommends the installation of dry sewer mains in accordance with the adopted City Standards rather than approving Variances to waive the requirement to insure connection to a central sewer system once the adjacent properties develop and the dry

STAFF REPORT
May 6, 2010

No. 10PL025 - Layout Plat

ITEM 12

sewer can be connected to the City's system. In addition, the Rapid City's Master Utility Plan identifies the property within "Tier One" indicating that the property is in the area where public sewer is anticipated to be extended within 20 years.

The Pennington County Planning Department has also indicated that upon submittal of a Final Plat application, a reserve area must be shown or a note must be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided.

Water: A well located on proposed Lot 1 currently provides water service to the residences located on the two proposed lots. Chapter 16.16.040 states that if a well is to serve more than one lot, a public water system is required. The design and specifications of the distribution system have not been submitted for review and approval. In addition, water data has been submitted demonstrating that the existing well can provide adequate domestic and fire flows.

Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains must 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. If adequate fire flows cannot be provided, then the Fire Department staff has strongly encouraged the installation of an approved residential fire sprinkler system in each residential structure.

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. Upon submittal of a Final Plat application, surety must 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. 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.

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