

STAFF REPORT  
October 25, 2012

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**No. 12PL062 - Preliminary Subdivision Plan**

**ITEM 4**

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GENERAL INFORMATION:

APPLICANT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
AGENT	Robert Schmitz for U Lazy Two, LLC
PROPERTY OWNER	Robert L. Schmitz
REQUEST	<b>No. 12PL062 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	Lot 2 of U Lazy Two Ranch Estates Subdivision located in the NE1/4 of the NW1/4 and the N1/2 of the NE1/4 of Section 23, T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 2A and 2B of U Lazy Two Ranch Estates Subdivision
PARCEL ACREAGE	Approximately 79.60 acres
LOCATION	8970 Nemo Road
EXISTING ZONING	(Pennington County) General Agricultural District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	(Pennington County) General Agricultural District - (Pennington County) Low Density Residential
South:	(Pennington County) General Agricultural District
East:	(Pennington County) General Agricultural District
West:	(Pennington County) General Agricultural District
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	September 13, 2012
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Upon submittal of a Development Engineering Plan, additional information to support the installation of on-site drainfields and water well(s) shall be submitted for review and

STAFF REPORT  
October 25, 2012

---

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---

- approval. The on-site soils analysis shall include soil profiles and depth to bedrock at a minimum and conducted in the proximity of potential building site(s);
2. Prior to submittal of a Final Plat application, proposed Lot 2A shall be rezoned to allow a 10.29 acre lot or a lot size Variance shall be obtained from Pennington County; and,
  3. Prior to submittal of a Final Plat application, the applicant shall coordinate a review of the property with the Rapid City Fire Department to determine if a Wildland Fuels Mitigation Plan is needed. If it is determined that a Wildland Fuels Mitigation Plan is needed, then upon submittal of a Final Plat application, documentation shall be submitted demonstrating that the plan has been reviewed and approved by the Rapid City Fire Department.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Subdivision Plan to create two lots to be known as Lots 2A and 2B of U Lazy Two Ranch Estates Subdivision. The lots are sized 10.29 acres and 69.31 acres, respectively.

On October 20, 2008, the City Council approved a Preliminary Plat (File #08PL133) to create Lots 1 and 2 of U Lazy Two Ranch Estates Subdivision. In addition, a Variance to the Subdivision Regulations (File #08SV050) was approved 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 abutting section line highways and to waive the requirement to dedicate the section line highways as right-of-way with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. The waiver of right to protest document was signed by the applicant and recorded at the Register of Deed's Office.

On December 8, 2008, the City approved a Final Plat (File # 08PL155) to create Lots 1 and 2 of U Lazy Two Ranch Estates Subdivision. The applicant is now proposing to subdivide Lot 2 into two lots as described above.

The property is located in Pennington County, outside of the City limits but within the City's three mile platting jurisdiction. More particularly, the property is located at 8970 Nemo Road. Currently, a single family residence and two sheds are located on proposed Lot 2A. Proposed Lot 2B is void of any structural development.

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 application and has noted the following considerations:

**Zoning:** The property is zoned General Agriculture District by Pennington County. The General Agriculture District requires a minimum forty acre lot size. As previously noted, subdividing the property as proposed will result in a 10.29 acre lot and a 69.31 acre lot. The proposed

STAFF REPORT  
October 25, 2012

---

**No. 12PL062 - Preliminary Subdivision Plan**

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---

10.29 acre lot, identified as proposed Lot 2A on the plat document, does not meet the minimum lot size requirement of the General Agriculture District. As such, prior to submittal of a Final Plat application, proposed Lot 2A must be rezoned to allow a 10.29 acre lot or a lot size Variance must be obtained from Pennington County.

Utilities: The single family residence located on proposed Lot 2A is served by an on-site private well and an on-site septic tank and drainfield. The applicant has indicated that future development on proposed Lot 2B will also be served by on-site water and wastewater. The applicant has submitted soils percolation and profile hole data provided from an analysis taken on property located approximately 900 feet northwest of proposed Lot 2B. It appears that proposed Lot 2B may have similar soils formation on lowland areas of the site, but it is unclear if the soil is suitable or depth to bedrock will allow conventional on-site septic systems. As such, upon submittal of a Development Engineering Plan application, additional information to support the installation of on-site drainfields on proposed Lot 2B must be submitted for review and approval. In particular, the on-site soils analysis must include soil profiles and depth to bedrock at a minimum and conducted in the proximity of potential building site(s).

The applicant should be aware that the Pennington County Planning and Zoning Department has indicated that due to platting the property as proposed, an Operating Permit for the existing on-site wastewater treatment system is required.

To date, the applicant has not submitted well information for the existing and/or proposed well. As such, upon submittal of a Development Engineering Plan application, information to support the use of on-site wells must be submitted for review and approval.

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 83 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface. The applicant has submitted and the City has approved an Exception request to waive the requirement to improve Nemo Road with additional pavement, curb, gutter, street light conduit, water and sewer since it would create a discontinuous street section. As previously noted, a waiver of right to protest document has been executed and recorded at the Register of Deed's Office that includes these improvements.

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 along the north lot line. 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. The applicant has submitted and the City has approved an Exception request to waive the requirement to improve the section line highways with pavement, curb, gutter, street light conduit, water and sewer and to dedicate additional right-of-way since it would create a discontinuous street section. As previously noted, a waiver of right to protest document has been executed and recorded at the Register of Deed's Office that includes these improvements.

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Wildland Fuels Mitigation Plan: The Rapid City Fire Department has indicated that as a part of the proposed subdivision, a review of the property must be conducted to develop a Wildland Fuels Mitigation Plan, if applicable. The Fire Department also encourages the use of residential fire sprinkler protection for any future residential structures to be located on the property.

Staff recommends that prior to submittal of a Final Plat application, the applicant coordinate a review of the property with the Rapid City Fire Department to determine if a Wildland Fuels Mitigation Plan is needed. If it is determined that a Wildland Fuels Mitigation Plan is needed, then upon submittal of a Final Plat application, documentation must be submitted demonstrating that the plan has been reviewed and approved by the Rapid City Fire Department.

Surety/Warranty: Since all subdivision improvements have been waived, inspection fees, surety and/or warranty surety are not required as a part of platting the property.

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