

STAFF REPORT
August 25, 2005

No. 05PL145 - Layout and Preliminary Plat

ITEM 38

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Bridgette Banks
REQUEST	No. 05PL145 - Layout and Preliminary Plat
EXISTING LEGAL DESCRIPTION	Tract B, less Lot H-1; Tract C, less Lot H-1; and Tract D, less Lot H-1; in the SE1/4 NE1/4 and Tract E, less Lot H-1 in the NE1/4 SE1/4, located in the SE1/4 NE1/4 and NE1/4 SE1/4, Banks Subdivision, Section 26, T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 through 4, Banks Subdivision, located in the SE1/4 NE1/4 and NE1/4 SE1/4, Section 26, T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 31.416 acres
LOCATION	Adjacent to the northeast side of Nemo road and north of the intersection of Red Deer Road and Nemo Road
EXISTING ZONING	Suburban Residential District - General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District
South:	Suburban Residential District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	7/28/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, 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 proposed, 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

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- approval;
2. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed with a minimum eight inch water main and shall be designed to provide adequate fire and domestic flows. If individual well(s) are proposed, the location and construction of each well shall meet health department standards. In addition, the plat document shall be revised to show utility easement(s) as needed;
 3. Prior to Preliminary Plat approval by the City Council, construction plans for Nemo Road shall be submitted for review and approval. In particular, Nemo Road shall be located in a minimum 100 foot right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, construction plans for the existing 66 foot wide private access easement, or Bittersweet Road, shall be submitted for review and approval. In particular, Bittersweet Road shall be located in a minimum 100 foot right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. A Comprehensive Plan Amendment to the Major Street Plan shall be obtained to eliminate and/or relocate Bittersweet Road, a principal arterial street on the Major Street Plan;
 5. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located along the east line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated as per the Pennington County requirements. 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;
 6. Prior to Preliminary Plat approval by the City Council, a site plan shall be submitted for review and approval identifying the location of the proposed approaches to each lot. If access is to be taken across an adjacent property, then the plat document shall be revised to show the street located in a minimum 49 foot wide access easement. In addition, construction plans for the access easement shall be submitted for review and approval showing the street constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 7. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
 8. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned to support the proposed lot size(s) or a lot size variance shall be obtained;
 9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing 66 foot wide private access easement as "Bittersweet Road";
 10. Prior to submittal of a Final Plat application, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit"; and,

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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.

GENERAL COMMENTS:

The applicant has submitted a Layout and Preliminary Plat to reconfigure four lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, additional pavement and to dedicate additional right-of-way along Nemo Road and the private access easement; and to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the section line highway. (See companion item #05SV054.)

The property is located on the north side of Nemo Road approximately two miles west of the City limits of Rapid City. Currently, two single family residences and three accessory structures are located on the property.

STAFF REVIEW:

Staff has reviewed the Layout and Preliminary Plat and has noted the following considerations:

Zoning: Lot 4 and the southern half of Lot 3 are currently zoned Suburban Residential District by Pennington County. The balance of the property is currently zoned General Agriculture District. The Suburban Residential District requires a minimum lot size of one acre to allow for on-site water and wastewater. In addition, the General Agriculture District requires a minimum lot size of forty acres. The Layout and Preliminary Plat identifies that the proposed lots will range in size from 6.164 acres to 12.161 acres. The Pennington County Planning Department has indicated that the applicant has submitted a Rezoning request to change the zoning designation of the subject property to a Planned Unit Development to allow the proposed density of residential development. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the property must be rezoned to support the proposed lot size(s) or a lot size variance must be obtained.

Nemo Road: Nemo Road is located along the west lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, sewer and water. Currently, Nemo Road is located in a variable right-of-way width ranging from 105 feet to 110 feet as it abuts the subject property. In addition, Nemo Road has recently been reconstructed as an approximate 26 foot wide paved street as a part of a Pennington County Highway project. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for Nemo Road must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Private Access Easement: The Layout and Preliminary Plat identifies a 66 foot wide private access easement located across proposed Lots 3 and 4. The access easement is classified as a principal arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The access easement is

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unimproved. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for the access easement be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained. A Comprehensive Plan Amendment to the Major Street Plan to relocate and/or eliminate the principal arterial street must also be obtained.

Staff has also noted that the 66 foot wide private access easement aligns with Bittersweet Road located east and south of the subject property. As such, staff is recommending that prior to submittal of a Final Plat application, the plat document be revised to show the access easement as "Bittersweet Road".

Section Line Highway: A section line highway is located along the east lot line of the subject property. The east half of the section line highway is located on an adjacent property under different ownership from the subject property. The Subdivision Regulations state 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". As such, the adjacent property owner must participate in the platting of the east half of the section line highway or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way. In addition, road construction plans for the section line highway must be submitted for review and approval. In particular, the road construction plans must show the section line highway constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. The applicant also has the option of vacating the section line highway as per the Pennington County requirements; however, the adjacent property owners must sign the vacation petitions. Staff is recommending that the section line highway issue be addressed prior to Preliminary Plat approval by the City Council.

Wastewater: Staff is recommending that 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 be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If individual on-site wastewater systems are proposed, then percolation information prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval.

The Pennington County Planning Department has indicated that a note should be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit". Staff is recommending that the plat document be revised as identified prior to submittal of a Final Plat application.

Water: Staff is recommending that upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains be submitted for review. If a shared well and/or a community water facility is proposed then it must be designed as a public water system or a Variance to the Subdivision Regulations must be obtained. In particular, the water system must be constructed with a minimum eight inch water main and must be designed to provide adequate fire and domestic flows. If individual well(s) are proposed, the location and construction of each well must meet health department standards. In addition, the plat document must be revised to show utility

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easement(s) as needed.

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