

STAFF REPORT
April 24, 2008

No. 08PL044 - Layout Plat

ITEM 53

GENERAL INFORMATION:

APPLICANT	Robert Schmitz for U Lazy Two, LLC
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Robert Schmitz
REQUEST	No. 08PL044 - Layout Plat
EXISTING LEGAL DESCRIPTION	That portion of the SE1/4 SW1/4 lying north of Nemo Road, Section 14, T2N, R6E, BHM, and; the N1/2 NE1/4 less Lot 1 of Barbara Subdivision, 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 and dedicated right-of-way located in, and formerly all of, that portion of the SE1/4 SW1/4 lying north of Nemo Road, Section 14, T2N, R6E, BHM, and; the N1/2 NE1/4 less Lot 1 of Barbara Subdivision, 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 120.5 acres
LOCATION	8970 Nemo Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District - General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Suburban Residential District - General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	3/28/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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RECOMMENDATION:

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

1. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow the intersecting angle of the existing approach to proposed Lot 1 or the approach shall be redesigned to comply with Section 4.2.1 of the Street Design Criteria Manual;
2. Upon submittal of a Preliminary Plat application, construction plans for the proposed 50 foot wide private access and utility easement shall be submitted for review and approval. In particular, the construction plans shall show the street 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, the construction plans shall identify the construction of a permanent turnaround at the end of the street with a minimum 110 foot diameter easement and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
3. 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 17 feet of additional right-of-way in lieu of 7 feet as proposed or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of a Preliminary Plat application, 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;
5. Upon submittal of a Preliminary Plat application, 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;
6. 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. The plat document shall also be revised to provide utility easements as needed;
7. 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 as proposed, then an on-site water plan prepared by a

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- 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;
8. Upon submittal of a Preliminary Plat application, 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;
 9. 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;
 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. Prior to 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;
 12. 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;
 13. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Nemo Road except for the approved approach location(s);
 14. 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,
 15. 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 subdivide three parcels into two lots leaving a 40 acre unplatted balance. 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 and additional pavement along Nemo Road, to install curb, gutter, street light conduit, water, sewer and pavement along the existing section line highways and the 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 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.

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

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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:

Approach Design: The Pennington County Highway Department has issued an Approach Permit for the recently constructed approach to proposed Lot 1. A stipulation of the permit states that the approach may serve as access to a maximum of three residences. The Layout Plat identifies the approach serving as access to proposed Lot 1 and a 40 acre unplatted balance. The applicant should be aware that the approach can not serve more than three residences without the review and approval of a new Approach Permit from the Pennington County Highway Department.

The intersecting angle of the approach to Nemo Road does not meet the minimum requirements of the Street Design Criteria Manual. As such, staff is recommending that prior to submittal of a Preliminary Plat application, an Exception be obtained to allow the intersecting angle of the existing approach Lot 1 or the approach must be redesigned to comply with Section 4.2.1 of the Street Design Criteria Manual.

50 foot wide Private Access and Utility Easement: The Layout Plat identifies a 50 foot wide private access and utility easement extending east from Nemo Road to serve as access to proposed Lot 1 and the unplatted balance. The easement is classified as a lane place street requiring that it be located within a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The applicant has indicated that the easement will be constructed with a 20 foot wide graveled surface. Staff is recommending that upon submittal of a Preliminary Plat application, construction plans for the proposed 50 foot wide private access and utility easement be submitted for review and approval as identified or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans must identify the construction of a permanent turnaround at the end of the street with a minimum 110 foot diameter easement and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations must be obtained.

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 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,

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water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised to show the dedication of 17 feet of additional right-of-way in lieu of 7 feet as proposed 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 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.

Wastewater: 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 existing residence on proposed lot 2 is currently served by an individual on-site wastewater system. The applicant has indicated that proposed Lot 1 will also be served by an individual on-site wastewater system. 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 utilized as proposed, 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 plat document must also be revised to provide utility easements as needed.

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: The applicant has submitted a site plan showing a well located on proposed Lot 2. In addition, the applicant has indicated that a private well will serve proposed Lot 1. Staff is recommending that upon submittal of a Preliminary Plat application, water plans prepared

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by a Registered Professional Engineer showing the extension of water mains be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If a private water system is utilized as proposed, 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. The plat document must also be revised to provide utility easements as needed.

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 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.