

STAFF REPORT
November 5, 2009

No. 09PL065 - Layout Plat

ITEM 40

GENERAL INFORMATION:

APPLICANT	U Lazy Two, LLC
AGENT	Kevin Kuehn
PROPERTY OWNER	U Lazy Two, LLC
REQUEST	No. 09PL065 - Layout Plat
EXISTING LEGAL DESCRIPTION	Lot 1 (also in Section 23) of U Lazy Two Ranch Estates Subdivision, Section 14, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 5 of B&M Meadows Subdivision, located in Sections 14 and 23, T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 79.84 acres
LOCATION	Adjacent to Nemo Road between Schmitz Trail and Palmer Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District - General Agriculture District (Pennington County)
South:	Low Density Residential District - General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Suburban Residential District - General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	10/8/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Layout Plat be denied without prejudice.

GENERAL COMMENTS:

The applicant has submitted a Layout Plat to subdivide Lot 1 of U Lazy Two Ranch Estates, a 79.84 acre lot, into five lots. In addition, the Layout Plat identifies a proposed cul-de-sac

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street extending north from Nemo Road a distance of approximately 375 feet to serve as access to the proposed lots.

On October 22, 2008, the City Council approved a Preliminary Plat (File #08PL133) to plat three unplatted parcels of property into two platted lots to be known as Lots 1 and 2 of U Lazy Two Ranch Estates. In addition, the City Council approved 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 with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

On December 8, 2008, the City approved a Final Plat (File #08PL155) to create Lots 1 and 2 of U Lazy Two Ranch Estates. The applicant is now proposing to subdivide Lot 1 of U Lazy Two Ranch Estates into five lots and has submitted this Layout Plat application for review and approval.

The property is located north and east of the intersection of Schmitz Trail and Nemo Road. Currently, 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 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 considerations:

Zoning: The property is located outside of the City limits within Pennington County and is currently zoned General Agriculture District by Pennington County. The General Agriculture District requires a minimum lot size of 40 acres. The Layout Plat identifies subdividing the 79.84 acre parcel into five lots. Even though the proposed lot size(s) are not identified on the Layout Plat, it appears that none of the lots will meet the minimum 40 acre lot size requirement as per the County's General Agriculture District. Pennington County Planning Department staff has indicated that the County's Future Land Use Plan identifies the property as "Planned Unit Development sensitive" requiring that on-site utilities, access, drainage, etc. be addressed prior to any additional densities being allowed. Supporting the Layout Plat would create lot sizes not in conformance with the current zoning of the property by Pennington County. In addition, without design details identifying on-site utilities, access, drainage, etc., the proposed Layout Plat is not in compliance with the County's Future Land

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Use Plan. As such, staff recommends that the Layout Plat be denied without prejudice to allow the applicant to address the zoning issue with the County.

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 Minnelusa and Madison Water Formations are located within this area. In addition, the property is located within an aquifer sensitive recharge area. The recently completed Source Water Protection Study recommends that all new subdivisions located within a sensitive aquifer recharge area connect to a City system. In addition, the Rapid City’s Master Utility Plan identifies the property within “Tier One” which implies that the area is an anticipated near term development project in lieu of a long range development project.

The applicant has indicated that each lot will be served by a private on-site septic tank and drainfield. However, since the property is located within an aquifer sensitive recharge area and within Tier One of the City’s Master Utility Plan and since the Source Water Protection Study recommends that all new subdivisions located within an aquifer recharge area connect to a City system, staff recommends that the Layout Plat be denied without prejudice to allow the applicant to address the wastewater issue as identified above.

The applicant should also be aware that dry sewer must be provided even if a Variance to the Subdivision Regulations is obtained to allow on-site wastewater systems to be utilized in the interim in accordance with the provisions of Chapter 16.16.050 of the Rapid City Municipal Code.

Water: The applicant has indicated that each lot will be served by an individual well. To date, the applicant has not submitted any well data demonstrating that adequate fire and domestic flows can be provided. As such, staff recommends 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 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. The plat document must also be revised to provide utility easements as needed.

The applicant should be aware that even though the Pennington County Fire Department cannot require individual residential fire sprinkler systems for each residence, the Fire Department Coordinator is strongly suggesting that in place of a central water system, each home have an approved residential fire sprinkler system since adequate fire flows cannot be provided.

Nemo Road: Nemo Road is located along the west lot line of the 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, sidewalk, 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. Please note that the previously approved Final Plat for Lots 1 and 2 of U

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Lazy Two Ranch Estates dedicated 17 additional feet of right-of-way along Nemo Road. As such, no additional right-of-way must be dedicated from this property as a part of this plat.

Staff recommends 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, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Section Line Highway: An east-west section line highway is located along the south lot line of the property. The section line highway is classified as a lane place street requiring that it 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 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 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.

Cul-de-sac Street: The Layout Plat identifies a cul-de-sac street extending north from Nemo Road a distance of approximately 375 feet to serve as access to the five proposed lots. The cul-de-sac street is classified as a lane place street requiring that it be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the permanent turnaround at the end of the cul-de-sac must be located in a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface.

Staff recommends that upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac street be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

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 five lots. As such, the applicant must obtain a new Approach Permit from the Pennington County Highway Department.

The intersecting angle of the approach to Nemo Road does not appear to 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.

Street Name: The Emergency Services Communication Center has indicated that a street name for the cul-de-sac street must be submitted for review and approval prior to submittal of a Preliminary Plat. In addition, prior to submittal of a Final Plat, the plat document must be revised to show the approved street name.

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Drainage: As part of the Preliminary Plat application, a grading plan and a drainage plan must be submitted for review and approval. In particular, the drainage facilities must be designed in compliance with the Drainage Criteria Manual. The drainage plan must also demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. If on-site detention is required, then design calculations and details for the detention must be submitted for review and approval. The plat document must also be revised to provide drainage easements as necessary.

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 upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval.

Lot Configuration: The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The proposed Layout Plat identifies that three of the lots will have a length twice the distance of the width. As such, staff is recommending that prior to submittal of a Preliminary Plat application, an Exception must be obtained to allow a lot twice as long as it is wide or the plat document must be revised to comply with the length to width requirement.

The Pennington County Planning Department has indicated that each lot must abut a street a minimum distance of 50 feet in accordance with the Pennington County Zoning Ordinance. The Layout Plat does not clearly identify if this requirement is being met. Upon submittal of a Preliminary Plat application, the plat document must be revised to demonstrate compliance with the requirement or a Variance must be obtained from Pennington County.

Planting Screen Easement: Chapter 16.12.030 states that a planting screen easement must be provided along arterial streets. As such, staff recommends that prior to submittal of a Final Plat application, the plat document be revised to show a ten foot wide planting screen easement along Nemo Road or a Variance to the Subdivision Regulations must be obtained. In addition, the planting screen easement shall not conflict with utility easement(s).

Non-Access Easement: Upon submittal of a Final Plat application, the plat document must be revised to show a non-access easement along Nemo Road and along the first 85 feet of the cul-de-sac street as it extends north from Nemo Road as per the Street Design Criteria Manual or an Exception shall be obtained from the Street Design Criteria Manual.

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,

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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.

Staff recommends that the Layout Plat be denied without prejudice to allow the applicant to address the zoning issue with the County and to address the on-site wastewater issue as identified above.