

STAFF REPORT
March 27, 2014

No. 13PL119 - Preliminary Subdivision Plan

ITEM 2

GENERAL INFORMATION:

APPLICANT	Robert and Stacie Tschetter
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Robert and Stacie Tschetter
REQUEST	No. 13PL119 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	Lot 2 of Dahm Subdivision, located in Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 2A and 2B of Dahm Subdivision
PARCEL ACREAGE	Approximately 1.2 acres
LOCATION	6664 Dark Canyon Road
EXISTING ZONING	Suburban Residential District (Pennington County)
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Agricultural District (Pennington County)
PUBLIC UTILITIES	Private water and on-site wastewater
DATE OF APPLICATION	November 7, 2013
REVIEWED BY	Vicki L. Fisher / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Planning Commission acknowledge the withdrawal of the Preliminary Subdivision Plan.

GENERAL COMMENTS:

On November 7, 2013, the applicant submitted a Preliminary Subdivision Plan application to subdivide one lot into two lots. The Preliminary Subdivision Plan shows the lots are to be sized 0.53 acres and .067 acres, respectively, and are identified as Lots 2A and 2B of Dahm Subdivision.

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The property is located outside of the City limits of Rapid City but within the City's three mile platting jurisdiction. Currently, a single family residence is located on proposed Lot 2B and a garage is located on proposed Lot 2A. A private well and an on-site wastewater system serve the existing single family residence.

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 reviewed the Preliminary Subdivision Plan application and identified several items that must be addressed prior to this item going forward. Subsequently, on November 25, 2013, the Preliminary Subdivision Plan was suspended to allow the applicant to address the following items:

1. Pennington County Planning Department has indicated that proposed Lot 2B must be a minimum of one acre since an on-site water and wastewater system are located on the property or a lot size Variance must be obtained from the Pennington County Board of Adjustment. A well lot could be created for the location of the existing on-site well but the well lot must be a minimum of 20,000 square feet or a Variance must be obtained from the Pennington County Board of Adjustment;
2. A minimum 25 foot front yard setback and a minimum 8 foot side yard setback must be provided for the existing garage located on proposed Lot 2A. It does not appear that the structure currently meets the setback requirements. As such, a Variance must be obtained from the Pennington County Board of Adjustment or portion(s) of the garage must be removed;
3. A principal structure must be established on a lot prior to the placement of an accessory structure. As such, a Conditional use Permit must be obtained for the existing garage from Pennington County or the applicant must clarify the use of the garage with the Pennington County Planning Department showing that it includes a residence to ensure that a principal structure exists on the property;
4. A Variance must be obtained from the South Dakota Department of Environment and Natural Resources to allow a septic system and well on a lot size of less than one acre. Once a response to the Variance request is received from the State, the City will review the response to address the impacts on City Ordinances. The response may not allow the plat to proceed or may require the adjustment of lot lines. An Exception is also required from the City to allow a lot size smaller than one acre with a septic system and a well pursuant to Chapter 13.20.160 of the Rapid City Municipal Code. The City will consider an Exception request after a Variance is applied for and a response received from the State; and,
5. The existing garage is located 7.6 feet from the north lot line. As such, an Exception must be obtained to allow a 7.6 foot wide minor drainage and utility easement along the area of encroachment in lieu of an 8 foot wide easement as required.

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Pursuant to Chapter 16.08.100.C of the Rapid City Municipal Code, applications suspended for more than 90 consecutive days must be denied by the Director. To date, the outstanding issues have not been resolved. As such, the applicant has withdrawn the Preliminary Subdivision Plan application to allow them additional time to resolve the issues. Once the outstanding issues are resolved, a new Preliminary Subdivision Plan application can be submitted for review and approval.

Staff recommends that the Planning Commission acknowledge the withdrawal of the Preliminary Subdivision Plan application.