No. 20PL083 - Preliminary Subdivision Plan

GENERAL INFORMATION:

APPLICANT: James Nelson

AGENT: Janelle Finck - Fisk Land Surveying & Consulting Engineers, Inc.

PROPERTY OWNER: James Nelson

REQUEST: No. 20PL083 - Preliminary Subdivision Plan

EXISTING LEGAL DESCRIPTION: All of the N1/2 of the N1/2 of the SE1/4 of the SW1/4 of the SW1/4; the NE1/4 of the SW1/4 of the SW1/4 and the NW1/4 of the SW1/4 of the SW1/4 east of Nemo Road less Lot H1; the N1/2 of the N1/2 of the SW1/4 of the SW1/4 of the SW1/4 east of Nemo Road less Lot H1 in Section 25, T2N, R6E, BHM, all located in the SW1/4 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota

PROPOSED LEGAL DESCRIPTION: Proposed Lots 1 and 2, JN Subdivision (2-residential lots)

PARCEL ACREAGE: Approximately 22.9 acres

LOCATION: 8204 and 8208 Nemo Road

EXISTING ZONING: Limited Agricultural District (Pennington County)

FUTURE LAND USE DESIGNATION: Forest Conservation

SURROUNDING ZONING
North: General Agricultural District (Pennington County)
South: General Agricultural District (Pennington County)
East: General Agricultural District (Pennington County)
West: Suburban Residential District (Pennington County)

PUBLIC UTILITIES: Private on-site wastewater and shared private well

DATE OF APPLICATION: October 30, 2020

REVIEWED BY: Vicki L. Fisher / Roger Olsen
RECOMMENDATION:

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

1. Prior to submittal of a Final Plat application, a Variance shall be obtained from the City Council waiving the requirement to provide sidewalk along all right(s)of-way and access easements;
2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of half of the required 68 feet of right-of-way for Bittersweet Road, a collector street on the City’s Major Street Plan;
3. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed 40-foot wide private access and utility easement with a minimum width of 50 feet;
4. Prior to submittal of a Final Plat application, the plat document shall be revised to show the recording information for the previously dedicated H Lot (Lot H-1) located adjacent to Nemo Road;
5. Prior to submittal of a Final Plat application, the plat document shall be revised to show the shared well located on proposed Lot 1 and the service line to proposed Lot 2 within a utility easement;
6. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property. In addition, a copy of the approved plan shall be submitted with the Final Plat application;
7. Upon submittal of a Final Plat application, the plat document shall continue to show the proposed dedication of 10 feet of right-of-way along Nemo Road;
8. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing maintenance of the roads within the access easement(s) extending through the property;
9. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing maintenance and ownership of the shared well; and,
10. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Subdivision Plan to plat two unplatted parcels creating two residential lots with no increase in existing density. The lots are to be sized 10 acres and 12.77 acres, respectively, and are to be known as Lots 1 and 2 of JN Subdivision.

The property is located outside of the City limits of Rapid City but within the City’s three-mile platting jurisdiction. In particular, the property is located directly east of the intersection of Red Deer Road and Nemo Road, on the east side of Nemo Road. Currently a single-family residence and accessory structure is located on each of the proposed lots.

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 and has noted the following considerations:

**Zoning:** The property is currently zoned Limited Agriculture District by Pennington County which requires a minimum 10-acre lot size. The proposed lots meet the minimum lot size requirement of the Limited Agriculture District. In addition, the existing development on the property are permitted uses within the zoning district and all setback requirements are being met.

The City’s Future Land Use Plan identifies the appropriate use of the property as Forest Conservation which recommends a minimum 3 to 5 acre residential lot size. Subsequently, the proposed plat is in compliance with the City’s Comprehensive Plan.

**Water:** The property is located more than 2.5 miles outside the City Urban Service boundary. The two properties are currently served by a shared well. The well is located on proposed Lot 1 and a service line extends across the lot to serve the residential structure located on proposed Lot 2. Prior to submittal of a Final Plat application, the plat document must be revised to show the shared well and the service line within a utility easement. In addition, upon submittal of a Final Plat application, an agreement must be submitted for recording securing maintenance and ownership of the shared well.

The shared well cannot provide minimum fire flows to the property as required. As such, upon submittal of a Final Plat application, a Covenant Agreement must be entered into with the City to ensure that fire suppression systems are installed in any new residential structures. The system design and installation must meet the system requirements of NFPA 13, 13R and 13D, as applicable.

**Sewer:** As previously noted, the property is located more than 2.5 miles outside the City Urban Service boundary. A private on-site wastewater system currently exists on each lot. In particular, each lot is served by a septic tank and drainfield. Both on-site wastewater facilities have an approved on-site wastewater permit from Pennington County.

**Wild Fire Mitigation Plan:** The property is located within a high wild fire area. As such, prior to submittal of a Final Plat application, the applicant must enter into a Wild Fire Mitigation Plan for the property.

**Drainage:** The property is located in the South Canyon Drainage Basin. There are no significant drainage changes proposed on the property; therefore, no drainage improvements are required.

**Subdivision Improvements:** The applicant has submitted and staff has approved numerous Exception requests to waive the requirement to improve Nemo Road, Bittersweet Road, a section line highway and existing and proposed access easements as they abut or extend through the property. Several of the stipulations of approval as noted above require that additional right-of-way and/or easement width be dedicated to provide the minimum required
widths pursuant to the Infrastructure Design Criteria Manual. No subdivision improvements are being required in order to plat the property as proposed.

**Summary:** The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations. Since no subdivision improvements are required, a Development Engineering Plan application is not necessary. Instead, upon approval of the Preliminary Subdivision Plan by City Council, a Final Plat application, along with the documents noted above in the stipulations of approval, can be submitted for review and approval.