

# STAFF REPORT

March 9, 2000

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## PLAT #00PL013 - Preliminary and Final Plat

## ITEM

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### GENERAL INFORMATION:

PETITIONER	Doug Sperlich for Mike Messinger
REQUEST	<b>PLAT #00PL013 - Preliminary and Final Plat</b>
LEGAL DESCRIPTION	Lot 23-R of Pinedale Heights Subdivision (formerly Lot A, B and C of Lot 23, Lot 24 of Pinedale Heights Subdivision and a portion of the vacated R.O.W.) located in Government Lot 4 of the NW1/4 of Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.567 Acres
LOCATION	At the top of West Main Street and Pinedale Heights Road
EXISTING ZONING	Low Density Residential-1
SURROUNDING ZONING	
North:	Low Density Residential-1
South:	Low Density Residential-1
East:	Low Density Residential-1
West:	General Agriculture (County)
PUBLIC UTILITIES	None
REPORT BY	Bill Lass

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

### Engineering Division Recommendations:

1. Prior to City Council approval of the Preliminary Plat, the following changes shall be made to the proposed drainage easements:
  - (a) The proposed twenty foot wide Major Drainage Easement running in a general north/south direction shall be increased to fifty feet in width;
  - (b) The proposed twenty foot side drainage easement running in a general northwest to southeast direction shall be increased to forty feet in width and shall be labeled as a "Major Drainage Easement;" and,
  - (c) The proposed ten foot wide drainage easement along the south property line shall be increased to twenty-five feet in width and shall be identified as a "Major Drainage Easement;" and,

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Urban Planning Division Recommendations:

2. Prior to City Council approval of the Preliminary Plat, the plat shall be revised so that all portions of the existing easement or easement/right-of-way on the subject property are a minimum of forty-nine feet in width.

GENERAL COMMENTS: This Preliminary and Final Plat has been submitted to combine four existing platted lots. The property is located on the west edge of the City limits in the Pinedale Heights Subdivision. There is a private roadway – Pinedale Heights Drive, which provides access to this property. The roadway also crosses the property and provides access to the north of the subject property. There is also a small strip of public right-of-way that has been dedicated next to the private roadway and there is section line highway located along the entire western edge of the subject property. The plat as submitted proposes to vacate the private roadway except that it will continue to serve as an access easement for Lot 21 to the north of the subject property. The plat also proposes to vacate the strip of right-of-way along the private roadway.

STAFF REVIEW: A Subdivision Variance request and a Layout Plat for this subdivision have previously been acted on by the Planning Commission and the City Council. The City Council on February 7, 2000 granted a Subdivision Variance request waiving the requirement for curb, gutter, sidewalks, paving and dry sewer for the existing access easement and the section line highway. The Layout Plat was approved by the City Council on January 17, 2000. The stipulations of that Layout Plat approval and the current status of compliance are as follows:

1. As part of the Preliminary Plat submittal, the petitioner shall submit sufficient topographic information to identify major drainages and the plat shall be revised to reflect appropriate Major Drainage Easements;

The petitioner's engineer has submitted drainage calculations and a topographic map which has been reviewed the Engineering Division. Based upon this review, the Engineering Division is recommending that some changes be made to the proposed drainage easements shown on the plat. As specifically set forth in the Staff Recommendation portion of this Staff Report, the Engineering Division is recommending that the easements be widened and that all of the easements be identified as "Major Drainage Easements."

2. As part of the Preliminary Plat submittal, the petitioner shall submit any needed water system information or on-site wastewater disposal system information for Staff review;

The Engineering Division has reviewed and approved this information.

3. As part of the Preliminary Plat submittal, plans calling for the improvement of the section line highway and access easement in accordance with the Street Design Criteria Manual shall be submitted for review and approval, or a Subdivision Variance shall be applied for and granted waiving the requirements;

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As noted, a Subdivision Variance has been granted waiving these improvement requirements.

4. Prior to Preliminary Plat approval, the plat shall be revised to clearly reflect that the section line highway is to remain;

The proposed plat identifies this section line highway.

5. Prior to Preliminary Plat approval, the petitioner shall revise the plat to reflect a minimum of forty-nine feet of easement or right-of-way or the petitioner shall have applied for and received a Special Exception to the Street Design Criteria Manual allowing a reduced width.

The plat submitted by the petitioner proposes to vacate the small strip of previously-platted public right-of-way (see plat) thereby leaving just the forty foot wide access easement in place. As noted, the minimum requirement of the City's Street Design Criteria Manual is for forty-nine feet of width for a lane/place standard easement or right-of-way. Staff does not believe there is any particular reason for granting a Special Exception in this case and therefore is recommending that the plat be revised to reflect a minimum easement width of forty-nine feet.

6. As part of the Preliminary Plat submittal, the petitioner shall submit a Wildland Fire Hazard Plan; and,

The Fire Department has received a letter from the petitioner indicating that they will work with the Fire Department in developing a wildland fire hazard plan. The Fire Department has indicated that this letter of intent is sufficient to allow the plat to proceed.

7. As part of the Preliminary Plat submittal, the petitioner shall provide a site plan for the Fire Department showing the location of all existing structures and access to water for fire-fighting purposes.

This information has been submitted and approved by the Fire Department.

Access Issues: At the January 6, 2000 Planning Commission meeting, Mr. Lin Evans - an attorney representing adjacent land owners to the west and northwest of the subject property, expressed concern with this proposed plat. Mr. Evans indicated that his clients were wishing to obtain legal access to their properties as they believed they were "isolated tracts" under state law. However, Staff noted at the January 6 meeting that the petitioner had submitted title work showing that he was the sole owner of interest in the roadway providing access to this property. Additionally, it was noted that the existing section line highway was not going to be vacated through this plat. Staff also reported that a court case in 1977 resulted in a ruling that the roadway across the subject property could not be used by the "public." For these reasons, the Planning Commission determined that the access concerns expressed by the adjacent property owners were not directly related to this platting proposal. As a courtesy, Staff is providing a copy of this Staff Report to Mr. Evans.

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Staff has reviewed this proposed Preliminary and Final Plat and has found it to be in general compliance with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.