

STAFF REPORT

February 8, 2001

PLAT #00PL121 - Preliminary and Final Plat

ITEM 21

GENERAL INFORMATION:

PETITIONER	Renner & Sperlich Engineering for Mayer Radio
REQUEST	PLAT #00PL121 - Preliminary and Final Plat
LEGAL DESCRIPTION	Tract B and easement located in the NE1/4 of the SW1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.5 Acres
LOCATION	Approximately 1/2 mile north of Laurel Heights Subdivision
EXISTING ZONING	County- General Agriculture District
SURROUNDING ZONING	
North:	County- General Agriculture District
South:	County- General Agriculture District
East:	County- General Agriculture District
West:	County- General Agriculture District
PUBLIC UTILITIES	NA
REPORT BY	Blaise Emerson

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

Engineering Division Recommendation:

1. Prior to Preliminary Plat approval by the City Council, design plans for all required public improvements shall be submitted to the Engineering Division for review and approval, or a Subdivision Variance shall be obtained waiving the requirements for the improvements;

Rural Planning Division Recommendations:

2. Prior to Final Plat approval by the City Council, a lot size variance must be obtained from Pennington County;

Fire Department Recommendations:

3. Prior to Final Plat approval by the City Council, the applicant shall submit a wildland fire mitigation plan including a date of completion for review and approval;

Urban Planning Division Recommendations:

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4. Prior to Final Plat approval by the City Council, a note shall be placed on the plat stating that the use of the property shall be limited to a communication tower and accessory uses;
5. Prior to Final Plat approval by the City Council, the applicant shall provide documentation of legal access to the property; and,
6. Prior to Final Plat approval by the City Council, all required subdivision improvements shall be installed; or surety in a form acceptable to the City Attorney shall be provided for all required improvements that are to be installed; or, a subdivision variance shall be obtained waiving the improvements.

GENERAL COMMENTS: Mayer Radio is proposing to locate a communication tower on a 1.5-acre parcel. On January 22, 2001 the Pennington County Board of Commissioners approved a Conditional Use Permit to locate the tower on the subject property. Mayer Radio provides radio service to western South Dakota. The property is located approximately three quarters of mile west of the terminus of Mall Drive.

A similar request to subdivide a two acre parcel out of a 45 acre parcel just to the south of the subject property was approved in 1999. As part of that request, a Subdivision Variance was granted waiving all the improvement requirements for the access to the property. The applicant has submitted a Subdivision Variance to waive all required improvements. Also, the property is currently zoned General Agriculture District by Pennington County. The minimum lot size in the Pennington County General Agriculture District is forty acres. The proposed lot would either have to be rezoned to Suburban Residential District or a lot size variance would need to be obtained from Pennington County. A County Zoning Variance has been submitted requesting that the minimum lot size be reduced from 40-acres to 1.5-acres. The Pennington County Board of Adjustments will hear the variance request at their February 6, 2001 meeting.

STAFF REVIEW: Staff has reviewed the Preliminary and Final Plat and has noted the following concerns:

A major issue with this plat is the access to the property. The proposed subdivision would be located approximately three quarters of a mile northwest of the western terminus of Mall Drive. Cabot Hill Road extends west from Mall Drive. Cabot Hill Road is an extremely steep gravel section road. The access to the property is provided via a forty foot (40') access easement which starts at the western terminus of Cabot Hill Drive. A dirt trail is currently located in the easement. The pavement for Mall Drive ends at the City Limits which is approximately one half mile to the east of the western terminus of Cabot Hill Road. Staff has serious concerns with the subdivision of property where the access to the property does not meet any minimum City standard. The applicant is requesting to waive all requirements to bring the access up to City standards. That issue is properly addressed through the Subdivision Variance procedure. The recommended conditions of approval require that either the improvements be installed, surety posted or a variance granted.

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Access - The property is access by a forty foot wide access easement. The access easement crosses several properties before it reaches the subject property. Staff is requesting that documentation is provided showing that the easements will provide legal access to the subject property. If the easements do not provide legal access to the subject property, the applicant shall obtain legal access to the subject property prior to Final Plat approval. Staff would also like to note that this is the fourth parcel gaining access from the access easement. If any additional parcels are platted using the access; the easement must be dedicated as public right of way or a special exception to the Street Design Criteria Manual would need to be granted.