

STAFF REPORT

June 6, 2002

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**No. 02PL048 - Layout, Preliminary and Final Plat**

**ITEM 12**

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GENERAL INFORMATION:

PETITIONER	Doug Sperlich for Rushmore Electric
REQUEST	<b>No. 02PL048 - Layout, Preliminary and Final Plat</b>
EXISTING LEGAL DESCRIPTION	A portion of the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract C located in the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.00 acres
LOCATION	Cabot Hill
EXISTING ZONING	County
SURROUNDING ZONING	
North:	County/General Agriculture District
South:	County/General Agriculture District
East:	County/General Agriculture District
West:	County/General Agriculture District
PUBLIC UTILITIES	None existing within the area
DATE OF APPLICATION	05/09/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

Engineering Division Recommendations:

1. Prior to Preliminary Plat approval by the City Council, design plans for all required public improvements shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained waiving the requirement for the improvements;
2. 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;

Emergency Services Communication Center Recommendation:

3. Prior to Final Plat approval by the City Council, the plat shall be revised to show the road name for the private access easement as "Cabot Hill Road";

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Pennington County Planning Department Recommendation:

4. Prior to Final Plat approval by the City Council, the property shall be rezoned to Suburban Residential District or a Variance to waive the lot size requirement in the General Agriculture District shall be obtained;

Urban Planning Division Recommendations:

5. Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted for review and approval; and,
6. Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid or a Variance to the Subdivision Regulations shall be obtained.

GENERAL COMMENTS:

The applicant has submitted a Layout, Preliminary and Final Plat to create a two acre lot from an approximate 108 acre unplatted parcel. Currently, a communication tower with a 40 foot X 80 foot accessory structure is located on the subject property.

The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to improve an existing 40 foot wide private access easement to City street standards as an associated item with the Layout, Preliminary and Final Plat request. (See companion item #02SV027.)

STAFF REVIEW:

Staff has reviewed the Layout, Preliminary and Final Plat and has identified the following considerations:

Zoning: The property is located in Pennington County, outside of the City limits of Rapid City, and is currently zoned General Agriculture District by the County. The General Agriculture District requires a minimum lot size of 40 acres. As previously indicated, the proposed plat will create a two acre lot. The Pennington County Planning Department has indicated that the applicant has submitted a Variance to waive the minimum lot size requirement in the General Agriculture District. Prior to Final Plat approval, the Variance must be granted or the property must be rezoned to Suburban Residential District.

Access: Currently, a forty foot wide private access easement serves as legal access to the subject property. A dirt trail is currently located within the easement. As previously indicated the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve the access easement to City street standards. In 1999 and again in 2001, the City Council approved two similar plats to create a 1.5 acre lot and a 2.0 acre lot, respectively, on property located directly north of the subject property. The 40 foot wide private access easement also serves as access to these lots. In association with the previously approved plats, a Variance to the Subdivision Regulations to waive all street improvements was granted with the stipulation that a waiver of right to protest a future assessment project agreement be entered into for all required public improvements. The Planning Commission and the City Council noted that the use of the lot(s) as a

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communication tower site, will result in limited traffic flows along this section of roadway. As such, staff is recommending that a note be placed on the plat stating that the use of the property shall be limited to a communication tower and accessory uses. Staff is also recommending that the private access easement be improved to City street standards or a Variance to the Subdivision Regulations be obtained.

Plat Labeling: The Emergency Services Communication Center has indicated that the plat must be revised to show the road name for the private access easement as "Cabot Hill Road". Staff is recommending that the plat be revised accordingly prior to Final Plat approval.

Staff believes the proposed plat generally complies with all applicable zoning and subdivision regulations assuming compliance with the stated stipulations.