

STAFF REPORT  
March 27, 2008

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**No. 08PL016 - Preliminary Plat**

**ITEM 31**

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GENERAL INFORMATION:

APPLICANT	Pete Lien and Sons
AGENT	Renner & Associates
PROPERTY OWNER	Pete Lien and Sons
REQUEST	<b>No. 08PL016 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	The unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 84.041 Acres
LOCATION	North and south of Universal Drive and west of Sturgis Road
EXISTING ZONING	Limited Agriculture District (Pennington County), Heavy Industrial (Pennington County), Low Density Residential (Pennington County), Highway Services (Pennington County)
SURROUNDING ZONING	
North:	Heavy Industrial District (Pennington County)
South:	Heavy Industrial District (Pennington County)
East:	Highway Services District - Low Density Residential District - Suburban Residential District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	None

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DATE OF APPLICATION            2/7/2008  
  
REVIEWED BY                     Jonathan Smith / Ted Johnson

RECOMMENDATION:

**Staff recommends that the Preliminary Plat be continued to the May 22, 2008 Planning Commission meeting.**

GENERAL COMMENTS:

**(Update March 16, 2008. All revised and/or added text is shown in bold). This item was continued at the March 6, 2008 Planning Commission meeting at the applicant's request. The applicant has requested that this item be continued to the May 22, 2008 Planning Commission meeting to allow the applicant to discuss the right-of-way dedication with City staff.**

The applicant has submitted a Preliminary Plat application to reconfigure 24 lots into three lots identified as Lot 1 and Lot 2 of Keller Subdivision, and Tract 1 of Schaeferville Subdivision. The property is located north of and south of Universal Drive and west of Sturgis Road. Currently the property is being used for surface mining operations. Two accessory buildings associated with the mining operations, a conveyor belt system, and a portion of a former dog racing track are located on the property. The property is not located within the municipal limits of the City of Rapid City; however, the property is located within the City of Rapid City's Three Mile Platting Jurisdiction. A Preliminary Plat application (#05PL072) to subdivide the northern portion of the property into three lots was denied without prejudice on November 21, 2005. A Preliminary Plat application (#07PL165) to subdivide the northern portion of the property into two lots was denied without prejudice on January 22, 2008. A Vacation of Right of Way request (#06VR011) to vacate Feist Road was approved by the City Council on February 5, 2007. A Variance to the Subdivision Regulations (#08SV010) to waive the requirement to dedicate right-of-way, install pavement, curb, gutter, sidewalk, street light conduit, water, and sewer along Sturgis Road, Zenker Place, Neiger Road, the access easements, and the section line highway has been submitted in conjunction with this request. The property is currently zoned Limited Agricultural District, Highway Services, Heavy Industrial District, and Low Density Residential District by Pennington County.

STAFF REVIEW:

Staff has reviewed the applicant's Preliminary Plat application and noted the following considerations:

SUBDIVISION NAME:

Staff has noted that the plat title of "Lots 1-2 of Keller Subdivision & Tract 1 of Schaeferville Subdivision" gives the impression of two separate plat documents. Staff recommends that the applicant revise the plat document to be titled with one subdivision name.

ZONING:

Staff has noted that several zoning classifications exist on the property. The Pennington County Planning staff has recommended that prior to approval of the Final Plat that the

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applicant rezone the property to a single zoning classification.

**STURGIS ROAD:**

The property abuts Sturgis Road on the eastern boundary. Sturgis Road is classified by the Major Street Plan as a principal arterial street requiring a minimum 100 feet of right-of-way and a minimum 12 feet per lane of pavement width. Sturgis Road where it abuts the property currently has a right-of-way width of 130 feet, and a pavement width of 38 feet for three lanes. Currently Sturgis road meets the right-of-way width and pavement requirements for an arterial street.

Curb, gutter, sidewalk, street light conduit, water and the sewer are not currently constructed along Sturgis Road where it abuts the property. Prior to approval by City Council, the applicant is required to submit construction plans designed and stamped by a Registered Professional Engineer identifying curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road, or obtain a Variance to the Subdivision Regulations.

The applicant's plat document identifies three approach locations along Sturgis Road. Prior to Preliminary Plat approval by the City Council, staff recommends that the applicant submit documentation from the South Dakota Department of Transportation identifying that approach permits have been obtained. In addition, prior to Preliminary Plat approval by City Council the applicant shall obtain an Exception to the Street Design Criteria Manual to allow access from Strugis Road an arterial street, in lieu of the section line highway, which is classified as a collector street. The Street Design Criteria Manual requires that the access be taken from the lower order street.

The plat documents identifies a 50 foot wide access easement located along Sturgis Road near the southeast corner of proposed Tract 1 of Schaeferville. Staff has noted that the access easement is not within the boundaries of the plat and therefore cannot be vacated as part of this action. Prior to Preliminary Plat approval by the City Council, the applicant must include the access easement shown near the southeast corner of proposed Tract 1 of Schaeferville Subdivision, which is identified as being out of the boundaries of the plat within the boundaries of the plat, or the plat document must be revised to omit the vacation note and a separate vacation of right-of-way request shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. Staff has also noted that Surety is currently in place for the required improvements of this non-access easement, as part of the platting of Lot 1 of Limestone Subdivision.

**ZENKER PLACE AND NEIGER ROAD:**

Proposed Tract 1 of Schaeferville Subdivision abuts a 50 foot wide access easement identified as Zenker Place. Currently, Zenker Place is void of pavement, curb, gutter, street light conduit, sidewalk, water and sewer. Zenker Place is as a lane/ place Street requiring a minimum 45 feet of right-of-way and a minimum pavement width of 20 feet. The applicant is required to submit construction plans prepared and stamped by a Registered, Professional Engineer identifying Zenker Place located in a 45 foot right-of-way where it abuts the property and, curb, gutter, water, sewer, sidewalk, street light conduit, and 20 feet of pavement width for review and approval, or obtain a Variance to the Subdivision Regulations. In addition, the plat document shall be revised accordingly to identify Zenker Place in a 45 foot right-of-way where it abuts the property or a Variance to the Subdivision

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Regulations shall be obtained.

Tract 1 of Schaefferville Subdivision also abuts a 17 foot wide access easement identified as Neiger Court. Currently, Neiger Court is void of pavement, curb, gutter, street light conduit, sidewalk, water and sewer. Neiger Court is classified as a lane/place street requiring a minimum 45 feet of right-of-way and a minimum pavement width of 20 feet. The applicant is required to submit construction plans prepared and stamped by a Registered Professional Engineer identifying Neiger Court located in a 45 foot right-of-way where it abuts the property and, curb, gutter, water, sewer, sidewalk, street light conduit and 20 feet of pavement width for review and approval or obtain a Variance to the Subdivision Regulations. In addition, the plat document shall be revised accordingly to identify Neiger Court in a 45 foot right-of-way where it abuts the property or a Variance to the Subdivision Regulations shall be obtained.

**SECTION LINE HIGHWAY:**

Proposed Lot 2 of Keller Subdivision, and proposed Tract 1 of Schaefferville Subdivision are currently abutted by a section line highway. Currently the section line highway is unimproved except for a small portion extending off of Sturgis Road that is currently paved. The Major Street Plan identifies a portion of the section line highway as proposed collector street. The Major Street Plan identifies the proposed collector street extending along the section line highway a distance of 730 feet in a westerly manner before traversing in a northwesterly route. The applicant is required to revise the plat document to identify 60 feet of right-of-way along the proposed collector street, or obtain a Variance to the Subdivision Regulations, or obtain a Comprehensive Plan Amendment revising the Major Street Plan and relocate the road.

As part of the platting process, the section line highway must be improved, a Variance to the Subdivision Regulation shall be obtained, or the section line highway must be vacated. Prior to approval by City Council, the applicant must submit construction plans for the proposed collector street portion of the section line highway identifying curb, gutter, water, sewer, sidewalk, street light conduit, and pavement. In addition the plat document must be revised to identify 60 feet of right-of-way, or a Variance to the Subdivision regulations shall be obtained.

The remainder of the section line highway not identified as a proposed collector street by the Major Street Plan is classified as a subcollector street. As noted, this portion of the section line highway is currently not developed. Prior to approval by City Council, the applicant shall submit construction plans for the remainder of the section line highway identifying curb, gutter, water, sewer, street light conduit and pavement, and the plat document shall be revised to identify 47 feet of right-of-way width, or a Variance to the Subdivision regulations shall be obtained, or the remainder of the section line highway shall be vacated.

**ACCESS EASEMENTS**

The applicant is proposing to vacate a portion of a 33 foot wide access easement located on proposed Tract 1 of Schaefferville Subdivision. The access easement traverses in a north to south route and abuts 12 lots, 11 of which are proposed to be replatted as a portion of Tract 1. The remaining lot is identified as Lot A NW 1/4 NE 1/4 of Section 20, Township 2 North, Range 7 East. Lot A currently has legal means of access from the section line highway and

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a remaining portion of the access easement that is not proposed to be vacated.

The applicant is also proposing to vacate a 66 foot wide by 120 foot long easement located at the southern terminus of the former right-of-way of Fiest Road. As noted, Fiest Road was previously vacated (#06VR011) on February 5, 2007. Based on the review of a miscellaneous document recorded at the Register of Deeds Office in Book 22, Page 9753, it appears that this access easement provides access to the south 245 feet, and east 232 feet of the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ . Although there is no roadway existing to the described property, these properties still have a mean of legal access by way of the 66 foot wide by 120 foot long access easement. Staff recommends that prior to approval of the Preliminary Plat by City Council, the required signatures be obtained for vacation of this easement. Staff has noted that the deeded property described as the south 245 feet, and east 232 feet of the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  currently has an alternate means of access from another access easement that ultimately connects into Neiger Court.

**DRAINAGE AND GRADING:**

A grading plan has not been provided. In addition, an updated drainage plan has not been submitted. Staff recommends that prior to approval by City Council the applicant submit for review and approval a grading plan and drainage plan, if the construction of the improvements is required.

**STORMWATER MANAGEMENT PLAN:**

The City Council has recently adopted a Stormwater Quality Manual, which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if construction of the improvements is required.

**WARRANTY SURETY:**

On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of the public improvements, a Warranty Surety be submitted for review and approval as required.