

STAFF REPORT

May 25, 2006

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**No. 06PL056-Preliminary Plat**

**ITEM 10**

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GENERAL INFORMATION:

PETITIONER	D. C. Scott Surveyors for Cheryl Burrow Hitshew
REQUEST	<b>No. 06PL056 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 16 of Twilight Hill Subdivision, and dedicated Reservoir Road Right-of-way; located in the SE1/4 SE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Lot 16 of Twilight Hill Subdivision, and dedicated Reservoir Road Right-of-way; located in the SE1/4 SE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .42 acres
LOCATION	At the northwest corner of the intersection of Reservoir Road and Ross Court
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitation District
DATE OF APPLICATION	4/27/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, road construction plans for Reservoir Road shall be submitted for review and approval. In particular, the road construction plans shall show Reservoir Road constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;

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2. Prior to Preliminary Plat approval by the City Council, road construction plans for Ross Court shall be submitted for review and approval. In particular, the road construction plans shall show Ross Court constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a ten foot wide planting screen easement along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to submittal of a Final Plat application, the chain link fence shall be removed for the 17 feet of additional right-of-way being dedicated as a part of this plat or surety shall be posted to insure that the fence is removed;
5. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Reservoir Road and Ross Court, except for approved approach location(s);
6. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; and,
7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

### GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to subdivide the subject property into two residential lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road and to install curb, gutter, sidewalk and street light conduit along Ross Court. (See companion item #06SV023.)

The Pennington County Planning Department has indicated that a building permit was issued to allow a garage to be constructed on the northern half of the subject property. However, a single family residence with an attached garage was constructed. Since a single family residence already exists on the southern half of the property, the second residence is an illegal structure. As such, the Pennington County Planning Department has indicated that the property must be platted as proposed to create two lots or one of the residences must be removed from the property. If the property is successfully platted, then a building permit to allow a single family residence with an attached garage in lieu of a garage must be obtained from Pennington County.

On October 1, 2001, the City Council approved a Layout Plat to subdivide the subject property into two lots as identified on this plat. On January 19, 2004, the City Council approved a similar Layout Plat to subdivide the subject property into two lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to improve Reservoir Road and Ross Court with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements and denied a Variance to the Subdivision Regulations to waive the requirement to dedicate 17 additional feet of right-of-way along Reservoir Road.

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On April 18, 2006, the County Board of Adjustment granted a Variance to reduce the front yard setback along Reservoir Road from 25 feet to eight feet. The property is located in the northwest corner of the intersection of Ross Court and Reservoir Road.

**STAFF REVIEW:**

Staff has reviewed the Layout Plat and has noted the following considerations:

**Reservoir Road:** Reservoir Road is located along the east lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Reservoir Road is located in a 66 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface, sewer and water. The plat document identifies that 17 additional feet of right-of-way will be dedicated along Reservoir Road. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for Reservoir Road showing the installation of curb, gutter, sidewalk, street light conduit and additional pavement be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

**Ross Court:** Ross Court is located along the south lot line of the subject property and is classified as a lane place street. A lane place street must be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Ross Court is constructed with a 50 foot wide right-of-way and a 24 foot wide paved surface, water and sewer. Upon Preliminary Plat submittal, road construction plans showing the construction of curb, gutter, sidewalk and street light conduit must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

**Chain Link Fence:** A chain link fence is currently located within the 17 feet of right-of-way to be dedicated as a part of this plat. Staff is recommending that prior to submittal of a Final Plat application, the chain link fence be removed or surety posted to insure that the fence is removed.

**Planting Screen Easement:** The Subdivision Regulation requires that a ten foot wide planting screen easement be provided along all arterial streets within a residential development. Reservoir Road is classified as an arterial street on the City's Major Street Plan and the property is located within a residential development. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show a ten foot wide planting screen easement along Reservoir Road or a Variance to the Subdivision Regulations must be obtained.

Staff believes that the proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.