

STAFF REPORT
October 5, 2006

No. 06PL127 - Preliminary Plat

ITEM 46

GENERAL INFORMATION:

PETITIONER	Renner & Associates for Royal Nielsen
REQUEST	No. 06PL127 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A, formerly a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.596 acres
LOCATION	West of Hillside Drive and North of SD Highway 44
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/28/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 49 foot wide easement and/or right-of-way and constructed with a minimum 24 foot paved surface or the street shall be located in a minimum 45 foot wide easement and/or right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision**

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Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface or the turnaround shall be designed as a hammerhead turnaround and/or a "T" turnaround to accommodate fire apparatus or a Variance to the Subdivision Regulations shall be obtained;

3. Prior to Preliminary Plat approval by the City Council, the access easement document shall be recorded at the Register of Deed's Office;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
5. Prior to submittal of a Final Plat application, the plat title shall be revised to read "(formerly a portion of Lot 15 Revised, Hills View Subdivision.....)". In addition, the Certificate of Growth Management Director shall be revised to read Chapter 16.06.035 in lieu of 16.06.030; and,
6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid.

GENERAL COMMENTS:

(Update, September 23, 2006. All revised and/or added text is shown in bold print.) This item was continued at the September 21, 2006 Planning Commission meeting to allow the applicant to submit additional information. The applicant subsequently submitted water and sewer construction plans showing the extension of service lines to the subject property and drainage information. In addition, on September 18, 2006, the City Council approved an Exception to allow 89 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual.

(Update, September 8, 2006. All revised and/or added text is shown in bold print.) This item was continued at the September 7, 2006 Planning Commission meeting to allow the applicant to submit additional information. On August 22, 2006, the applicant submitted a structural site plan showing the location of the existing mobile homes and parking along the proposed access easement. In addition, the applicant submitted an Exception request to allow 89 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual. On August 23, 2006, staff denied the Exception request. Subsequently, on August 30, 2006 the applicant submitted an appeal to the Exception request. The appeal will be considered at the September 12, 2006 Public Works Committee meeting and the September 18, 2006 City Council meeting. In addition, to date, the balance of the additional information has not been submitted. As such, staff is recommending that this item be continued to the October 5, 2006 Planning Commission meeting.

(Update, August 30, 2006. All revised and/or added text is shown in bold print.) This item was continued at the August 24, 2006 Planning Commission meeting to allow the applicant to submit additional information. On August 22, 2006, the applicant submitted a structural site plan showing the location of the existing mobile homes and parking along the proposed access easement. In addition, the applicant submitted an Exception request to allow 89

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dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual. On August 23, 2006, staff denied the Exception request. Subsequently, on August 30, 2006 the applicant submitted an appeal to the Exception request. The appeal will be considered at the September 12, 2006 Public Works Committee meeting and the September 18, 2006 City Council meeting. In addition, to date, the balance of the additional information has not been submitted. As such, staff is recommending that this item be continued to the October 5, 2006 Planning Commission meeting.

The applicant has submitted a Preliminary Plat to create a .596 acre lot leaving a 6.655 non-transferable balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations to reduce the easement width from 49 feet to 25 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a proposed private access easement. (See companion item #06SV049.)

The property is located west of Hillside Drive and north of S.D. Highway 44. Currently, two single family residences, three storage sheds, a garage and a commercial shop are located on the proposed non-transferable balance. The proposed .596 acre lot is void of any structural development.

STAFF REVIEW:

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

Private Access Easement: The applicant has submitted a copy of an Exhibit "A" showing a proposed 25 foot wide private access easement extending west from Hillside Drive across a lot located south of the subject property to serve as access to the proposed lot. Currently, several mobile homes are located on the adjacent property. It appears that the existing driveway within the mobile home court is being proposed as an access street to the subject property. The existing driveway has been constructed with an approximate 24 foot wide graveled surface. The proposed easement extends beyond the existing driveway for a distance of approximately 60 feet. A dirt trail exists in this portion of the easement. The proposed private access easement is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and/or easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

The Pennington County Fire Department has indicated concern that the proposed access easement will not provide adequate fire apparatus access to the proposed lot. As such, a structural site plan must be submitted showing the location of the existing mobile homes and parking along the proposed access easement to insure emergency response access and to demonstrate that a street may be constructed as identified above. Staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the structural site plan as identified. **As noted above, on August 22, 2006, the applicant submitted a structural site plan showing the location of the existing mobile homes and parking along the proposed access easement. The site plan has subsequently been routed for City and County staff comment(s). The site plan identifies an approximate 24 foot wide graveled road located within a proposed 25 foot wide private access easement to serve the subject property. As noted above, the street must be located in a minimum 49 foot wide right-of-way and/or easement and constructed with a minimum 24 foot**

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wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or the street must be located in a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. If on-street parking is not provided, the developer must provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or a Variance to the Subdivision Regulations must be obtained. In addition, the construction plans must identify the construction of a permanent turnaround at the end of the cul-de-sac located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface or the turnaround must be designed as a hammerhead turnaround and/or a "T" turnaround to accommodate fire apparatus. Staff is recommending that the construction plans be submitted for review and approval as identified prior to City Council approval of the Preliminary Plat or a Variance to the Subdivision Regulations must be obtained.

Water and Sewer: The property is located in the Rapid Valley Sanitary District service area. Currently, a six inch water main and an eight inch sewer main are located in the Hillside Drive right-of-way. To date, the applicant has not submitted water and/or sewer plans showing the extension of services to the subject property. As such, staff is recommending that the Preliminary Plat be continued to allow the applicant to submit water and sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, water mains and service lines for review and approval or a Variance to the Subdivision Regulations must be obtained. The plat document must also be revised to provide utility easements as needed. **The applicant has submitted construction plans showing the extension of water and sewer service lines within an existing 25 foot wide utility easement. Staff has reviewed and approved the construction plans with the exception of redlined comments that must be addressed prior to City Council approval of the Preliminary Plat.**

Drainage: A drainage plan in compliance with the Perrine Drainage Basin Plan must be submitted for review and approval. In particular, the drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. In addition, the plat document must be revised to provide drainage easements as necessary. Staff is recommending that the Preliminary Plat be continued to allow the applicant to submit a drainage plan for review and approval as identified. **The applicant has submitted drainage information as identified above. Staff has reviewed and approved the information.**

Exception: On August 16, 2000, the City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street". Currently, Valley Drive serves as exclusive access to several lots located north of S.D. Highway 44. The proposed Layout Plat will result in a total of 89 lots with one point as access. The plat document must provide a second street connection to the development or an Exception to allow 89 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual must need to be obtained. Staff is recommending that the Exception be obtained or the plat

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document be revised as identified prior to Preliminary Plat approval by the City Council. As noted above, the applicant submitted an Exception request to allow 89 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual. On August 23, 2006, staff denied the Exception request. Subsequently, on August 30, 2006 the applicant submitted an appeal to the Exception request. The appeal will be considered at the September 12, 2006 Public Works Committee meeting and the September 18, 2006 City Council meeting. **On September 18, 2006, the City Council granted the Exception request to allow 89 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual.**

Master Plan: The applicant has submitted a Master Plan of the 6.655 acre non-transferable balance showing the parcel as one commercial lot. This appears to represent the existing use but does not address future subdivision and/or street and utility access through the site. As such, staff is recommending that a Master Plan be submitted for review and approval showing potential future development in lieu of the existing development. **The applicant has indicated that the Master Plan previously submitted showing the balance of the property as one commercial lot is the intended use of the property. As such, a revised Master Plan was not submitted for review and approval. Even though this meets the requirements to submit a Master Plan, staff continues to express concern that it does not address future subdivision and/or street and utility access through the site.**

Plat Labeling: The Register of Deed's Office has indicated that the plat heading must be revised to read "(formerly a portion of Lot 15 Revised, Hills View Subdivision.....)". Staff is recommending that the plat document be revised as identified prior to submittal of a Final Plat application.

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