

STAFF REPORT  
October 26, 2006

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**No. 06PL114 - Preliminary Plat**

**ITEM 44**

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GENERAL INFORMATION:

PETITIONER	Renner & Associates for ARC International
REQUEST	<b>No. 06PL114 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	The residual portion of Lots B and C, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 3, Barnhart Addition, formerly the residual portion of Lots B and C, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.798 acres
LOCATION	2990 East Highway 44
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	General Commercial District (Pennington County)
East:	General Commercial District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/14/2006
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 59 foot wide easement and/or right-of-way and constructed with a minimum 26 foot paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**

3. Prior to Preliminary Plat approval by the City Council, road construction plans showing sidewalk along the south side of S.D. Highway 44 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, a copy of the previously recorded existing "20 foot wide private lane" and the existing previously recorded "25 foot wide private access easement" shall be submitted for review and approval. In addition, the applicant shall demonstrate that the private lane and access easement allow the existing water main or a utility easement shall be recorded;
5. Prior to Preliminary Plat approval by the City Council, an Approach Permit shall be obtained from the South Dakota Department of Transportation. In addition, the terms and conditions of approval shall be met;
6. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the street within the access easement aligning with E. St. Patrick Street or an Exception to the Street Design Criteria Manual shall be obtained to waive the requirement that the street(s) align and to reduce the separation between the intersecting streets from 230 feet to approximately 20 feet;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
8. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the proposed "sign easement" from the area designated as an "access easement". In addition, any signage located within the access easement shall be removed or surety posted to insure that it is removed in a timely manner; and,
9. 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, October 16, 2006. All revised and/or added text is shown in bold print.) This item was continued at the October 5, 2006 Planning Commission meeting to allow the applicant to submit additional information.

(Update, September 22, 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. On August 25, 2006, the applicant submitted a revised topographic map as required. However, to date the balance of the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 26, 2006 Planning Commission meeting to allow the applicant to submit the additional information as outlined in the Staff Report.

(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 25, 2006, the applicant submitted a Variance to the Subdivision regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along an access easement and to install

STAFF REPORT  
October 26, 2006

---

**No. 06PL114 - Preliminary Plat**

**ITEM 44**

---

sidewalk along S. D. Highway 44. On August 28, 2006, staff approved an Exception request to allow an easement to serve five lots in lieu of four lots as per the Street Design Criteria Manual. On September 5, 2006, staff met with the applicant and their consultants to discuss the outstanding issues relative to the Preliminary Plat. To date, the balance of the additional information outlined in the meeting and previously in this Staff Report has not been submitted. As such, staff is recommending that this item be continued to the October 5, 2006 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, August 25, 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 25, 2006, the applicant submitted a Variance to the Subdivision regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along an access easement and to install sidewalk along S. D. Highway 44. In addition, the applicant submitted an Exception to allow an easement to serve more than four lots in lieu of right-of-way. To date, the balance of the additional information has not been submitted. As such, staff is recommending that this item be continued to the September 21, 2006 Planning Commission meeting to allow the applicant to submit the additional information and to allow this item to be heard in conjunction with the associated Variance to the Subdivision Regulations request.

(Update, August 13, 2006. All revised and/or added text is shown in bold print.) This item was continued at the August 10, 2006 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted. As such, staff is recommending that this item be continued to the September 7, 2006 Planning Commission meeting.

The applicant has submitted a Preliminary Plat to create one lot to be known as Lot 3 of the Barnhart Addition.

The property is located directly north of the intersection E. St. Patrick Street and S.D. Highway 44 on the north side of S.D. Highway 44. Currently, two commercial signs are located on the property.

**STAFF REVIEW:**

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

**Access Easement:** Currently, a 45 foot wide private access easement located along the east lot line of the subject property serves as access to this lot and to the property directly north of the subject property. A portion of the 45 foot wide private access easement, or 20 feet, is located on the adjacent property located directly east of the subject property. The Preliminary Plat identifies the dedication of five additional feet of easement width for the private access easement creating a 50 foot wide easement. An approximate 20 foot wide paved road has been constructed in the private access easement. In addition, a wooden bridge deck extends across an existing ditch located in the northern portion of the property. The private access easement is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, an

**No. 06PL114 - Preliminary Plat**

**ITEM 44**

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Exception to the Street Design Criteria Manual must be obtained to allow the street to be located in a private access easement in lieu of right-of-way or the plat document must be revised to show the right-of-way or the right-of-way must be dedicated as a part of a separate plat action. Staff is recommending that this item be continued to allow the applicant to revise the plat document accordingly. In addition, construction plans must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained. **The applicant has submitted a revised site plan showing a 59 foot wide access easement located along the east lot line of the subject property. However, the site plan identifies that the eastern 20 to 25 foot of the easement is located on an adjacent property. In addition, this portion of the easement is identified as an "existing 25 foot wide private access easement" and an "existing 20 foot wide private lane. Staff is recommending that prior to Preliminary Plat approval by the City Council, a copy of the easement and/or private lane be submitted for review and approval. (Please note that an Exception has been granted to allow the proposed access easement to serve five lots in lieu of four lots.)**

The applicant has submitted a site plan showing two existing signs in the private access easement. In addition, the Preliminary Plat identifies the dedication of a utility and sign easement within a portion of the existing private access easement. However, a sign is a structure and can not be located within an access easement. As such, the signs must be removed from the access easement and the plat document must be revised eliminating the "sign easement" as shown. **Staff is recommending that prior to submittal of a Final Plat application, the plat document be revised eliminating the proposed "sign easement" from the area designated as an "access easement". In addition, any signage located within the access easement be removed or surety posted to insure that it is removed in a timely manner.**

**The Street Design Criteria Manual requires that the street within the access easement align with E. St. Patrick Street located south of S.D. Highway 44 or that a minimum separation of 230 feet be provided between the street(s). As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing the street within the access easement aligning with E. St. Patrick Street or an Exception to the Street Design Criteria Manual must be obtained to waive the requirement that the street(s) align and to reduce the separation between the intersecting streets from 230 feet to approximately 20 feet.**

Approach: The private access easement extends north from S.D. Highway 44 through the subject property. The access easement currently serves as a primary access to the KOA Campground located directly north of the subject property. Platting the subject property as proposed requires that an Approach Permit be obtained from the South Dakota Department of Transportation for the approach location. **Staff is recommending that prior to Preliminary Plat approval by the City Council, an Approach Permit be obtained from the South Dakota Department of Transportation. In addition, the terms and conditions of approval must be met.**

S.D. Highway 44: S.D. Highway 44 is located along the south lot line of the subject property. The street is classified as a principal arterial street on the City's Major Street Plan requiring

**No. 06PL114 - Preliminary Plat**

**ITEM 44**

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that it 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, water and sewer. Currently, S.D. Highway 44 is located in a 185 foot wide right-of-way and constructed with five paved lanes. In addition, the balance of the street improvements is in place with the exception of sidewalk along the south side of the street. As such, construction plans must be submitted for review and approval showing the sidewalk or a Variance to the Subdivision Regulations must be obtained.

Water and Sewer: As noted above, Rapid Valley Sanitary District has water and sewer mains located in the S.D. Highway right-of-way. The applicant has submitted a site plan showing an existing septic tank on the property. The Subdivision Regulations states that property located within 500 feet of a central sewer system be required to hook up to that system. As such, the applicant must submit construction plans for the sanitary sewer as identified or a Variance to the Subdivision Regulations must be obtained. In addition, the applicant must submit construction plans for water service to the subject property or the applicant must demonstrate an alternative water supply to the subject property that meets all South Dakota Department of Environment and Natural Resources requirements and regulations. **The applicant has submitted a revised site plan showing a water main located within an access easement and/or private lane on an adjacent property. As noted above, staff is recommending that a copy of the recorded access easement and/or private lane be submitted for review and approval. In particular, the applicant must demonstrate that the private lane and access easement allow the existing water main or a utility easement must be recorded prior to Preliminary Plat approval by the City Council.**

Hawthorne Irrigation Ditch: The private access easement extends across the Hawthorne Irrigation Ditch located along the north lot line of the subject property. As noted above, a small wooden bridge deck extends across the Hawthorne Irrigation Ditch. Any street extensions and/or improvements through this area, including revisions and/or expansions to the existing bridge, will require the review and approval by the Hawthorne Irrigation Ditch representatives. Staff is recommending that the Preliminary Plat be continued to allow the applicant to obtain the approval from the Hawthorne Irrigation Ditch representatives as identified. **On October 11, 2006, the applicant submitted a letter of approval from the Hawthorne Ditch Representative.**

Grading/Drainage: A site grading plan and a drainage plan showing stormwater flows must be submitted for review and approval. In particular, the information must demonstrate that the drainage flows enter Element 11 as per the Unnamed Tributary Drainage Basin Design Plan. Staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the grading and drainage plan as identified. **On October 2, 2006, the applicant submitted additional drainage information. Staff has reviewed and approved the plan(s). Please note that site specific grading and drainage issues must be addressed as a part of any future construction on the property.**

Topographic Information: The applicant has submitted topographic information; however, it does not include the northern 70 feet of the subject property. As such, staff is recommending that this item be continued to allow the applicant to submit revised topographic information as identified or an application for Waiver of Subdivision Requirements must be obtained. **On August 26, 2006, the applicant submitted a revised**

**No. 06PL114 - Preliminary Plat**

**ITEM 44**

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**topographic map showing topographic information in the northern 70 feet of the subject property as required.**

Non-access Easement: The plat document must be revised to show a non-access easement along S.D. Highway 44 and the first 230 feet of the access easement. 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.**