

STAFF REPORT

April 5, 2001

PLAT #99PL120 - Preliminary and Final Plat

ITEM 2

GENERAL INFORMATION:

PETITIONER	Gary Renner for Larry Teuber
REQUEST	PLAT #99PL120 - Preliminary and Final Plat
LEGAL DESCRIPTION	Lots 1, 2, 3 and 4 of Block 4 of Spring Canyon Estates (formerly Lot 2B & Lot 1 of Block 1 of Spring Canyon Estates and the NE1/4 of the SW1/4) located in the SW1/4 of the NW1/4, the NW1/4 of the SW1/4 and in the NE1/4 of the SW1/4 of Section 5, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 47.242 Acres
LOCATION	At the southern terminus of Clarkson Road
EXISTING ZONING	Suburban Residential District - Limited Agriculture (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Low Density Residential (County)
East:	General Agriculture District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Private Central Water Septic Systems
REPORT BY	Bill Lass

RECOMMENDATION: **Staff recommends that the Preliminary and Final Plat be continued to the May 10, 2001 Planning Commission meeting to allow the required application for Vacation of Right-of-Way to be submitted by April 12, 2001. If this application is not received by April 12, 2001 Staff will recommend that the plat be denied without prejudice at the May 10, 2001 Planning Commission meeting.**

GENERAL COMMENTS: **3/28/01 – This Staff Report has been revised. New or revised text is shown in bold print.** This Preliminary and Final Plat request has been submitted to increase the size of one existing lot and create three new lots at the southern end of Clarkson Road. There are currently houses located on three of the four proposed lots. Lot 1 has no principal structures located upon it. This property is located outside of Rapid City but is within the City's three-mile platting jurisdiction. Spring Creek is located along the southern portion of the property. Clarkson Road is a paved rural-section roadway. Clarkson Road is dedicated

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through the subject property but is not improved to City street standards. The majority of the Clarkson Road right-of-way on this property is extremely rugged and can only be accessed by four-wheel drive vehicles.

STAFF REVIEW: A Layout Plat for a three-lot subdivision on this property was approved by the City Council on June 21, 1999. The stipulations of the Layout Plat approval and the current status of compliance are as follows:

- 1) *Prior to Preliminary Plat approval, a site plan shall be provided identifying the location of the water source(s) and the location of all on-site waste water system(s);*

The site plan has been submitted showing the drainfield locations. The water source information was submitted in early October and reviewed and approved by Staff.

A portion of the property is located over the Madison Formation which is the principal formation containing the water the City uses as their drinking water source. On-site waste water systems in this area need to be closely monitored and carefully designed to insure the City's drinking water supply is not degraded. As part of the Layout Plat approval, Staff recommended that a note be placed on the plat stating: *Any future on-site wastewater system to be allowed only as total wastewater containment system unless a conventional or alternative on-site wastewater system is designed which includes a complete report of a soils and geological investigation by a professional engineer that demonstrates that the proposed on-site system meets all State, County, and local regulations.* The petitioner has included this note on the proposed Preliminary and Final Plat.

- 2) *Prior to Final Plat approval, the Spring Creek 100 year flood plain shall be identified as a major drainage easement on the Plat;*

The revised plat submitted in early October, 2000 identifies this as a Major Drainage Easement.

- 3) *Prior to Preliminary Plat approval, a fire mitigation plan shall be submitted for review and approval;*

This plan has been submitted by the petitioner and approved by the Fire Department.

- 4) *Prior to Preliminary Plat approval, a petition to vacate Clarkson Road right-of-way through the subject property and the remaining portion in the Spring Canyon Park of Copper Oaks shall be submitted;*

- 5) *Prior to Final Plat approval, either the vacation of Clarkson Road right-of-way shall be approved or Clarkson Road shall be improved through the subject property to City standards. If the vacation of right-of-way is approved, an emergency access easement shall be retained the entire length of the vacated right-of-way;*

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As of this writing, the petitioner has submitted all necessary documentation to vacate the portion of right-of-way on the subject property while retaining an emergency access easement. However, the petition to vacate the right-of-way through Spring Canyon Park has not yet been submitted. This petition must be received before the current Preliminary and Final Plat can be acted upon. The roadway through Spring Creek Park must also be retained as an emergency access easement.

As part of the earlier Layout Plat, Staff expressed serious concerns as to whether it would be feasible or practical to construct Clarkson Road through the property. Clarkson Road provides access to one additional property to the south of the subject property. This property is called the Spring Creek Canyon Park of the Copper Oaks development. It was platted as a common lot for the Copper Oaks development that is located on the south side of Spring Creek. As the park name indicates, the southern portion of this property is a small canyon in which Spring Creek is located. The presence of this canyon makes the development of Clarkson Road difficult. As part of the Layout Plat, Staff recommended and the Planning Commission and City Council concurred, that Clarkson Road should be vacated across the subject property and where it is located in Spring Creek Canyon Park.

This Preliminary and Final Plat proposes to vacate the right-of-way through the subject property but no application has been received for the vacation of right-of-way through the Copper Oaks property. Staff is recommending that this Preliminary and Final Plat be continued to allow the petitioner to receive the required signatures from the adjacent property owners in order to vacate the remainder of this right-of-way. Staff has learned that the petitioner may purchase this parcel of land to the west. If this parcel is purchased by the petitioner then he may simply request vacation of all of the right-of-way himself.

Additionally, Staff has noted that the Preliminary and Final Plat proposes to vacate a small portion of the Clarkson Road right-of-way just above the point where the right-of-way begins to descend into Spring Creek Canyon. The construction of a large entrance gate structure in the Clarkson Road right-of-way is what has prompted this vacation request. This vacation, however, also requires the signatures of the property owners on the opposite side of the roadway. In early October, 2000 the petitioner submitted the necessary vacation petition signed by the adjacent property owners. In addition, a Zoning Variance has been granted by Pennington County to allow the entry gate feature to have a reduced setback from the front property line.

Staff noted that the originally proposed Preliminary and Final Plat did not clearly identify what portions of right-of-way were to be vacated. The revised plat now indicates what right-of-way is being vacated.

One final requirement regarding the emergency access easement concerns a maintenance agreement. As noted as part of the Layout Plat review, a maintenance agreement is needed to ensure that the emergency access easement receives adequate maintenance. A draft agreement was submitted by the petitioner earlier in the winter and has been approved by the City Attorney's Office.

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- 6) *Prior to Preliminary Plat approval, a site plan shall be provided identifying the location of the entry gate feature; and,*

This site plan has been provided.

- 7) *Prior to Final Plat approval, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.*

The Pennington County Highway Department originally requested that the petitioner provide some additional paved area near the end of the improved portion of Clarkson Road where it intersects with Cougar Court. This additional paving is needed to provide an acceptable T-turnaround for snowplows and other County Highway Department maintenance vehicles. On October 31, 2000 the Pennington County Highway Department Staff indicated that the required turn-around had been constructed according to their specifications. Additional subdivision improvements will be required through this plat only if the Clarkson Road right-of-way is not vacated. Staff will work with the petitioner to ensure that the financial surety and inspection fees are received.

In addition to the preceding issues, Staff review of this Preliminary and Final Plat has identified the following requirements:

Drainage Easements: The Engineering Division has noted that the plat must be revised to reflect appropriate drainage easements to accommodate drainage across this property from Clarkson Road. Further, the standard lot line drainage easements must be noted on the plat. The revised plat submitted in early October, 2000 has identified all required easements.

Topographic Information: The Engineering Division has noted that the petitioner needs to submit sufficient topographic information to assure that the floodplain location coincides with the location of Spring Creek Canyon. A topographic map was submitted as part of the previous Layout Plat submittal. The Engineering Division has reviewed and approved this information.

Future Development: As noted, this plat proposes to vacate most of the Clarkson Road right-of-way where it crosses this property and replace it with an emergency access easement. This action will have potential impacts on the further development of this property. It is not the petitioner's desire at this time to further develop the property. Further, any additional development may be extremely difficult due to the extreme topography in this area. Nevertheless, the petitioner should be aware that proceeding with this plat and vacating this existing public right-of-way may make any future subdivision even more difficult.

County Violation: As noted earlier, the petitioner has constructed a large entry gate feature near the end of the currently improved portion of Clarkson Road. A building permit was not obtained from Pennington County for this structure. Prior to approval of the Final Plat, the petitioner must apply for and receive a building permit. As noted, the petitioner has received the required Zoning Variance from Pennington County.

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Staff has noted that all of the requirements of the Layout Plat have now been addressed by the petitioner except for the petition to vacate that portion of the Clarkson Road right-of-way in Spring Canyon Park which must still be received and acted upon. An emergency access easement must be maintained in the vacated right-of-way. This easement must specify that all appropriate maintenance will be conducted to keep the roadway in driving condition for emergency response vehicles.

3/28/01 Update: Staff has noted that this Preliminary and Final Plat has been continued by the Planning Commission for an extended period of time. Staff contacted the petitioner's agent on March 28, 2001 to inquire as to the status of the required vacation petition. The petitioner's agent stated that he expected the vacation petition to be submitted very soon. Staff, therefore, is recommending that this Preliminary and Final Plat be continued one final time – to the May 10, 2001 Planning Commission meeting. In order to be considered at this meeting, the petitioner must submit the required vacation petition by April 12, 2001. If this petition is not received by April 12 then Staff will recommend that this plat be denied without prejudice at the May 10, 2001 Planning Commission meeting.