

STAFF REPORT

October 5, 2000

PLAT #99PL120 - Preliminary and Final Plat

ITEM 3

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 November 9, 2000 Planning Commission meeting. In order to be considered at the November 9, 2000 Planning Commission meeting the petitioner must have submitted all required information no later than October 13, 2000.**

GENERAL COMMENTS: **9/26/00 – 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 through the subject property but is not improved to City street standards. The majority of the

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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. However, the water source information has not been provided.

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 plat identifies the 100 year flood plain but does not show it as a Major Drainage Easement. This requirement must be met prior to City Council consideration of the Preliminary Plat.

- 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 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. To date, a vacation petition with the required signatures has not been submitted. If the petitioner does not vacate this right-of-way then he will need to receive approval from the County Commission to allow the structure to remain in the public right-of-way.

An emergency access easement currently connects the Copper Oaks development to Clarkson Road through Spring Creek Canyon Park. As noted in the Layout Plat stipulations, an emergency access easement is needed to allow access from Copper Oaks to Clarkson Road. The current Preliminary and Final Plat proposes the vacation of the right-of-way with a thirty-three foot wide access easement being retained. Prior to approval of the Final Plat by the City Council, the plat must be revised to show this easement as an "Emergency Access Easement." Also, the portion of right-of-way to be vacated through the Copper Oaks development must be retained as an emergency access easement.

Staff has also noted that the proposed Preliminary and Final Plat does not clearly identify what portions of right-of-way are to be vacated. Prior to City Council approval of the Final Plat, the plat must be revised to clearly identify those specific portions of right-of-way to be 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. To date,

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this agreement has not been received. Prior to City Council consideration of the Final Plat, the petitioner must provide such an agreement.

- 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 has 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. 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.

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 Planning Staff will review this map with the Engineering Division to determine if the level of topographic data is sufficient.

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.

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9/26/00 Update: The Planning Commission has continued action on this plat since the end of 1999 to allow the petitioner to address the outstanding issues. Staff has also learned that the petitioner is working with the Nature Conservancy so that organization can acquire the Copper Oaks parcel. The petitioner's agent has indicated that it would be preferable to vacate the right-of-way after the land has been transferred to the Nature Conservancy. On July 20, 2000 the petitioner's agent indicated to Staff that progress was still being made towards transferring the land and resolving the various platting issues. Based upon that information, Staff recommended continuation of this plat to the October 5, 2000 Planning Commission meeting to allow the petitioner to receive the required signatures on the petitions to vacate public right-of-way and to comply with all provisions of the Layout Plat. On September 26, 2000 Staff discussed the status of the plat with the petitioner's agent and the Nature Conservancy Staff and has learned that progress is being made towards addressing the outstanding issues. Staff, therefore, is recommending that this plat be continued to the November 9, 2000 Planning Commission meeting. In order to be considered at the November 9, 2000 Planning Commission meeting the petitioner must submit all required information no later than October 13, 2000.