

STAFF REPORT

October 26, 2000

PLAT #00PL087 - Preliminary and Final Plat

ITEM 17

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	PLAT #00PL087 - Preliminary and Final Plat
LEGAL DESCRIPTION	Lot 1 of Shooting Star Subdivision, located in the unplatted portion of the SE1/4 SW1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.76 Acres
LOCATION	At the western terminus of Shooting Star Road
EXISTING ZONING	Suburban Residential
SURROUNDING ZONING	
North:	Low Density Residential-I District (City)
South:	SRD – (County)
East:	Low Density Residential-I District (City)
West:	SRD – (County)
PUBLIC UTILITIES	To Be Extended
REPORT BY	Bill Lass

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

Urban Planning Division Recommendations:

1. That the associated annexation request is approved;
2. That prior to City Council approval of the Final Plat, the petitioner shall have entered into a Waiver of Right to Protest Agreement with the City regarding all subdivision improvements including: sanitary sewer, water, paving, curb and gutter, sidewalks and street lighting unless the accompanying Subdivision Variance request is granted. This waiver shall apply to the section line highway and shall also apply to any additional easements or right-of-way required;
3. That prior to City Council approval of the Final Plat, the petitioner shall have received approval of that portion of the Subdivision Variance request to allow platting of only one-half of a public right-of-way;
4. Any further platting of the unplatted balance will require the submittal of a master plan showing general lot layouts and road connections;

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5. Prior to City Council approval of the Final Plat, the petitioner must submit evidence showing that Lot 1 will be able to use the access easement located at the east end of the section line roadway;
6. Prior to City Council approval of the Preliminary Plat, the petitioner shall submit a document prepared by a professional surveyor showing the location of the existing gravel roadway with respect to the section line highway and the proposed property lines. If the roadway or a portion thereof is located outside of the existing section line highway then an access easement or additional right-of-way must be dedicated to accommodate the road, subject to Staff approval;
7. Prior to City Council approval of the Preliminary Plat, the petitioner shall submit a document prepared by a professional surveyor showing the location of the existing entry gate feature with respect to the section line highway and proposed property lines. If the feature or a part thereof is located within the section line highway then it shall be removed prior to City Council approval of the Final Plat;
8. Prior to Final Plat approval, the street name on the plat shall be revised to read the same as that approved in the associated street renaming request;
9. Prior to City Council approval of the Final Plat, the petitioner shall submit a rezoning application for the subject property and the City shall have approved of the application;

Engineering Division Recommendations:

10. Prior to City Council approval of the Preliminary Plat, all required drainage easements shall be shown on the plat subject to Staff review and approval; and,
11. Prior to City Council approval of the Preliminary Plat, the required utility easement shall be identified across Lot 1 subject to review and approval of Staff.

GENERAL COMMENTS: This Staff Report has been revised. New or additional information is identified in bold lettering. This plat was continued by the Planning Commission on September 21, 2000 pending additional information from the petitioner. This information has now been submitted thereby allowing Staff to make a recommendation. This plat has been submitted to plat one 2.76 acre residential lot located at the southwest corner of Wildwood Subdivision. The subject property is located in Rapid City's three-mile platting jurisdiction but is adjacent to the City limits on three sides. Access to the lot will be provided via the section line right-of-way located along the south border of the property (see related Road Renaming request). There is currently a gravel roadway constructed within this section line that serves property to the west of the subject property. This section line roadway connects with Wildwood Drive approximately one-quarter of a mile east of the subject property. The petitioner has submitted a Subdivision Variance request to waive improvement requirements for this roadway (see related request).

The property is being acquired and platted for two reasons. First, to allow an easement for the extension of city water main to the proposed Red Rock development located further to the southwest of the subject property. Secondly, once this lot is platted it can be resold and developed.

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STAFF REVIEW: The September 21, 2000 Staff Report identified several issues that needed to be addressed by the petitioner. These issues and the current status of compliance are as follows:

Annexation: Staff noted that the petitioner needed to submit a petition for annexation as the subject property was adjacent to the City limits and the adopted policy of the City is to require annexation when property is platted adjacent to the City. This annexation petition has been received (see related Staff Report) and Staff is recommending that it be approved with stipulations.

Topographic Information/Drainage Easements: The Engineering Division had noted that the petitioner must provide topographic information sufficient to determine what drainage easements will be needed on proposed Lot 1. Furthermore, drainage calculations must be submitted to justify the width of the major drainage easements. This topographic and drainage information has been submitted and reviewed although the actual easement has not yet been shown on the plat. This easement must be shown on the plat prior to City Council approval of the Preliminary Plat. The easement must be identified as a Major Drainage Easement and the standard language added to the plat regarding restrictions of use within the easement.

Water Main Easement: As noted, one of the reasons for this plat is to allow a route for city water to be extended to the proposed Red Rock development further to the southwest. Therefore, the plat must be revised to reflect a twenty foot wide utility easement along the western lot line of proposed Lot 1 to accommodate this water line. **This easement has not yet been shown on the plat. Prior to City Council approval of the Preliminary Plat this utility easement must be identified on the plat.**

Improvements to Section Line Right-of-Way: As discussed, access to this lot will be provided via the section line right-of-way. Currently a gravel roadway is constructed within this section line. The platting of this one lot triggers the requirement for the portion of this section line right-of-way to be built to City standards including: pavement, curb and gutter, sidewalks, dry sewer, and street lights. The petitioner has requested a Subdivision Variance to waive these requirements. **As indicated in the companion Staff Report regarding the Subdivision Variance, Staff is recommending that the portion of the variance to waive the improvements be denied. Staff believes a more viable alternative is for the property owner to enter into a Waiver of Right to Protest Agreement with the City regarding the subdivision improvements.**

Master Plan: The subject property is part of a much larger 108 acre parcel of largely undeveloped property. Although not a requirement at this time, any further platting of this larger tract of land will require the submittal of a master plan showing general lot layouts and road connections.

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Access: As noted, the access to this proposed lot is provided via a gravel roadway constructed within the section line right-of-way. This gravel roadway at its eastern end makes a slight turn north and then connects with Wildwood Drive. The northerly bend of the roadway crosses private property. The petitioner needs to submit evidence showing that there is an easement in place and who can use the easement. **Staff has researched the plat files and determined that an access easement is in place. However, there is no information to indicate who has the right to utilize the easement. Staff has informed the petitioner's agent that he must submit some form of documentation or legal agreement showing that proposed Lot 1 has the right to use this access easement to get to the section line roadway. The City is attempting to obtain this access easement as a public right-of-way. The petitioner may wish to delay action on the Final Plat until such time as the City is able to obtain a right-of-way at this location.**

Existing Roadway Alignment and Entry Gate Feature: Staff review of aerial photo records to indicate that the existing east/west gravel roadway may veer from the section line towards the western edge of the lot to be platted. If this is so then additional right-of-way or an access easement must be provided to accommodate the roadway. In order to resolve this matter, the petitioner's surveyor must submit a document showing the location of the existing roadway with respect to the section line highway. There is also an electronic entry gate constructed across the roadway near or adjacent to the subject property. If this gate is located within the section line highway then it must be removed. Again, the petitioner's surveyor will need to submit an instrument showing the location of this gate in order to determine if it needs to be removed.

On-Site Wastewater Information: The petitioner must submit documentation supporting the suitability of this lot for an on-site wastewater disposal system. **This information was submitted on October 16. The Engineering Division has reviewed and approved of the documentation.**

Staff finds that this Preliminary and Final Plat generally complies with all applicable requirements assuming compliance with the stated stipulations.