

STAFF REPORT

December 4, 2003

No. 03PL099 - Layout, Preliminary and Final Plat

ITEM 13

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bill Freytag
REQUEST	No. 03PL099 - Layout, Preliminary and Final Plat
EXISTING LEGAL DESCRIPTION	Lot 21 and a portion of Lot 22 of Block 1 and a portion of Lot 22 of Block 1 and a portion of the unplatted balance of the NW1/4 NW1/4 all of Tyler Knue Subdivision and dedicated public right of way shown as Nicole Street, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 6 through 9 ob Block 4 and Lot 21R of Block 1 and Lot 22R of Block 1, Tyler Knue Subdivision, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.33 acres
LOCATION	Located along Nicole Street
EXISTING ZONING	Mobile Home Residential District
SURROUNDING ZONING	
North:	Low Density Residential II District
South:	Mobile Home Residential District
East:	Mobile Home Residential District
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	09/26/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Layout, Preliminary and Final Plat be **continued to the December 18, 2003 Planning Commission meeting to be heard in conjunction with a Vacation of Right-of-way request, an Annexation Petition request and a Comprehensive Plan Amendment to the Major Street Plan request.**

GENERAL COMMENTS:

This item has been continued twice since the October 23, 2003 Planning Commission

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meeting to allow the applicant to submit additional information. On November 21, 2003, the applicant submitted a Vacation of Right-of-way request to vacate the section line highways located along the north lot line and the west lot line. In addition, an Annexation Petition was submitted to annex the west 33 feet of the section line highway located along the west lot line. The applicant also submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate the collector road located along the north lot line. These items will be heard at the December 18, 2003 Planning Commission meeting. All added and/or revised text is shown in bold print. This Staff Report has been revised as of November 22, 2003. The applicant has submitted a Layout, Preliminary and Final Plat to subdivide approximately 5.33 acres into six residential lots as a part of the Tyler Knue Subdivision. In addition, the applicant has submitted a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide. The applicant has also submitted two Rezoning requests to change the zoning designation of the property from No Use District and Mobile Home District to Low Density Residential District II. In addition, the applicant has submitted an annexation petition to annex the northern portion of the subject property into the City limits of Rapid City. (See companion items #03SV040, 03RZ043, 03RZ044 and 03AN011.)

The subject property located at the western terminus of Nicole Street and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Layout, Preliminary and Final Plat and has noted the following considerations:

Annexation: As previously indicated, the applicant has submitted a petition requesting to annex the northern portion of the subject property into the City limits. (The southern portion is already located within the City limits.) In May, 1983, the City Council approved a resolution requiring all properties that are contiguous to Rapid City which are being platted to be annexed into the city limits of Rapid City prior to Preliminary Plat approval. As such, staff is recommending that the property be annexed accordingly.

Forty Dwelling Units: Currently, Nicole Drive serves as exclusive access to 43 residential lots. The proposed plat will result in 49 lots with one exclusive point of access. 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". As such, the plat document must be revised to provide a second point of access or a Special Exception must be obtained.

Drainage: The Engineering Division has indicated that verification of erosion control measures be submitted identifying that erosion control is adequate and in place at the inlet and outlet of the drainage culvert extending from Lot 6 to Lot 22R. Staff is recommending that the erosion control measures be verified prior to City Council approval of the Preliminary Plat.

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Water and Sewer: The Engineering Division has indicated that a water and sewer connection must be provided to the west of the subject property. The current construction plans do not provide the connection. As such, staff is recommending that the Layout, Preliminary and Final Plat be continued to allow the applicant to work with staff to determine if the connection will be from the western terminus of Nicole Street or Country Road, located north of the subject property.

Pavement Design: The Engineering Division has indicated that the applicant's consultant is reviewing the pavement design from prior phase(s) due to pavement failure. The Engineering Division also notes that an alternative pavement section has been provided for this phase. Modifications to the pavement design may be needed after the review is complete.

Section Line: A section line highway is located along the west lot line of the subject property. Prior to Preliminary Plat approval, the section line highway must be improved to City Street standards or a Variance to the Subdivision Regulations must be obtained to waive the street improvements or the section line highway must be vacated. The western half of the section line highway is located on an adjacent property under different ownership from the subject property. The Subdivision Regulations states that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivide, the other half shall be platted. No new half-streets shall be permitted". Vacating only that portion of the section line highway located on the subject property will create a half-street. As such, the entire section line highway must be vacated or a Variance to the Subdivision Regulations must be obtained. If the applicant seeks to vacate a portion of the section line right-of-way, the adjacent property owner will need to concur in the request. Prior to Planning Commission approval of the Preliminary Plat, the section line highway issue must be addressed as identified or construction plans for the street must be submitted for review and approval.

Section Line Highway/Major Street Plan: A section line highway is located along the north lot line of the subject property. In addition, the Major Street Plan identifies a collector street to be constructed within the section line highway. Prior to Preliminary Plat approval, the section line highway must be improved to City Street standards or a Variance to the Subdivision Regulations must be obtained to waive the street improvements or the section line highway must be vacated. The northern half of the section line highway is located on property also owned by the applicant. As such, his signature is the only one needed on the vacation of right-of-way petition. The applicant must also obtain a Comprehensive Plan Amendment to the Major Street Plan either relocating or eliminating the collector street or construction plans for the collector street must be submitted for review and approval. Prior to Planning Commission approval of the Preliminary Plat, the section line issue as well as the Major Street Plan issue must be addressed as identified or construction plans for the street must be submitted for review and approval.

Staff is recommending that the Layout, Preliminary and Final Plat be continued to the **December 18, 2003 Planning Commission meeting to be heard in conjunction with a Vacation of Right-of-way request, an Annexation Petition request and a**

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Comprehensive Plan Amendment to the Major Street Plan request.