

STAFF REPORT

March 4, 2004

No. 03PL094 - Layout, Preliminary and Final Plat

ITEM 24

GENERAL INFORMATION:

PETITIONER	Renner and Sperlich Engineering Company for 16 Plus LLP
REQUEST	No. 03PL094 - Layout, Preliminary and Final Plat
EXISTING LEGAL DESCRIPTION	A portion of Tract 2 of Pioneer Subdivision located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 2, Moon Ridge Subdivision, located in the NE1/4 of the SE1/4, Section 34, T1N,R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 17.71 acres
LOCATION	Northwest of the U.S. Highway 16 and Moon Meadows Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Suburban Residential District/Highway Service District
South:	Medium Density Residential District/General Commercial District w/Planned Commercial Development
East:	General Agriculture District
West:	Suburban Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/11/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south collector road as shown on the City's Major Street Plan shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained and/or a Comprehensive Plan Amendment to the City's Major Street Plan relocating the collector road shall be approved In addition, the right-of-**

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- way for the collector street shall be dedicated or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, curb, gutter, sidewalk and street light conduit shall be constructed along U.S. Highway 16 or a Variance to the Subdivision Regulations shall be obtained;
 3. Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated;
 4. Prior to Preliminary Plat approval by the City Council, site grading and drainage information shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;
 5. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along U.S. Highway 16. In addition, a non-access easement shall be shown along the section line highway except for approved approach location(s);
 6. Prior to Final Plat approval by the City Council, all affected utility companies shall submit documentation concurring with the reduction of a ten foot wide utility easement located on the interior sides of all side and read lot lines to eight feet or the plat document shall be revised retaining the existing ten foot wide utility easement;
 7. Prior to City Council approval of the Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division
 8. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;
 9. Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained from the South Dakota Department of Transportation; and,
 10. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

GENERAL COMMENTS:

(This Staff Report has been revised as of February 24, 2004. All revised and or added text is shown in bold print.) The Preliminary and Final Plat were continued at the February 19, 2004 Planning Commission meeting to be heard in conjunction with a Comprehensive Plan Amendment to the Major Street Plan and a Variance to the Subdivision Regulations. (See companion items #04CA003 and 04SV004.)

On October 23 2003, the City Council approved the Layout Plat and continued the Preliminary and Final Plat to allow the applicant to submit additional information. Staff met the applicant on December 2, 2003 to discuss several outstanding issues relative to the Preliminary and Final Plat. In particular, it was noted that construction plans for the section line highway located along the north lot line of the subject property must be submitted for

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review and approval. In addition it was noted that a Comprehensive Plan Amendment to the Major Street Plan relocating a collector road that is shown to be constructed through the subject property must be submitted for review and approval. **On February 6, 2004, a Comprehensive Plan Amendment to the Major Street Plan proposing to relocate a collector street and a Variance to the Subdivision Regulations to waive the requirement to improve the collector street and a section line highway were submitted for review and approval.**

The applicant has submitted a Layout, Preliminary and Final Plat to create a 12 acre lot leaving a 5.71 acre non-transferable balance located south of Moon Meadows Drive. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on a section line highway located along the north lot line of the subject property and to waive the requirement to install curb, gutter, sidewalk and street light conduit along U.S. Highway 16 as it abuts the subject property. **On October 9, 2004, the Planning Commission denied the Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the east-west section line highway and approved the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along U.S. Highway 16 with the stipulation that the applicant sign a waiver of right to protest any future assessment project for the improvements. To date the applicant has not signed the waiver of right to protest any future assessment project for the improvements form, and, as such, the City Council has continued the request to the February 16, 2004 City Council meeting.** In addition, the applicant has submitted a Comprehensive Plan Amendment to change the future land use designation on a portion of the subject property from General Agriculture to General Commercial. The applicant has also submitted a Rezoning request to change the zoning designation of the subject property from No Use District to General Commercial District. (See companion items #03SV035, 03CA023 and 03RZ032.)

On September 16, 2002, the City Council approved a Layout Plat to subdivide 59.5 acres, including the subject property, into three lots. On September 3, 2002, the City Council approved a Layout, Preliminary and Final Plat to create a 2.755 acre parcel located southwest of the subject property as Lot 1 of the Moon Ridge Subdivision. On June 19, 2003, the City Council approved a Preliminary and Final Plat to create Lot 3 of Moonridge Subdivision located directly south of the subject property.

The subject property is located approximately 1,300 feet north of the Moon Meadow Drive/U.S. 16 Highway intersection on the west side of U.S. Highway 16 and is currently void of any structural development.

STAFF REVIEW:

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

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Water and Sewer:

The Engineering Division has indicated that water and sewer plans have been previously approved for the construction of sewer and water along U.S. Highway 16. **Prior to Preliminary Plat approval by the City Council, water and sewer plans for the section line highway and the north-south collector as shown on the City's Major Street Plan must be submitted for review and approval or a Variance to the Subdivision Regulations must be approved. In addition, service tap(s) to the subject property must be identified.**

Drainage: The Engineering Division has indicated that site grading and drainage information must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as needed. **Staff is recommending that the site grading and drainage issues be addressed prior to Preliminary Plat approval by the City Council.**

Section Line Highway:

During the review of the associated Layout Plat, staff identified that a section line highway is located along the north lot line of the 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 northern 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 City Council 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.**

Major Street Plan: The Major Street Plan identifies a collector road to be constructed through the western half of the subject property. The collector road will serve to connect Catron Boulevard with Moon Meadows Drive. Prior to Preliminary Plat approval by the Planning Commission, construction plans for the collector road must be submitted for review and approval or the Major Street Plan must be amended to eliminate and/or relocate the collector road. On November 18, 2003, the City Council approved a Comprehensive Plan Amendment to the City's Major Street Plan to relocate that portion of the collector road located on Lot 3, directly south of the subject property, 155 feet to the west. Relocating that portion of the collector road located on the subject property to the west lot line will align the collector road with that portion of the road previously relocated on Lot 3. However, the location of the collector road adjacent to the west lot line will still require that the road be constructed to collector street standards as a part of this plat. In addition, any relocation of the collector road will require the review and approval of the adjacent property owner(s).

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Prior to City Council approval of the Preliminary Plat, the collector street issue must be addressed as identified or construction plans for the street must be submitted for review and approval. In addition, if the Comprehensive Plan Amendment to relocate the collector street to the west lot line is approved, then the applicant must obtain the right-of-way from the adjacent property owner or dedicate the right-of-way from the subject property.

U.S. Highway 16: U.S. Highway 16 abuts the property along the east lot line. Currently, U.S. Highway 16 is a paved roadway. Prior to Preliminary Plat approval by the City Council, construction plans for U.S. Highway 16 providing curb, gutter, sidewalk and street light conduit must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

The South Dakota Department of Transportation has indicated that an approach permit must be obtained. **Staff is recommending that an approach permit be obtained prior to Preliminary Plat approval by the City Council.**

Staff believes that the proposed plat complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.