

STAFF REPORT

December 18, 2003

No. 03PL099 - Layout, Preliminary and Final Plat

ITEM 14

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 **approved with the following stipulations:**

Engineering Division Recommendations:

1. **Prior to Preliminary Plat approval by the City Council, erosion control measures shall be verified;**
2. **Prior to Preliminary Plat approval by the City Council, necessary changes shall be**

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- 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;
3. Prior to Preliminary Plat approval by the City Council, modifications to the pavement design shall be submitted for review and approval as needed;
 4. A Special Exception shall hereby be granted to allow 49 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual;
 5. Prior to Preliminary Plat approval by the City Council, the section line highway located along the north and west lot line(s) 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 highways shall be vacated;
 6. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan relocating the collector street located along the north lot line shall be obtained or construction plans for the collector street shall be submitted for review and approval;
 7. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval;

Urban Planning Division Recommendations:

8. Prior to Preliminary Plat approval by the City Council, the northern portion of the subject property shall be annexed into the City limits of Rapid City;
9. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; 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 item has been continued twice since the October 23, 2003 Planning Commission 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 December 6, 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

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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". **The applicant is proposing to construct Nicole Drive as a cul-de-sac street due to topographic constraints located directly west of the subject property. In addition, the City's Major Street Plan shows Country Road located north of the subject property providing an east-west road connection to properties located west of the subject property. As such, Nicole Drive may be constructed as a cul-de-sac street. As a result of the road design, Nicole Drive will serve as access to 49 dwelling units. The City Council has recently granted Special Exceptions to the Street design Criteria Manual to allow 46 and 49 dwelling units, respectively, with one point of access where topographic constraints limit the ability to provide a second point of access. As such, staff is recommending that a Special Exception be granted to allow 49 dwelling units with one point of access in lieu of 40 dwelling units**

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.

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. **On December 8, 2003 staff met with the applicant and area property owners to review a Utility Master Plan for the area. The Utility Master Plan identifies a water and sewer connection along Country Road located north of the subject property that will ultimately provide service to the properties located west of**

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the subject property. As such, staff is not recommending that the water and sewer plans submitted for this plat be revised to provide a connection to the west lot line.

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 subdivided, 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 believes the proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.