

STAFF REPORT
August 5, 2004

No. 04PL100 - Preliminary Plat

ITEM 25

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST EXISTING LEGAL DESCRIPTION	No. 04PL100 - Preliminary Plat A portion of Tract B of Parcel C, MJK Subdivision residing within the S1/2 SW1/4 Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract A of Tract B of Parcel C, MJK Subdivision, SE1/4 SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.751 Acres
LOCATION	At the northeast corner of Elm Avenue and Enchanted Pines Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Agriculture District
East:	Medium Density Residential District
West:	Low Density Residential District/General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/9/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division;
2. Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval. In addition, a request for water and sewer system oversizing costs shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the City Council, a Master Plan for the balance of the parcel shall be submitted for review and approval. In particular, the Master Plan shall

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- include road alignment(s) and profile(s), site grading, sewer invert elevation connections, water system conceptual layout, storm sewer and channel configuration with vertical and horizontal locations;
5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show all of Elm Avenue with a minimum 100 foot wide right-of-way or a Variance to the Subdivision Regulations shall be obtained. In addition, construction plans showing a temporary turnaround at the end of Elm Avenue shall be submitted for review and approval;
 6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show all of Enchanted Pines Drive with a minimum 68 foot wide right-of-way. In addition, construction plans shall be submitted showing Enchanted Pines Drive constructed with a minimum 32 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained;
 7. All Uniform Fire Codes shall be continually met;
 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of the northern 260 feet of Elm Avenue and the west half of Elm Avenue located on adjacent properties or the rights-of-way shall be dedicated as a part of separate plat actions or as a "H Lots" ;
 9. Prior to submittal of a Final Plat application, the plat document shall be revised to show "Tract A" as "Lot A" and Elm Avenue Church shall be removed from the plat title;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Elm Avenue or a Variance to the Subdivision Regulations shall be obtained;
 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Enchanted Pines Drive a distance of 85 feet as it abuts the southwest corner of Tract A along Enchanted Pines Drive;
 12. Prior to submittal of a Final Plat application, miscellaneous drainage easements shall be recorded at the Register of Deed's Office to accommodate any off-site drainage run-off and/or drainage improvements. In addition, South Truck Route/Landfill Drainage Basin fees shall be paid at a rate of \$2,085.00 per acre; and,
 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to subdivide a 79.17 acre parcel creating a 7.751 acre lot and leaving a 71.419 acre balance. The property is located approximately 380 feet south of the Hanover Drive/Elm Avenue intersection on the east side of Elm Avenue and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Preliminary Plat and has noted the following considerations:

Master Plan: Chapter 16.12.020 of the Subdivision Regulations states that "...the arrangement, character, extent, location and grade of all streets shall be in accordance with good land planning principles and shall be considered in their relation to existing and planned streets, topographic conditions, orientation to vistas and public convenience and safety, and in

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appropriate relation to the proposed uses of land to be served by such streets; and in relation to provision for gravity sanitary sewer service to all lots with sewer mains located in street rights-of-way". As such, staff is recommending that prior to Preliminary Plat approval by the City Council, a Master Plan for the balance of the parcel be submitted for review and approval. In particular, the Master Plan must include road alignment(s) and profile(s), site grading, sewer invert elevation connections, water system conceptual layout, and storm sewer and channel configuration with vertical and horizontal locations to insure that the utility and street extensions to the adjacent properties allow for the continuation of the infrastructure improvements. (Please note that in 1991, the City Council approved a resolution establishing the requirement to submit a Master Plan for the surrounding property prior to Layout Plat approval.)

The owner of the property located south of the subject property has requested that the City take a number of steps as a part of this plat application to insure that development of the land to the south can proceed without delay. The adjacent property owner is requesting that the City require the applicant to dedicate the east half of the Elm Avenue right-of-way for a distance of 750 feet on the property located directly south of the subject property as he is also the owner of that parcel. In addition, the adjacent property owner has requested that the City require the applicant to sign a waiver of right to protest any future assessments for this portion of the Elm Avenue construction. The adjacent property owner has offered to also sign a waiver of right to protest any future assessments for the construction of the west half of this portion of Elm Avenue. (Please note that the west half of the right-of-way has not been dedicated for that portion located on the adjacent property and, as such, an assessment project can not be used to require the improvement.)

It would be highly desirable to have agreements, rights-of-way and other provisions in place to preclude "land locking" adjacent development and to insure utility network connections as development proceeds. Mechanisms such as this and others would avoid difficulties experienced with the extension of development along Minnesota Street, 5th Street, Willowbend Drive and others. Staff is supportive of measures that would allow development to proceed with the extension of the infrastructure grid and to insure that one property owner is not delaying the desire of an adjacent property owner to proceed with their project. However, the City's current Subdivision Regulations do not directly address the dedication of "off-site" right-of-way. Additionally, the City Council has previously voiced concern that staff has required improvements outside of the adopted Ordinances and Regulations. Staff is seeking direction from the Planning Commission and the City Council on how they would like to address the adjacent land owner's requests.

Water: Staff has noted that revised water plans must be submitted for review and approval. In particular, the water plans must show the extension of a parallel high pressure water line from Enchanted Pines Drive south along Elm Avenue. In addition, a request for water system oversizing costs must be submitted for review and approval. Staff is recommending that the revised and/or additional water information be submitted for review and approval prior to Preliminary Plat approval by the City Council.

Sewer: Staff has noted that revised sewer plans must be submitted for review and approval. In particular, the sewer plans must demonstrate that the sewer is being designed and

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constructed to adequately serve the properties located east and south of the subject property. In addition, the pipe sizing, especially along Enchanted Pines Drive, must be submitted for review and approval. Staff has also noted that consideration for changing the proposed grade of Elm Avenue will allow for the sewer to gravity flow from properties located south of the subject property along Elm Avenue to Minnesota Street on a temporary basis. Upon review of the additional information requested as a part of a Master Plan for the entire parcel, it may be identified that a temporary sewer connection along Elm Avenue can be constructed to gravity serve the adjacent properties on an interim basis. Ultimately, it has been identified that the sewer service to the properties located south of the subject property will connect east to SD Highway 79. However, there is no guarantee and/or secured time frame to insure that extension. Staff has also noted that a request for sewer system oversizing costs must be submitted for review and approval. Staff is recommending that the revised and/or additional sewer information be submitted for review and approval prior to Preliminary Plat approval by the City Council.

Elm Avenue: The construction plans identify the northern 810 feet of Elm Avenue as it abuts the subject property located within an 80 foot wide right-of-way. In addition, the plat document identifies a ten foot access and pedestrian easement located along the east side of Elm Avenue as it abuts this portion of the subject property. The construction plans also identify the southern 200 feet of Elm Avenue extending south from Enchanted Pines Drive located within a 100 foot wide right-of-way. The road construction plans also show all of Elm Avenue constructed with a 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Elm Avenue is classified as a minor arterial street requiring that it be constructed as proposed but located within a 100 foot wide right-of-way. As such, the plat document must be revised to show the dedication of ten additional feet of right-of-way for the northern 810 feet of Elm Avenue or a Variance to the Subdivision Regulations must be obtained. The City Council has recently granted a Variance to reduce the right-of-way width from 100 feet to 80 feet for this portion of Elm Avenue located directly west of the subject property with the stipulation that a ten foot wide pedestrian and access easement be provided. To date, a Variance to the Subdivision Regulations request has not been submitted to reduce the right-of-way width for Elm Avenue specific to the subject property.

A Preliminary Plat has been approved by the City Council to allow for the construction of the northern 260 feet of Elm Avenue extending south from Hanover Drive to the subject property. However, to date a Final Plat has not been approved dedicating this portion of the Elm Avenue right-of-way. In addition, the plat document identifies the west half of the Elm Avenue right-of-way located adjacent to the subject property on an adjacent property under different ownership. To date, the right-of-way has not been dedicated for this portion of Elm Avenue either. As such, staff is recommending that prior to submittal of a Final Plat application, the plat document be revised to show the dedication of the northern 260 feet of Elm Avenue and the west half of Elm Avenue located on adjacent properties or the rights-of-way must be dedicated as a part of separate plat actions or as "H Lots"

Staff is also recommending that prior to City Council approval of the Preliminary Plat, the construction plans be revised to provide a temporary turnaround at the southern terminus of Elm Avenue.

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Enchanted Pines Drive: The construction plans identify a varying right-of-way width for Enchanted Pines Drive from 68 feet to 52 feet. In addition, the road construction plans show Enchanted Pines Drive constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, sewer and water. Enchanted Pines Drive is classified on the Major Street Plan as a collector street requiring that it be located within a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Staff is recommending that prior to City Council approval of the Preliminary Plat, the plat document be revised to provide a minimum 68 foot wide right-of-way. In addition, construction plans must be submitted showing Enchanted Pines Drive constructed with a minimum 32 foot wide paved surface or a Variance to the Subdivision Regulations must be obtained.

Fire Department: The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible materials. In addition, all proposed streets must be constructed to meet the minimum standards of the Street Design Criteria Manual to insure fire apparatus access. Staff is recommending that the Uniform Fire Code be continually met.

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