

STAFF REPORT  
May 25, 2006

**No. 06PL058 - Preliminary Plat**

**ITEM 44**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Kensington Heights LLC
REQUEST	<b>No. 06PL058 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lots 2 thru 5 of Block 3, Kensington Heights Subdivision, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2R,3R, 4R, 5A and 5B, of Block 3, Kensington Heights Subdivision, formerly Lots 2 thru 5 of Block 3, Kensington Heights Subdivision, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.069 acres
LOCATION	4316, 4324, 4406 and 4414 Davin Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	General Agriculture District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/28/2006
REVIEWED BY	Travis Tegethoff / Bob Dominicak

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of the northern 260 feet of Elm Avenue and the east 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 "H Lots". In addition, the applicant shall coordinate the construction of Elm Avenue with the adjacent property owner(s); and,
2. 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.

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GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to subdivide a four existing lots into five lots.

On January 17, 2005, the City Council approved a Preliminary Plat on the subject property. Also on January 17, 2005, the City Council approved a Subdivision Variance to waive the requirement to dedicate additional right-of-way and to install curb, gutter, sidewalk, street light conduit, sewer, water, and pavement along Elm Avenue as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code with the stipulations that the applicant post surety for that portion of Elm Avenue located on the subject property and that the applicant signed a waiver of right to protest any future assessment for the improvement of Elm Avenue as it abuts the subject property.

On February 8, 2005 a Final Plat was approved for the subject and as part of the Final Plat the applicant dedicated that portion of Elm Avenue right-of-way located on the subject property, a small pie shaped piece of property located along the west lot line.

The property is located at the southern terminus of Elm Avenue on the west 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:

Elm Avenue: 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 east 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 Preliminary Plat approval by the City Council, the plat document be revised to show the dedication of the northern 260 feet of Elm Avenue and the east 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". In addition, the applicant must coordinate the construction of Elm Avenue with the adjacent property owner(s).

Davin Drive: Staff noted that the dedication of right-of-way for Davin Drive was approved as part of the Final Plat on February 8, 2005. Staff also noted that all grading, drainage, water systems, sewer systems, and streets are constructed for Davin Drive along the subject property.